AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 91 Tuesday,

No. 158 August 18, 2026

Pages 53357–53520

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

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

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

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 158

Tuesday, August 18, 2026

Agriculture Department
See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Animal Care; Standards for Birds Not Bred for Use in Research under the Animal Welfare Act, 53398
Petition:
  Pioneer Hi-Bred International, Inc.; Determination of Nonregulated Status and Draft Plant Pest Risk Assessment for Insect Resistant COR–23134–4 Soybean (Glycine max), 53397

Architectural and Transportation Barriers Compliance Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Online Architectural Barriers Act Complaint Form, 53399–53400

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  State and Local Government Finance Collections, and Public Employment and Payroll Collections, 53400–53402

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Tribal Annual Report, 53416
Hearings, Meetings, Proceedings, etc.:
  Tribal Consultation, 53416–53417

Civil Rights Commission
NOTICES
Hearings, Meetings, Proceedings, etc.:
  Maryland Advisory Committee, 53400

Coast Guard
RULES
Safety Zone:
  ANCHOR Floating Production Unit Outer Continental Shelf Facility, Green Canyon Block 763, Gulf of America, 53359–53361
  Lake Michigan, Gary, IN, 53361–53362
  Ohio Street Beach Swim Course, Lake Michigan, Chicago Harbor, Chicago, IL, 53362
PROPOSED RULES
Anchorages:
  Bolivar Roads Channel, Galveston, TX, 53395–53396

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Minority Business Development Agency
See National Oceanic and Atmospheric Administration

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
  Secretary of Energy Advisory Board, 53406–53407

Environmental Protection Agency
NOTICES
Nominations to the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, 53412–53414

Export-Import Bank
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Notice of Claim and Proof of Loss, Working Capital Guarantee, 53414

Federal Aviation Administration
PROPOSED RULES
Airspace Designations and Reporting Points:
  Trading Bay Production Airport, Trading Bay, AK, 53393–53395
Airworthiness Directives:
  The Boeing Company Airplanes, 53391–53393
NOTICES
Environmental Assessments; Availability, etc.:
  Reditus Space ENOS Reentries in the Gulf of America, 53478

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 53407–53410
Hearings, Meetings, Proceedings, etc.:
  Pacific Gas and Electric Co.; Additional Scoping Sessions on Proposed Surrender, Decommissioning, and Non–Project Use of Project Lands, 53410–53411
Reasonable Period of Time for Water Quality Certification Application:
  Town of Dover-Foxcroft, 53408
Request under Blanket Authorization and Establishing Intervention and Protest Deadline:
  Columbia Gas Transmission, LLC, 53411–53412

Federal Maritime Commission
NOTICES
Agreements Filed, 53414–53415

Federal Retirement Thrift Investment Board
NOTICES
Hearings, Meetings, Proceedings, etc., 53415

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 53415–53416

Federal Transit Administration
NOTICES
Partial Buy America Waiver:
  Minibuses, 53478–53479

Food and Drug Administration
NOTICES
Guidance:
Determining Whether to Submit an ANDA or a 505(b)(2) Application, 53418–53420
Hearings, Meetings, Proceedings, etc.:
Testosterone Use in Menopausal Women; Public Workshop, 53417–53418

Foreign-Trade Zones Board
NOTICES
Application for Subzone:
Yazaki North America, Inc., Foreign-Trade Zone 16, Petoskey, MI, 53402

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard

Interior Department
See Ocean Energy Management Bureau

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Ink Cartridges and Components Thereof II, 53424–53425
Certain Off-Road Vehicles and Components Thereof, 53423
Certain Video-Capable Electronic Devices, 53423–53424
Hand Trucks and Certain Parts Thereof from China, 53425
Van-Type Trailers and Subassemblies from Canada, China, and Mexico, 53422

Justice Department
RULES
Establishing the National Fraud Enforcement Division, 53357–53359
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of Identity, 53425–53426
Proposed Consent Decree:
Clean Water Act, 53426–53427

Minority Business Development Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Business Center Program Online Customer Relationship Management—Performance Databases, 53402–53403
Capital Readiness Program Online Customer Relationship Management—Performance Databases, 53403–53404

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
National Institute of Allergy and Infectious Diseases, 53420
National Institute of Neurological Disorders and Stroke, 53420

National Oceanic and Atmospheric Administration
NOTICES
Taking or Importing of Marine Mammals:
Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America, 53404–53406
Marine Structure Maintenance and Pile Replacement Program in Puget Sound, WA, 53486–53520

National Science Foundation
NOTICES
Hearings, Meetings, Proceedings, etc.:
Astronomy and Astrophysics Advisory Committee, 53427

Nuclear Regulatory Commission
NOTICES
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 53427–53434

Ocean Energy Management Bureau
NOTICES
Mineral Lease Sale:
Commonwealth of the Northern Mariana Islands Outer Continental Shelf Pacific, 53422
Outer Continental Shelf Official Protraction Diagrams, 53420–53422

Postal Service
NOTICES
Product Change:
Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail, and USPS Ground Advantage Negotiated Service Agreements, 53434–53435

Railroad Retirement Board
NOTICES
Meetings; Sunshine Act, 53435

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 53435–53436, 53447–53448, 53453–53454, 53468–53469
Meetings; Sunshine Act, 53435
Self-Regulatory Organizations; Filing:
The Options Clearing Corp., 53449–53453
Self-Regulatory Organizations; Proposed Rule Changes:
CME Securities Clearing Inc., 53469–53473
National Securities Clearing Corp., 53454–53458
New York Stock Exchange LLC, 53448–53449, 53458–53468
NYSE American LLC, 53436–53447
The Depository Trust Co., 53473–53475

State Department
NOTICES
Hearings, Meetings, Proceedings, etc.:
Preparation for the International Maritime Organization's Carriage of Cargoes and Containers 12, 53475–53476

Surface Transportation Board
RULES
Changes to Delegations, 53362–53367

Susquehanna River Basin Commission
NOTICES
Hearings, Meetings, Proceedings, etc., 53476

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 53476

Trade Representative, Office of United States
NOTICES
Hearings, Meetings, Proceedings, etc.:
China's Compliance with World Trade Organization Commitments, 53476–53478

Transportation Department
See Federal Aviation Administration
See Federal Transit Administration
NOTICES
Request for Information:
America's Great Corridors of Commerce, 53479–53483

Treasury Department
PROPOSED RULES
GENIUS Act Regulations on Payment Stablecoin Issuance, Offer, and Sale, 53368–53391
NOTICES
Designation of Databases to the Do Not Pay Working System, 53483

Separate Parts In This Issue

Part II
Commerce Department, National Oceanic and Atmospheric Administration, 53486–53520

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

12 CFR

Proposed Rules:
Ch. XV 53368

14 CFR

Proposed Rules:
39.....53391
71.....53393

28 CFR
0.....53357

33 CFR
147.....53359
165 (2 documents) 53361, 53362

Proposed Rules:
110.....53395

49 CFR
1011.....53362
1152.....53362
1244.....53362

Rules and Regulations

Federal Register
Vol. 91, No. 158
Tuesday, August 18, 2026

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

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

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Docket No. OAG207; AG Order No. 7108–2026]

Establishing the National Fraud Enforcement Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends Part 0 of the Department of Justice's (''Department'') organizational regulations in title 28 of the Code of Federal Regulations to establish the National Fraud Enforcement Division (''Fraud Division'') and set forth its authorities.

DATES: Effective August 24, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Fraggetta, National Fraud Enforcement Division, Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530; telephone: (202) 514–2000; email: *fraud.feedback@usdoj.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Mission

The Department has established the Fraud Division as part of a revamped, comprehensive approach to investigating and prosecuting fraud against taxpayer dollars and taxpayer-funded programs.[1] The Fraud Division's mission is to investigate and prosecute those who commit fraud against the American people. At the core of this mission is a mandate to zealously investigate and prosecute those who steal or fraudulently misuse taxpayer dollars. The Fraud Division fulfills its mission by using advanced, data-driven investigative techniques; coordinating with agencies responsible for administering taxpayer-funded programs; partnering with Federal, Tribal, State, territorial, and local law enforcement on fraud-fighting efforts; developing systems and processes that ensure efficient identification and investigation of fraud; and equipping prosecutors and law enforcement with state-of-the-art tools and resources needed to bring criminal actors to justice. The Fraud Division works every day to protect the financial integrity of the United States of America, ensure the vibrancy of the American economy, and seek justice for victims of fraud.

II. This Rule

Through this rule, the Attorney General delegates certain powers and authorities to the Assistant Attorney General for the Fraud Division and makes conforming amendments to the authorities previously delegated to the Assistant Attorney General for the Criminal Division (''CRM''). The rule creates a new subpart M, composed of §§ 0.70 and 0.71 and which sets forth the Fraud Division's general functions and authorities, and makes conforming changes to CRM's regulations at § 0.55, as discussed below.

A. Section 0.70

Section 0.70 sets forth the functions assigned to and that shall be conducted, handled, or supervised by the Assistant Attorney General for the Fraud Division. These include handling: (1) criminal proceedings involving criminal frauds except cases assigned to the Antitrust Division by § 0.40(a), *see* 28 CFR 0.70(a); (2) criminal proceedings arising under the internal revenue laws, *see* 28 CFR 0.70(b); (3) criminal proceedings relating to trade fraud matters, including the importation of goods, items, articles, merchandise, products, materials, or wares; customs duties, tariffs, or other external revenue; or foreign commerce, *see* 28 CFR 0.70(c); (4) criminal proceedings involving monies owed to or paid by the United States, *see* 28 CFR 0.70(d); (5) criminal proceedings involving fraud or abuse with respect to health plans, *see* 28 CFR 0.70(e); and (6) criminal proceedings related to health care fraud and controlled substances distribution and diversion schemes, *see* 28 CFR 0.70(f).

To ensure necessary flexibility, § 0.70 also includes two paragraphs allowing the Fraud Division to oversee additional cases or types of cases assigned by the Attorney General or Deputy Attorney General or by agreement with the Assistant Attorney General having authority to handle such cases. *See* 28 CFR 0.70(g), (h). Similarly, paragraph (i) provides the Fraud Division authority to bring actions to seek injunctions against fraud under 18 U.S.C. 1345, obtain restitution, seize or forfeit property, recover forfeitures or damages, enforce compliance with final judgments, recover penalties, and impose penalties, including actions for the imposition of penalties for conspiring to defraud the United States, when such actions are related to proceedings identified in paragraphs (a) through (f). *See* 28 CFR 0.70(i). And paragraph (j) provides the Fraud Division authority to prosecute any Federal criminal provision when charged in criminal proceedings brought pursuant to paragraphs (a) through (f). *See* 28 CFR 0.70(j). Paragraph (k) allows FRD to investigate criminal conduct in pursuit of cases under paragraphs (a) through (f) and to prosecute any criminal charges identified as a result of such investigations whether or not such prosecutions fit within the descriptions in paragraphs (a) through (f). *See* 28 CFR 0.70(k). Finally, paragraph (*l*) allows the Attorney General or Deputy Attorney General to assign the Fraud Division other duties and functions. *See* 28 CFR 0.70(*l*).

B. Section 0.55

The Department is amending CRM's provisions in § 0.55 in three ways. First, the rule revises the paragraph generally assigning criminal fraud litigation to CRM to carve out cases involving frauds that are now specifically assigned to the Fraud Division—*i.e.,* tax frauds and fraud with respect to health plans. *See* 28 CFR 0.55(b). Second, the rule revises CRM's authority to handle ''[a]ll'' criminal and civil litigation under two acts relating to controlled substances by removing the word ''all''. *See* 28 CFR 0.55(c). This change will ensure that CRM does not have exclusive authority to bring charges under such provisions, such that the Fraud Division may bring such charges where authorized to do so. Third, the rule removes paragraph (w), which previously assigned to CRM all criminal proceedings arising under the internal revenue laws. *See generally* Transfer of the Functions of the Tax Division to the Civil Division and the

[1] *See* Memorandum from the Acting Attorney General, *Creation of the National Fraud Enforcement Division* (Apr. 7, 2026), *https://www.justice.gov/ag/media/1435311/dl?inline* [*https://perma.cc/DHR4-VHPP*].

Criminal Division, 90 FR 57139, 57140 (Dec. 10, 2025) (assigning criminal tax prosecutions to CRM).

C. Section 0.71

The rule adds new § 0.71, which mirrors CRM's provision at § 0.59. It allows the Assistant Attorney General of the Fraud Division (or his Deputy Assistant Attorneys General, as applicable) to exercise functions assigned to the Attorney General under 18 U.S.C. 3331 and 3503 relating to the certification of special grand juries, *see* 28 CFR 0.71(a), and certification that a legal proceeding is against a person who is believed to have participated in an organized criminal activity, for purposes of obtaining depositions to preserve testimony, *see* 28 CFR 0.71(b).

D. Other Changes

This rule makes two other technical and consistency changes. First, the rule adds the ''National Fraud Enforcement Division'' to the table of organizational units within the Department in § 0.1. Second, the rule amends paragraph (b) of § 0.13 to allow Assistant Attorneys General to redelegate all litigating authority to Section Chiefs by removing a prohibition on redelegating authority to designate attorneys to conduct grand jury proceedings. This change allows Assistant Attorneys General greater flexibility in managing their duties and responsibilities.

II. Regulatory Requirements

A. Administrative Procedure Act

This rule is a rule of agency organization, procedure, and practice; is limited to matters of agency management and personnel; and is not a substantive rule. Therefore, this rule is exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), (b)(3)(A), (d).

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

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This rule is limited to agency organization, management, and personnel as described by section 3(d)(3) of Executive Order 12866 and therefore is not a ''regulation'' or ''rule'' as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget. Further, as this rule relates to agency organization, management, or personnel, it is not subject to the requirements of Executive Order 14192.

C. Executive Order 14294 (Overcriminalization of Federal Regulations)

Executive Order 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14924's requirements.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601.

A Regulatory Flexibility Analysis is not required for this final rule because the Department is not required to publish a general notice of proposed rulemaking for this matter. 5 U.S.C. 603(a).

E. Paperwork Reduction Act

This final rule does not call for a new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

F. Executive Order 13132 (Federalism)

A rule has federalism implications under Executive Order 13132 if it has 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. The Department has analyzed this final rule under that Executive Order and determined that this rule does not have federalism implications.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to determine whether a rule, if promulgated, will result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) or more in any one year. 2 U.S.C. 1532(a). This final rule does not require or result in expenditures by any of the above-named entities.

H. Executive Order 12988 (Civil Justice Reform), Plain Language

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988.

I. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule does not have Tribal implications under Executive Order 13175 because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. Congressional Review Act

This rule relates to agency management, personnel, and organization, and does not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3)(B), (C). This action is accordingly not a ''rule'' as that term is used in the Congressional Review Act, *see* 5 U.S.C. 804(3), and the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

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

Accordingly, for the reasons stated in the preamble, the Acting Attorney General is amending part 0 of 28 CFR as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

§ 0.1 [Amended]

■ 2. In § 0.1, amend table 1 under heading ''Divisions'' by adding ''National Fraud Enforcement Division'' between ''Environment and Natural Resources Division'' and ''National Security Division''.

§ 0.13 Legal proceedings.

■ 3. Amend § 0.13 by revising paragraph (b) to read as follows:

* * * * *

(b) Each Assistant Attorney General is authorized to redelegate to Section

Chiefs the authority delegated by paragraph (a) of this section.

■ 4. Amend § 0.55 by:
■ a. Revising paragraphs (b) and (c); and
■ b. Removing paragraph (w).
The revision reads as follows:

§ 0.55 General Functions.

* * * * *

(b) Cases involving criminal frauds except cases involving tax frauds and cases involving fraud with respect to health plans assigned to the National Fraud Enforcement Division by § 0.70(b) and (e), and cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the United States by violation of the antitrust laws.

(c) Criminal and civil litigation under the Controlled Substances Act, 84 Stat. 1242, and the Controlled Substances Import and Export Act, 84 Stat. 1285 (titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970).

* * * * *

■ 5. Add subpart M, consisting of §§ 0.70 and 0.71, to read as follows:

Subpart M—National Fraud Enforcement Division

§ 0.70 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, National Fraud Enforcement Division:

(a) Criminal proceedings involving criminal frauds except cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the United States by violation of the antitrust laws.

(b) All criminal proceedings arising under the internal revenue laws.

(c) Criminal proceedings relating to trade fraud matters, including the importation of goods, items, articles, merchandise, products, materials, or wares; customs duties, tariffs, or other external revenue; or foreign commerce.

(d) Criminal proceedings involving monies owed to or paid by the United States.

(e) Criminal proceedings involving fraud or abuse with respect to health plans.

(f) Criminal proceedings related to health care fraud and controlled substances distribution and diversion schemes.

(g) Prosecution and litigation of any case or category of cases as the Attorney General or Deputy Attorney General may assign, notwithstanding any other provision of this part.

(h) Prosecution and litigation of any case or category of cases by agreement with the Assistant Attorney General having authority to handle such cases under this part, notwithstanding any other provision of this part.

(i) Actions to seek injunctions against fraud under 18 U.S.C. 1345, obtain restitution, seize or forfeit property, recover forfeitures or damages, enforce compliance with final judgments, to recover penalties, and impose penalties, including actions for the imposition of penalties for conspiring to defraud the United States, when related to proceedings identified in paragraphs (a) through (f) of this section.

(j) Prosecution of any Federal criminal provision when charged in criminal proceedings brought pursuant to paragraphs (a) through (f) of this section.

(k) Investigations and inquiries into criminal conduct in pursuit of cases under paragraphs (a) through (f) of this section, and prosecution of any criminal offenses identified during such investigations and inquiries whether or not such prosecution is described in paragraphs (a) through (f) of this section.

(l) Such other duties and functions as may be specially assigned by the Attorney General and the Deputy Attorney General, notwithstanding any other provision of this part.

§ 0.71 Certain certifications under 18 U.S.C. 3331 and 3503.

(a) The Assistant Attorney General in charge of the National Fraud Enforcement Division is authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3331 of title 18, United States Code, to certify that in his judgment a special grand jury is necessary in any judicial district of the United States because of criminal activity within such district.

(b) The Assistant Attorney General in charge of the National Fraud Enforcement Division and his Deputy Assistant Attorneys General are each authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3503 of title 18, United States Code, to certify that the legal proceeding, in which a motion to take testimony by deposition is made, is against a person who is believed to have participated in an organized criminal activity, where the subject matter of the case or proceeding in which the motion is sought is within the cognizance of the National Fraud Enforcement Division pursuant to § 0.70, or is not within the cognizance of the Civil Rights Division.

Dated: August 13, 2026.

Todd Blanche,

Acting Attorney General.

[FR Doc. 2026–16846 Filed 8–17–26; 8:45 am]

BILLING CODE 4410–WZ–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket Number USCG–2022–0982]

RIN 1625–AA00

Safety Zone; ANCHOR Floating Production Unit (FPU) Outer Continental Shelf Facility, Green Canyon Block 763, Gulf of America

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around the ANCHOR Floating Production Unit (FPU), located in Green Canyon Block 763 on the Outer Continental Shelf (OCS) in the Gulf of America. Establishing a safety zone around the facility will significantly reduce the threat of allisions, collisions, security breaches, oil spills, releases of natural gas, and thereby protect the safety of life, property, and the environment. This rule prohibits entry of vessels into this safety zone unless specifically authorized Commander, Coast Guard Heartland District or their designated representative.

DATES: This rule is effective September 17, 2026.

ADDRESSES: To view available documents, go to *https://www.regulations.gov* and search for USCG–2022–0982.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Mr. Steven Wilkes, Heartland District Western Rivers & Waterways Division, U.S. Coast Guard; telephone (206) 815–1119, or email *Steven.D.Wilkes2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FPU Floating Production Unit
FR Federal Register
NPRM Notice of proposed rulemaking
OCS Outer Continental Shelf
§ Section
U.S.C. United States Code

II. Background and Authority

Chevron Corporation requested that the Coast Guard establish a safety zone around its ANCHOR FPU facility. There are safety concerns for vessels operating in close proximity to the facility, as well as the personnel aboard the facility and the environment that arise when unauthorized vessels operate in close proximity to the unit. On April 14, 2023, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; ANCHOR Floating Production Unit (FPU) Outer Continental Shelf Facility, Green Canyon Block 763, Gulf of Mexico (88 FR 22971). In that NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to safety zone.

Under the authority in 14 U.S.C. 544, the District Commander has determined that this rule is necessary to protect personnel, property, and the marine environment from potential hazards associated with FPU operations. These hazards include the threat of allisions, collisions, security breaches, oil spills, and releases of natural gas. No vessel or person, other than attending vessels, vessels less than 100 feet that are not towing, will be permitted to enter the safety zone without obtaining permission from the District Commander or their designated representative.

III. Discussion of Comments and the Rule

During the comment period that ended on May 15, 2023, we did not receive any comments. There are no substantive changes in the regulatory text of this rule from the proposed rule in the NPRM. References to the ''Gulf of Mexico'' in the NPRM have been changed to ''Gulf of America'' in the final rule.

This rule establishes a safety zone on the Outer Continental Shelf (OCS) in the deepwater area of the Gulf of America at Green Canyon 763. The area of the safety zone is 500 meters (1640.4 feet) from each point on the ANCHOR FPU facility, which is located at 27°12′23.0394″ N, 91°11′53.1594″ W (NAD 83). No vessel, except attending vessels as defined in 33 CFR 147.20, or those less than 100 feet in length and not engaged in towing, will be permitted to enter the safety zone without obtaining permission from the District Commander or their designated representative.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The Coast Guard certifies that, although some small entities may intend to transit the safety zone above, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic will be able to safely transit around this safety zone. The rule also permits certain smaller vessels to enter the safety zone, and other vessels may enter the zone with permission from the District Commander.

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

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

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

Authority: 14 U.S.C. 544, 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 147.883 to read as follows:

§ 147.883 ANCHOR Floating Production Unit safety zone.

(a) *Description.* The ANCHOR, a Floating Production Unit (FPU), is in the deepwater area of the Gulf of America at Green Canyon 763. The facility is located at: 27°12′23.0394″ N, 91°11′53.1594″ W (NAD 83) and the area within 500 meters (1,640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except for the following:

(1) An attending vessel, as defined in § 147.20;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Coast Guard Heartland District or a designated representative.

(c) *Requests for permission.* To seek permission to enter, contact the District Commander or the District Commander's representative on VHF–FM channel 16 or by telephone at (855) 485–3727. All vessels and personnel in the safety zone must comply with all lawful orders or directions given to them by the District Commander or the District Commander's designated representative.

W.E. Watson.

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Heartland District.

[FR Doc. 2026–16806 Filed 8–17–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0997]

RIN 1625–AA00

Safety Zone; Lake Michigan, Gary, IN

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on Lake Michigan in Gary, IN. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with an over water air show, drone display, and fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Lake Michigan, or their designated representative.

DATES: This rule is effective from August 20, 2026 through August 23, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0997.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Kyle Goetz, Marine Safety Unit Chicago, U.S. Coast Guard; telephone: 630–986–2155, email: *D09-SMB-MSUChicago-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that an air and water show will take place over Lake Michigan near Gary, IN. The Captain of the Port (COTP) Lake Michigan has determined that potential hazards associated with an air and water show are a safety concern for anyone in the area directly below the air show course.

Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard confirmed a temporary final rule was necessary on August 10, 2026, but we must establish this safety zone by August 20, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes a safety zone from 8:30 a.m. until 5 p.m. each day from August 20, 2026 through August 23, 2026. In addition, the rule also establishes a safety zone from 6:30 p.m. until 10:30 p.m. on August 21, 2026. The safety zone will cover all navigable waters on Lake Michigan bounded by a line drawn from 41°37.217′ N, 087°16.763′ W; then east along the shoreline to 41°37.413′ N, 087°13.822′ W; then north to 41°38.017′ N, 087°13.877′ W; then southwest to 41°37.805′ N, 087°16.767′ W; then south returning to the point of origin. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0997 to read as follows:

§ 165.T09–0997 Safety Zone; Lake Michigan; Gary, IN.

(a) *Location.* The following area is a safety zone: All waters of Lake Michigan, from surface to bottom, encompassed by a line connecting the following points beginning at 41°37.217′ N, 087°16.763′ W, thence to 41°37.413′ N, 087°13.822′ W, thence to 41°38.017′ N, 087°13.877′ W, thence to 41°37.805′ N, 087°16.767′ W, then returning to the point of origin. These coordinates are based on the World Geodetic System (WGS 84).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (833) 900–2247. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period[s].* This section will be enforced from 8:30 a.m. to 5:00 p.m. each day from August 20, 2026 through August 23, 2026. Additionally, this section will be enforced from 6:30 p.m. to 10:30 p.m. on August 21, 2026.

R.N. Macon,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2026–16807 Filed 8–17–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–1001]

Safety Zone; Ohio Street Beach Swim Course, Lake Michigan, Chicago Harbor, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the North Avenue Swim & Triathlon Yo (NASTY) Carb Party event to provide for the safety of life on navigable waterways during a swim race. Our regulation for marine events within the Coast Guard Great Lakes District identifies the safety zone for this event in Chicago, IL. During the enforcement period, entry into, transiting, or remaining within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

DATES: The regulations in 33 CFR 165.932 will be enforced from 6 a.m. through 8 a.m. on August 21, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Kyle Goetz, Marine Safety Unit Chicago, U.S. Coast Guard; 630–986–2155; *D09-SMB-MSUChicago-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone regulation in 33 CFR 165.932 for the North Avenue Swim & Triathlon Yo (NASTY) Carb Party event from 6 a.m. to 8 a.m. on Friday August 21, 2026. The regulation for the safety zone, Ohio Street Beach Swim Course, Lake Michigan, Chicago Harbor, Chicago, IL in § 165.932, specifies the location of the safety zone for this event.

In accordance with the general regulations in § 165.23, entry into, transiting, or remaining within this safety zone is prohibited unless authorized by the Captain of the Port (COTP), Lake Michigan or his or her designated representative.

This safety zone is closed to all vessel traffic, except as may be permitted by the COTP, Lake Michigan or a designated on-scene representative. Vessel operators desiring to enter or operate within the safety zone shall contact the COTP, Lake Michigan or an on-scene representative to obtain permission to do so.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via Broadcast Notice to Mariners. The COTP, Lake Michigan may be reached by contacting the Coast Guard Sector Lake Michigan Command Center at (833) 900–2247. An on-scene designated representative may be reached via VHF–FM Channel 16.

R.N. Macon,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2026–16805 Filed 8–17–26; 8:45 am]

BILLING CODE 9110–04–P

SURFACE TRANSPORTATION BOARD

49 CFR Parts 1011, 1152, and 1244

[Docket No. EP 789]

Changes to Delegations

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: In this final rule, the Board is revising its regulations to clarify certain existing delegations of authority and create certain new delegations for the Board's Chief Counsel and Chief of Passenger Rail and Investigations (COPRI). The Board is also creating a new regulation that codifies and expands the Board's grant stamp procedures and is revising certain regulations to make nomenclature changes.

DATES: This final rule is effective on September 17, 2026.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 918–5462. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: As discussed in more detail below, the Board is revising its existing delegations at 49 CFR 1011.6 and 1011.7 to clarify that the Board's Chief Counsel has authority to (i) resolve discovery disputes in Board proceedings and (ii) with respect to routine procedural matters, determine whether to accept late-filed procedural motions, revise deadlines established by entire Board decision, and establish reply deadlines that differ from the default 20-day reply period in the Board's regulations. The Board also is newly delegating to the Chief Counsel the authority to determine (i) whether to approve, and if necessary, condition, certain transactions involving motor carriers of passengers subject to the Board's jurisdiction and (ii) whether to waive the advance notice requirements in certain exempt acquisition and operation proceedings. Additionally, the Board will newly delegate to the COPRI the authority to perform certain functions related to the submission of evidence and routine procedural matters in passenger rail proceedings under 49 U.S.C. 24308. The Board will also create a new section at 49 CFR 1011.8 to codify and expand its grant stamp procedures. Finally, the Board will make nomenclature corrections at 49 CFR 1152.20, 49 CFR 1152.50, and 49 CFR 1244.9 to reflect a name change for the U.S. Army Transportation Command and to clarify and standardize other agency references.

Delegations of Authority to the Chief Counsel

i. Discovery Disputes

It has been the Board's practice that discovery disputes may be resolved initially by the Director of the Office of Proceedings (the Director), now the Chief Counsel.[1] *See, e.g., Evergy, Inc.* v. *BNSF Ry.,* NOR 42180 (STB served Sept. 24, 2024); *Canadian Pac. Ry.—Control—Dakota, Minn. & E. R.R.,* FD 35081 (Sub-No. 2) (STB served Mar. 26, 2014); *Ballard Terminal R.R.—Acquis. & Operation Exemption—Woodinville Subdiv.,* FD 35731 et al. (STB served Jan. 31, 2014). For clarity, the Board will revise its regulations at 49 CFR 1011.7(a) to codify that the Chief Counsel has the authority to resolve discovery disputes raised in Board proceedings.

ii. Routine Procedural Matters

Under 49 CFR 1011.6(c)(3), the Chief Counsel is delegated the ''authority to dispose of routine procedural matters in proceedings assigned for handling under modified procedure, other than those assigned to an administrative law judge or a Board Member.'' In practice, this delegation has been applied to permit the Chief Counsel to accept and decide pleadings related to routine procedural matters even when those pleadings are untimely. *See, e.g., Oakland Global Rail Enter.—Pet. for Declaratory Ord.,* FD 36168, slip op. at 2 n.2 (STB served Aug. 1, 2018); *Atlanta Dev. Auth.—Verified Pet. for Declaratory Ord.,* FD 35991, slip op. at 3 n.5 (STB served June 8, 2016). It has also been applied to permit the Chief Counsel to revise filing deadlines, including those set by entire Board decision,[2] and establish deadlines for replies that differ from the default 20-day reply period in 49 CFR 1104.13.[3] *See, e.g., Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R.,* FD 36836 (STB served Aug. 21, 2025) (granting motion to modify procedural schedule initially set by entire-Board decision); *Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R.,* FD 36836 (STB served June 16, 2025) (setting four-day deadline for comments limited to the completeness of the application); *Union Pac. R.R.—Operation Exemption—in Tooele Cnty., Utah,* FD 36741 (STB served Dec. 22, 2023) (approving extension of default 20-day reply period set forth in 49 CFR 1104.13(a)). In this final rule, the Board will revise and clarify 49 CFR 1011.6(c)(3) to codify these existing practices. The Board will decide appeals from decisions of employees acting under authority delegated under 49 CFR 1011.6. *See* 49 CFR 1011.6(b).

The Board will also update its regulations to reflect that the Board assigns and authorizes administrative law judges in Board proceedings. *See Lucia* v. *Sec. & Exch. Comm'n,* 585 U.S. 237, 247–252 (2018). Specifically, in 49 CFR 1011.6(c)(1), the Board will remove ''the assignment of proceedings to administrative law judges'' from the definition of ''procedural matter'' and, in 49 CFR 1011.2(a), the Board will add a new paragraph clarifying that the Board reserves to itself the assignment of proceedings to administrative law judges.

iii. Motor Carrier Transactions

The Board will revise 49 CFR 1011.7(a) to newly delegate to the Chief Counsel the authority to determine whether to approve and, where appropriate, condition unopposed transactions involving motor carriers of passengers governed by 49 U.S.C. 14303 and 49 CFR part 1182. Part 1182 covers applications for authority under 49 U.S.C. 14303 to consolidate, merge, purchase, lease, or contract to operate the properties or franchises of motor carriers of passengers, or to acquire control of motor carriers of passengers. Board approval is only required for transactions where the aggregate gross operating revenues of the parties to the proposed transaction exceed $2 million during a period of 12 consecutive months, ending no more than six months prior to the date of the parties' agreement. 49 U.S.C. 14303(g). The Board is required to approve the proposed transaction when it finds it consistent with the public interest and may impose conditions governing the transaction. 49 U.S.C. 14303(b).

In considering an application, the Board must consider the effect of the proposed transaction on the adequacy of transportation to the public, the total fixed charges that result from the proposed transaction, and the interest of carrier employees affected by the proposed transaction. 49 U.S.C. 14303(b). Within 30 days after an application is filed, the Board must either publish notice of the application in the **Federal Register** or reject the

[1] In August 2025, the Board's two legal offices (the Office of Proceedings and the Office of the General Counsel) were combined to form the Office of Chief Counsel, and the Chief Counsel assumed the responsibilities and delegations previously held by the Director. *Interim Delegations,* EP 784 (STB served Aug. 4, 2025); *see also Nomenclature Corrs. Due to Office Reorg., Removal of Obsolete References, & Payment Processing Changes,* EP 786 (STB served Jan. 30, 2026). The Office of Chief Counsel also houses the COPRI.

[2] Under 49 CFR 1011.4(a)(2), ''[e]xtensions of time for compliance with orders and procedural matters in any formal case or pending matter'' are issues generally referred to the Chairman of the Board. Section 1011.6 delegates the authority to dispose of routine procedural matters (*e.g.,* extension of time requests) from the Chairman to the Chief Counsel.

[3] Section 1104.13 provides that ''[a] party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, *unless otherwise provided,*'' (emphasis added).

application if it is incomplete. 49 U.S.C. 14303(c). Under 49 CFR 1182.4(a), applicants may be given an opportunity to correct minor errors or omissions. If the application is accepted, the **Federal Register** publication gives notice to the public, in the form of a tentative grant of authority, and sets a deadline for comments on the proposed transaction. 49 CFR 1182.4(b), 1182.5. If no opposing comments are timely filed, the notice takes effect automatically and is the final Board action in the proceeding. 49 CFR 1182.5(a). If timely comments are submitted in opposition to the application, the tentative grant of authority is void and the Board may issue a decision making a final determination [4] on whether to grant the application. 49 CFR 1182.6(a), (c).

Proceedings filed under 49 U.S.C. 14303 and 49 CFR part 1182 are rarely controversial. Most proposed transactions are found to be consistent with the public interest based on the information applicants provide to the Board and are unopposed. Delegating authority to the Chief Counsel to accept and approve unopposed applications will enhance administrative efficiency and save Board resources. This new delegation will permit the Chief Counsel to tentatively approve complete applications, impose conditions on such approvals when necessary, direct applicants to file additional information to correct minor errors or omissions, and reject incomplete applications. This delegation, however, would not extend to opposed applications under 49 CFR 1182.6 or grants of interim approval under 49 CFR 1182.7.[5] Rather, those issues will be addressed by a full Board decision. Additionally, pursuant to 49 CFR 1011.2(a)(6), the Board will continue to reserve to itself the consideration and disposition of all matters involving issues that it finds to be of general transportation importance.

iv. Waivers of Advance Notice Requirements

The Board will revise 49 CFR 1011.7(a) to newly delegate to the Chief Counsel the authority to determine whether to approve requests for waiver of the 60-day advance notice requirements of 49 CFR 1150.32(e) and 1150.42(e). Section 1150.32 governs noncarriers that seek acquisition or operation authority under the Board's notice of exemption procedures, and section 1150.42 governs established Class III carriers that seek acquisition or operation authority under the same procedures. Under 49 CFR 1150.32(e), if the projected annual revenue of the carrier to be created by the transaction exceeds $5 million, an applicant must, at least 60 days before the exemption becomes effective, post a notice of intent to undertake the proposed transaction at the workplace of employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. Under 49 CFR 1150.42(e), an applicant must satisfy the same 60-day advance notice requirement if the projected annual revenue of the rail lines to be acquired or operated, together with the acquiring carrier's projected annual revenue, exceeds $5 million.

In some cases, parties seeking authority for transactions subject to 49 CFR 1150.32 or 1150.42 ask the Board to waive the 60-day advance notice requirement where the subject transaction would have no impact on any railroad employees. The Board has routinely granted such unopposed waivers where the purpose behind the notice requirement would not be thwarted or substantially diminished by the waiver. *See, e.g., Ark. Midland R.R.—Lease & Operation Exemption Including Interchange Commitment—Union Pac. R.R.,* FD 36885 (STB served Dec. 9, 2025) (waiving notice requirement in 49 CFR 1150.42 to allow incumbent carrier to extend lease where no employees would be adversely affected by the waiver); *Willamette & Pac. R.R.—Lease & Operation Exemption Including Interchange Commitment—Union Pac. R.R.,* FD 36827 (STB served May 9, 2025) (same); *Tex. N.M. Ry., L.L.C.—Acquis. Exemption—Austin & NW R.R.,* FD 35930 (STB served June 26, 2015) (granting unopposed request for partial waiver of notice requirement in 49 CFR 1150.32 to facilitate expedited consummation); *Keystone R.R. LLC–Acquis. & Operation Exemption—Keystone R.R.,* FD 34157 (Dec. 27, 2001) (waiving notice requirement where transaction would not result in changes to operations, bargaining agreements, or personnel).

To enhance the administrative efficiency of the agency, the Board will delegate to the Chief Counsel the authority to determine whether to grant such requests for waiver. These waiver requests are rarely controversial. Additionally, as noted above, these requests are filed in cases proceeding under the Board's notice of exemption procedures, and the authority to decide whether to issue notices of exemption under 49 CFR part 1150 is already delegated to the Chief Counsel. *See* 49 CFR 1011.7(a)(3)(x)(A). When appropriate, the Chief Counsel may grant such waiver requests using the Board's grant stamp procedures, which are discussed in more detail below. As with other delegated authorities, the Board will decide appeals of decisions issued by the Chief Counsel.

Delegations to the COPRI

The Board will delegate to the COPRI the authority to perform certain functions in connection with passenger rail proceedings conducted pursuant to 49 U.S.C. 24308, which include proceedings in which a rail carrier or regional transportation authority and Amtrak cannot reach agreement on Amtrak's use of facilities, 49 U.S.C. 24308(a), and investigations regarding Amtrak's on-time performance, 49 U.S.C. 24308(f). Specifically, consistent with prior practice,[6] the Board will revise 49 CFR 1011.7 to delegate to the COPRI the authority, in section 24308 proceedings, to direct parties to clarify, modify, or reformat evidence that was previously submitted, or to produce evidence to supplement evidence that was previously submitted (including evidence that was provided pursuant to a decision of the entire Board). Additionally, the Board will revise 49 CFR 1011.6 to delegate to the COPRI the authority to dispose of routine procedural matters in section 24308 proceedings.[7] The COPRI will also be authorized to issue decisions by grant stamp, where appropriate, as discussed further below.

Proceedings under 49 U.S.C. 24308 often involve voluminous technical evidence. While the Board reserves for itself consideration and disposition of ''[a]ll investigations and other proceedings instituted by the Board, except as may be ordered in individual situations,'' *see* 49 CFR 1011.2(a)(2), delegating authority for these limited functions to the COPRI will increase

[4] The Board may issue a procedural schedule seeking additional evidence prior to issuing its final decision. 49 CFR 1182.6(c)(2).

[5] Under 49 CFR 1182.7(a), a party may request interim approval of the operation of the properties sought to be acquired through the proposed transaction, for a period of not more than 180 days pending determination of the application. Such a request must show that failure to grant interim approval of operation may result in destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public. 49 CFR 1182.7(b).

[6] *Compl. & Pet. of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. 24308(f)—for Substandard Performance of Amtrak's Sunset Ltd. Trains 1 & 2,* NOR 42175, slip op. at 1–2, 2 n.2 (STB served Feb. 6, 2024).

[7] This delegation to the COPRI does not limit or change the existing delegation to the Chief Counsel to dispose of routine procedural matters in cases pending before the Board. *See* 49 CFR 1011.6.

administrative efficiency and help ensure that proceedings under 49 U.S.C. 24308 proceed as expeditiously as possible. As with other delegated authorities, the Board will decide appeals of decisions issued by the COPRI.

Grant Stamps

In 2011, the Board began utilizing a grant stamp procedure for issuing decisions in uncontested, routine procedural matters delegated to the Director (now, Chief Counsel), where no further explanation or discussion was necessary. *Pol'y Statement on Grant Stamp Proc. in Routine Dir. Ords.* (*Pol'y Statement*), EP 709, slip op. at 1–2 (STB served Nov. 14, 2011). Under the Board's existing grant stamp procedures, the grant stamp is affixed to pleadings filed with the Board. The grant stamp contains information including the agency seal, the decided date, the service date, the decision identification number, the title and signature of the decision-maker, an indication that the request is ''approved,'' and an area for any appropriate notation regarding the decision. Grant stamps are commonly used to grant, for example, motions for extensions of time and protective orders that are uncontested. The grant stamp process has increased the efficiency with which the Chief Counsel can issue decisions on uncontested procedural matters, though it has never been codified.

In this final rule, the Board will create a new section 49 CFR 1011.8 codifying the availability of a grant stamp to approve uncontested matters within a delegated authority. The Chief Counsel may utilize these grant stamp procedures when the pleading states that it is unopposed by all parties or remains unopposed when the reply period expires. *See Pol'y Statement,* EP 709, slip op. at 1–2 (''In many of these decisions, all parties to the proceeding concur in the relief sought and very little, if anything, in the way of further discussion is required by the Director.''). The Chief Counsel need not wait 20 days for replies before grant stamping a pleading that appears to be uncontested.[8] *See Riffin* v. *STB,* No. 24–1385 & 25–1141 (consol.), 2026 WL 913273, at *3 (D.C. Cir. Apr. 3, 2026) (stating that the Board's regulations created no obligation that the Board wait 20 days for a reply brief before ruling on a motion that appeared to be uncontested). Additionally, as noted above, the Board will authorize the COPRI to use the grant stamp procedures when exercising their delegated authority to dispose of routine procedural matters in section 24308 proceedings.

Nomenclature Changes

Under 49 CFR 1152.20(a)(2)(vii), applicants are required to serve the ''Department of Defense (Military Surface Deployment and Distribution Command, Transportation Engineering Agency, Railroads for the National Defense Program)'' with their notice of intent to file an abandonment or discontinuance application under 49 U.S.C. 10903. Section 1152.50(d)(1)(ii) contains a similar requirement with respect to notices of exemption and petitions for exemption. Additionally, 49 CFR 1244.9(h) requires the Board to forward certain waybill requests for munition data to the ''Department of Defense's Military Surface Deployment and Distribution Command (SDDC).'' The Board has been advised that the Military Surface Deployment and Distribution Command has been renamed the U.S. Army Transportation Command. *See* Christopher Parr, *SDDC changes name to U.S. Army Transportation Command,* U.S. Army (Sept. 29, 2025), *https://www.army.mil/article/288798/sddc_changes_name_to_u_s_army_transportation_command.* The Board will therefore update the above references in its regulations to reflect the name change.

Further, to eliminate confusion about which agencies and subagencies are required to be served under 49 CFR 1152.20(a)(2) and 49 CFR 1152.50(d)(1), and to standardize inconsistent references across regulations, the Board is updating other references to federal agencies.

Final Rule

The revisions to the regulations are set forth below and are issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) does not require that process for ''rules of agency organization, procedure, or practice,'' 5 U.S.C. 553(b)(A), or ''when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,'' 49 U.S.C. 553(b)(B). This proceeding concerns matters of agency procedure and practice. In this proceeding, the Board is revising its regulations to reflect existing Board procedures and practices (*e.g.,* clarifying and codifying existing Board practices and procedures), delegating existing Board and Chairman responsibilities to Board staff to increase administrative efficiency, and making nomenclature changes. Moreover, good cause exists to find that public notice and comment are unnecessary for this rule because the rule does not substantively change the rights of agency stakeholders. While the rule provides for certain new delegations and modestly expands the use of the Board's grant stamp procedures, those revisions only change who at the agency has the authority to issue a decision and the manner in which an approval may be issued.

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

Executive Order 12866, as modified by Executive Order 14215, provides that the Office of Information and Regulatory Affairs will review all significant rules. In section 3(d), Executive Order 12866 defines ''regulation'' or ''rule'' to exclude regulations or rules that are limited to agency organization, management, or personnel matters. This rule relates to internal agency organization and management; therefore, it is exempt from the provisions of Executive Order 12866. Because this rule relates to internal agency organization and management, it is also exempt from the provisions of Executive Order 14192 under section 5(b) of that Order.

The Board has determined that this action is not a rule as defined by the Congressional Review Act, 5 U.S.C. 804(3).

This rulemaking does not contain a new or amended information collection

[8] Pursuant to 49 CFR 1104.14, parties may file a motion for protective order to maintain the confidentiality of materials submitted to the Board. Although, in rare cases, another party might object to a specific term in such a proposed protective order, these motions are nearly always unopposed and require little or no discussion when issued. Moreover, such motions often are filed concurrently with related substantive filings that contain confidential information, making the default 20-day reply deadline the same for both. In that event, waiting 20 days to rule on the motion for protective order would, in effect, prevent other parties from accessing confidential information in the related substantive filing before their replies to that filing are due. Accordingly, this final rule expressly permits motions for protective order under 49 CFR 1104.14 to be decided by grant stamp before the default 20-day reply period expires. Parties wishing to reply to such motions are therefore encouraged to do so expeditiously.

requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

It is ordered:

1. Parts 1011, 1152, and 1244 are modified as set forth below, and notice will be published in the **Federal Register**.

2. The modifications are effective September 17, 2026.

Decided: August 13, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster, and Schultz.

List of Subjects

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, Uniform System of Accounts.

49 CFR Part 1244

Freight, Railroads, Reporting and recordkeeping requirements.

Tammy Lowery,

Clearance Clerk.

For the reasons set forth in the preamble, and under the authority of 49 U.S.C. 1321(a), the Surface Transportation Board amends chapter X of title 49 of the Code of Federal Regulations as follows:

PART 1011—BOARD ORGANIZATION, DELEGATIONS OF AUTHORITY

■ 1. The authority citation for part 1011 is amended to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 1301, 1321, 11123, 11124, 11144, 14122, 15722, and 24308.

■ 2. Amend § 1011.2 by:

■ a. Revising paragraph (a)(7); and

■ b. Adding paragraph (a)(8).

The revision and addition reads as follows:

§ 1011.2 The Board.

(a) * * *

(7) All appeals of initial decisions issued by the Office of Chief Counsel under the authority delegated by § 1011.7(a), and all appeals of initial decisions issued by the Office of Public Assistance, Governmental Affairs, and Compliance under the authority delegated by § 1011.7(b). Appeals must be filed within 10 days after service of the initial decision or publication of the notice, and replies must be filed within 10 days after the due date for appeals or any extension thereof.

(8) The assignment of proceedings to administrative law judges.

* * * * *

■ 3. Amend § 1011.6 by revising paragraph (c) to read as follows:

§ 1011.6 Delegations of authority by the Chairman.

* * * * *

(c) (1) As used in this paragraph, *procedural matter* includes, but is not limited to, the assignment of the time and place for hearing; the issuance of decisions directing special hearing procedures; the establishment of dates for filing statements in cases assigned for hearing under modified (non-oral hearing) procedure; the consolidation of proceedings for hearing or disposition; the postponement of hearings and procedural dates; the waiver of formal specifications for pleadings; and extensions of time for filing pleadings. It does not include interlocutory appeals from the rulings of hearing officers; nor does it include postponement of the effective date of:

(i) Decisions pending judicial review,

(ii) Decisions of the entire Board,

(iii) Cease and desist orders, or

(iv) Final decisions where petitions for discretionary review have been filed under 49 CFR 1115.3.

(2) Unless otherwise ordered by the Board in individual proceedings, authority to dispose of procedural matters is delegated to administrative law judges or Board Members in proceedings assigned to them.

(3) (i) Unless otherwise ordered by the Board in individual proceedings, authority to dispose of routine procedural matters in proceedings assigned for handling under modified procedure, other than those assigned to an administrative law judge or a Board Member, is assigned to the Chief Counsel. With respect to such routine procedural matters, the authority delegated to the Chief Counsel includes, but is not limited to, determining whether to accept late-filed procedural motions, determining whether to grant requests for extension of deadlines established by decision of the entire Board, and establishing reply deadlines that differ from the default 20-day reply period set forth in § 1104.13(a) of this chapter.

(ii) The Chief Counsel shall also have authority, unless otherwise ordered by the Chairman or by a majority of the Board in individual proceedings, to decide whether complaint proceedings shall be handled under the modified procedure or be assigned for oral hearings.

(iii) In proceedings under 49 U.S.C. 24308, unless otherwise ordered by the Board in individual proceedings, the Chief of Passenger Rail and Investigations is assigned the authority to dispose of routine procedural matters in the manner described in paragraph (c)(3)(i) of this section. This delegation is in addition to, and does not limit, the authority delegated to the Chief Counsel in paragraph (c)(3)(i) of this section to dispose of routine procedural matters.

(iv) In carrying out these duties, the Chief Counsel, or Chief of Passenger Rail and Investigations, as the case may be, shall consult, as necessary, with the Director of any Board office to which an individual proceeding has been assigned.

* * * * *

■ 4. Amend § 1011.7 by adding new paragraphs (a)(3)(xxi) through (a)(3)(xxiii) and new paragraph (a)(4) to read as follows:

§ 1011.7 Delegations of authority by the Board to specific offices of the Board.

(a) * * *

(3) * * *

(xxi) To resolve discovery disputes raised in cases pending before the Board.

(xxii) Whether to grant and, when appropriate, condition applications for authority under 49 U.S.C. 14303 and part 1182 of this chapter concerning the purchase, merger, and control of motor passenger carriers. The Chief Counsel may direct applicants to file additional information to correct minor errors or omissions in the application. This delegation does not permit the Chief Counsel to process an opposed application under § 1182.6 of this chapter or dispose of requests for interim approval under § 1182.7 of this chapter.

(xxiii) Whether to grant requests to waive the advance notice requirements of § 1150.32(e) and § 1150.42(e) of this chapter.

(4) In connection with proceedings conducted pursuant to 49 U.S.C. 24308, the Chief of Passenger Rail and Investigations is delegated the authority to direct parties to clarify, modify, or reformat evidence that has previously been submitted or to produce evidence to supplement evidence that has previously been submitted (including evidence that was provided pursuant to a decision of the entire Board).

* * * * *

■ 5. Amend part 1011 by adding § 1011.8 to read as follows:

§ 1011.8 Grant stamp procedures.

(a) The Chief Counsel and Chief of Passenger Rail and Investigations may use the grant stamp procedures of this

section to approve uncontested requests for relief pursuant to the authorities delegated to them under §§ 1011.6 and 1011.7. The grant stamp procedures may be used only when the request to be approved either states that it is unopposed by all parties or remains unopposed at the close of the reply period.

(b) Notwithstanding paragraph (a) of this section, a motion for protective order filed under § 1104.14 of this chapter may be approved using the grant stamp procedures before the relevant reply period expires.

(c) The grant stamp shall be affixed to the pleading filed with the Board and shall contain the Board's seal, the decided date and service date of the decision, the decision identification number, the title and signature of the issuer, indication that the request is ''approved,'' and any necessary notation.

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

■ 6. The authority citation for part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 1301, 1321(a), 10502, 10903–10905, and 11161.

■ 7. Amend § 1152.20 by revising paragraphs (a)(2)(vi) through (a)(2)(xi) to read as follows:

§ 1152.20 Notice of intent to abandon or discontinue service.

(a) * * *

(2) * * *

(vi) The Federal Railroad Administration;

(vii) The U.S. Army Transportation Command, Transportation Engineering Agency, Railroads for National Defense Program;

(viii) The Director of the National Park Service;

(ix) The U.S. Railroad Retirement Board;

(x) The National Railroad Passenger Corporation (''Amtrak'') (if Amtrak operates over the involved line);

(xi) The Chief of the U.S. Forest Service; and

* * * * *

■ 8. Amend § 1152.50 by revising paragraphs (d)(1)(ii) through (d)(1)(iv) to read as follows:

§ 1152.50 Exempt abandonments and discontinuances of service and trackage rights.

* * * * *

(d) * * *

(1) * * *

(ii) The U.S. Army Transportation Command, Transportation Engineering Agency, Railroads for National Defense Program;

(iii) The Director of the National Park Service; and

(iv) The Chief of the U.S. Forest Service.

* * * * *

PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS

■ 9. The authority citation for part 1244 continues to read as follows:

Authority: 49 U.S.C. 1321, 10707, 11144, 11145.

■ 10. Amend § 1244.9 by revising paragraph (h) to read as follows:

§ 1244.9 Procedures for the release of waybill data.

* * * * *

(h) *Munitions shipments.* All waybill requests for munition data at the 3-digit Standard Transportation Commodity Code (STCC) level or greater will be forwarded by the STB to the U.S. Army Transportation Command (ARTRANS). The STB will not release this type of information without the consent of ARTRANS.

[FR Doc. 2026–16828 Filed 8–17–26; 8:45 am]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 91, No. 158
Tuesday, August 18, 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 THE TREASURY

12 CFR Chapter XV

[TREAS–DO–2026–0496]

RIN 1505–AC95

GENIUS Act Regulations on Payment Stablecoin Issuance, Offer, and Sale

AGENCY: Department of the Treasury.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Department of the Treasury (Treasury) proposes to issue regulations to implement section 3 of the Guiding and Establishing National Innovation for U.S. Stablecoins (GENIUS) Act regarding the statutory prohibitions and limitations on payment stablecoin issuance, offer, and sale in the United States.

DATES: Comments on the NPRM must be received on or before October 19, 2026.

ADDRESSES: Written comments may be submitted through one of two methods:

- *Electronic Submission:* Comments may be submitted electronically through the Federal Government eRulemaking portal at *https://www.regulations.gov.*
- *Mail:* Send to U.S. Department of the Treasury, Attention: Office of General Counsel, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

We encourage comments to be submitted via *https://www.regulations.gov.* All comments should be captioned with ''GENIUS Act Regulations on Payment Stablecoin Issuance, Offer, and Sale.'' Please include your name, organizational affiliation, address, email address, and telephone number in your comment. In general, all comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not submit any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Brendan Costello and Cody Gaffney, Attorney-Advisors, Office of the General Counsel, and Jonathan Hurowitz, Senior Advisor, Office of Financial Institutions, Treasury, at *OGC_GeniusAct@Treasury.gov* or 202–622–0480.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The GENIUS Act, enacted on July 18, 2025, establishes a comprehensive framework for the regulation of payment stablecoins.[1] As defined in the GENIUS Act, a payment stablecoin is a digital asset [2] (i) that is, or is designed to be, used as a means of payment or settlement, and (ii) the issuer of which is obligated to convert, redeem, or repurchase for a fixed amount of monetary value (not including a digital asset denominated in a fixed amount of monetary value) and represents that the issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to a fixed amount of monetary value.[3]

Section 3 of the Act (12 U.S.C. 5902) delineates the fundamental architecture of the payment stablecoin market in the United States, prescribing who may issue, offer, sell, or otherwise make available payment stablecoins. Section 3 ''is intended to have extraterritorial effect if conduct involves the offer or sale of a payment stablecoin to a person located in the United States.'' [4]

With respect to issuance of payment stablecoins, section 3(a) of the Act (12 U.S.C. 5902(a)) makes it unlawful for any person other than a permitted payment stablecoin issuer to issue a payment stablecoin in the United States.[5] Knowing participation in a violation of section 3(a) is punishable by a fine of not more than $1 million for each violation, imprisonment for not more than five years, or both under the Act.[6]

Section 3(b) of the Act (12 U.S.C. 5902(b)) addresses the offer, sale, or otherwise making available of payment stablecoins in the United States by digital asset service providers. Under the Act, a digital asset service provider is a person (such as a digital asset exchange) that, for compensation or profit, engages in the business in the United States (including on behalf of customers or users in the United States) of exchanging digital assets for monetary value or for other digital assets, transferring digital assets to a third party, acting as a digital asset custodian, or participating in financial services relating to digital asset issuance.[7]

Section 3(b) (12 U.S.C. 5902(b)) contains two distinct prohibitions. First, under section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)), beginning on July 18, 2028 (*i.e.,* the date that is three years after the date of enactment of the GENIUS Act), it shall be unlawful for a digital asset service provider to offer or sell a payment stablecoin to a person in the United States, unless the payment stablecoin is issued by a permitted payment stablecoin issuer.[8] Second, section 3(b)(2) (12 U.S.C. 5902(b)(2))—which unlike section 3(b)(1) becomes applicable on the effective date of the Act—specifically addresses payment stablecoins issued by foreign payment stablecoin issuers,[9] providing that it shall be unlawful for any digital asset service provider to offer, sell, or otherwise make available in the United States a payment stablecoin issued by a

[1] *See* Public Law 119–27 (codified at 12 U.S.C. 5901 *et seq.*). The GENIUS Act is referred to throughout this proposal simply as ''the Act.''

[2] The term ''digital asset'' means any digital representation of value that is recorded on a cryptographically secured distributed ledger. *See* section 2(6) of the Act (12 U.S.C. 5901(6)).

[3] *See* section 2(22) of the Act (12 U.S.C. 5901(22)). Digital assets that are (i) national currencies, (ii) deposits (as defined in section 3 of the Federal Deposit Insurance Act), including deposits recorded using distributed ledger technology, or (iii) securities (as defined in certain federal securities laws) are not considered payment stablecoins. *See id.*

[4] Section 3(e) of the Act (12 U.S.C. 5902(e)).

[5] *See* section 3(a) of the Act (12 U.S.C. 5902(a)). The term ''permitted payment stablecoin issuer'' means a person formed in the United States that is (i) a subsidiary of an insured depository institution that has been approved to issue payment stablecoins under section 5 of the Act (12 U.S.C. 5904), (ii) a Federal qualified payment stablecoin issuer (as defined in section 2(11) of the Act (12 U.S.C. 5901(11))), or (iii) a State qualified payment stablecoin issuer (as defined in section 2(31) of the Act (12 U.S.C. 5901(31))). *See* section 2(23) of the Act (12 U.S.C. 5901(23)). Permitted payment stablecoin issuers are regulated by the primary Federal payment stablecoin regulators or State payment stablecoin regulators, as appropriate.

[6] Section 3(f) of the Act (12 U.S.C. 5902(f)).

[7] *See* section 2(7) of the Act (12 U.S.C. 5901(7)).

[8] *See* section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)).

[9] The term ''foreign payment stablecoin issuer'' means an issuer of a payment stablecoin that is organized under the laws of or domiciled in a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, and is not a permitted payment stablecoin issuer. *See* section 2(12) of the Act (12 U.S.C. 5901(12)).

foreign payment stablecoin issuer unless the foreign payment stablecoin issuer has the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).[10]

Various provisions of the Act create exemptions from certain of these general prohibitions relating to the issuance, offer, sale, or making available of payment stablecoins. First, section 3(h) (12 U.S.C. 5902(h)) contains rules of construction that expressly exempt three categories of transactions from section 3: (i) the direct transfer of digital assets between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary, (ii) any transaction involving the receipt of digital assets by an individual between an account owned by the individual in the United States and an account owned by the individual abroad that are offered by the same parent company, and (iii) any transaction by means of a software or hardware wallet that facilitates an individual's own custody of digital assets.[11]

Second, section 18(a) of the Act (12 U.S.C. 5916(a)) provides that the prohibitions under section 3 (12 U.S.C. 5902) shall not apply to a foreign payment stablecoin issuer if certain conditions are met, including that (i) the foreign payment stablecoin issuer is subject to regulation and supervision by a foreign payment stablecoin regulator of a foreign country that has a regulatory and supervisory regime with respect to payment stablecoins that the Secretary of the Treasury determines, pursuant to section 18(b) of the Act (12 U.S.C. 5916(b)), is comparable to the regulatory and supervisory regime established under the GENIUS Act, and (ii) the foreign payment stablecoin issuer is registered with the Office of the Comptroller of the Currency (OCC).[12]

Third, section 5(f) of the Act (12 U.S.C. 5904(f)) authorizes the primary Federal payment stablecoin regulators to waive the application of the requirements of the Act for a period not to exceed 12 months beginning on the effective date of the Act with respect to subsidiaries of insured depository institutions and Federal qualified payment stablecoin issuers with a pending application on the Act's effective date.[13]

Finally, the Act vests Treasury with authority to issue regulations providing certain safe harbors that are consistent with the purposes of the Act, limited in scope, and apply to a de minimis volume of transactions, and to provide certain other limited safe harbors in unusual and exigent circumstances.[14]

The Act directs Treasury to issue regulations to implement section 3, including regulations to define terms.[15] On September 19, 2025, Treasury published in the **Federal Register** an Advance Notice of Proposed Rulemaking (ANPRM) to solicit public comment on questions relating to the implementation of the Act.[16] In drafting this NPRM, Treasury carefully considered comments received in response to the ANPRM that were material and relevant to the subjects addressed herein.[17]

II. Description of the Proposed Rule

A. Treasury's Approach to This Rulemaking

Consistent with its obligation to faithfully implement the GENIUS Act, in crafting this proposal, Treasury focused on the text of the GENIUS Act itself as the starting point for these proposed regulations and did not start from any pre-existing regulatory baseline. Nevertheless, throughout the proposal, Treasury considered certain discrete aspects of existing legal and regulatory regimes where Treasury believes these regimes may be instructive to the regulation of payment stablecoin activities under section 3 of the Act.

For example, in developing this proposal, Treasury considered several comments to the ANPRM that suggested that the federal securities laws, in addition to the text of the GENIUS Act, should serve as a reference point for implementing section 3 of the Act. Treasury recognizes that there are longstanding legal regimes that address the issue, offer, and sale of other financial instruments, such as securities, including offshore activities.

However, the GENIUS Act clearly distinguishes among payment stablecoins, securities, and commodities, expressly providing that payment stablecoins are not securities or commodities.[18] Unlike many existing financial instruments that are designed for investment and capital appreciation, payment stablecoins are, or are designed to be, used as a means of payment or settlement and are expected to maintain a stable value. Treasury believes that the Act evinces a clear intent for payment stablecoins to serve as an effective means of payment and settlement, including across borders, and application of traditional investment rules to payment stablecoins may frustrate that goal. Similarly, some operational mechanics of payment stablecoins (such as payment stablecoin minting and redemption) may differ from traditional securities and commodities in material ways that may not be properly accounted for by applying those existing regulatory regimes to payment stablecoins.[19]

Treasury welcomes comment on whether this approach is appropriate or whether, in the alternative, these

[10] *See* section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)). The effective date of the GENIUS Act is expected to be January 18, 2027 (*i.e.,* the date that is 18 months after the date of enactment of the GENIUS Act). *See* section 20 of the Act (Pub. L. 119–27, 20, 139 Stat. 466, set out as a note under 12 U.S.C. 5901).

[11] *See* section 3(h) of the Act (12 U.S.C. 5902(h)).

[12] *See* section 18(a) of the Act (12 U.S.C. 5916(a)).

[13] *See* section 5(f) of the Act (12 U.S.C. 5904(f)). ''Primary Federal payment stablecoin regulator'' is defined in section 2(25) of the Act (12 U.S.C. 5901(25)) and may refer, depending on the entity in question, to the OCC, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), or the National Credit Union Administration (NCUA). ''Federal qualified payment stablecoin issuer'' is defined in section 2(11) of the Act (12 U.S.C. 5901(11)).

[14] *See* section 3(c) of the Act (12 U.S.C. 5902(c)).

[15] *See* section 3(d) of the Act (12 U.S.C. 5902(d)). *See also* section 13 of the Act (12 U.S.C. 5913) (requiring Treasury and other regulators to promulgate regulations to carry out the GENIUS Act).

[16] *See* 90 FR 45159 (Sep. 19, 2025). Comments on the ANPRM were originally due on October 20, 2025, but Treasury later extended the comment period by 15 days to November 4, 2025. *See* 90 FR 47251 (Oct. 1, 2025).

[17] This proposal addresses only the portions of section 3 of the Act (12 U.S.C. 5902) relating to the issuance, offer, sale, and making available of payment stablecoins. Other provisions of section 3 of the Act (12 U.S.C. 5902), such as section 3(g) of the Act (12 U.S.C. 5902(g))'s rules concerning the treatment of payment stablecoins for accounting, margining, and other purposes, are outside the scope of this proposal. In addition, conduct that would constitute an unlawful issuance, offer, or sale of a payment stablecoin under this proposal may, depending on the facts and circumstances, also lead to penalties under section 4(e)(3) of the Act. *See* 12 U.S.C. 5903(e)(3) (providing that it shall be unlawful to ''market a product in the United States as a payment stablecoin unless the product is issued pursuant to'' the Act and setting penalties for knowing and willful participation). While Treasury will consider whether it would be helpful or appropriate to issue guidance or procedures relating to potential penalties under section 4(e)(3) of the Act (12 U.S.C. 5903(e)(3)), that is outside the scope of this proposal.

[18] Specifically, section 17 of the Act (Pub. L. 119–27, 17, 139 Stat. 459, amending 7 U.S.C. 1a and 15 U.S.C. 77b, 78c, 78lll, 80a–2, 80a–3, and 80b–2) clarifies that payment stablecoins are not securities for purposes of the federal securities laws, nor commodities for purposes of the Commodity Exchange Act.

[19] Several commenters on the ANPRM expressed similar sentiments. For example, one commenter on the ANPRM noted that while Securities and Exchange Commission (SEC) rules may be a useful example, not all aspects of those rules are appropriate in the context of digital assets. Another commenter noted that while the territorial approach of certain SEC rules could be a possible starting point, unique issues may be presented by digital assets that would require updating that approach.

regulations should adopt an approach that is more similar to existing securities or commodities regulatory frameworks, such as Regulation S under the Securities Act.[20]

B. Overview of the Rule

This proposal would add new part 1523 to subchapter C of chapter XV of title 12 of the Code of Federal Regulations.[21] Part 1523 would define key terms and implement section 3's prohibitions related to the issuance, offer, sale, and making available of payment stablecoins.

Proposed § 1523.1 sets out the scope of Part 1523 and defines key terms. Consistent with the Act, proposed § 1523.1 makes clear that this part is intended to have extraterritorial effect if conduct involves the offer or sale of a payment stablecoin to a person located in the United States. Proposed § 1523.1 also defines terms such as ''issue'' and ''located in the United States.'' Significantly, proposed § 1523.1 makes clear that a payment stablecoin issuer may also be considered a digital asset service provider, and thus, the rules that apply to issuers and the rules that apply to digital asset service providers are not mutually exclusive.

Proposed § 1523.2 implements the prohibition on payment stablecoin issuance in the United States under section 3(a) of the Act (12 U.S.C. 5902(a)). First, proposed § 1523.2(a) makes clear that foreign payment stablecoin issuers that meet the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)), including registration with the OCC, may issue payment stablecoins in the United States in addition to permitted payment stablecoin issuers. Next, proposed § 1523.2(b) provides that a person will be considered to have issued a payment stablecoin in the United States only if, at the time of issuance, the person is located in the United States (as defined in proposed § 1523.1) or the person issues the payment stablecoin to a person located in the United States (as defined in proposed § 1523.1). By contrast, proposed § 1523.2(c) describes activities that would be deemed not to be issuances of payment stablecoins in the United States. Finally, proposed § 1523.2(d) provides examples of activities that, when conducted by a person in connection with the issuance of a payment stablecoin that violates section 3(a) of the Act (12 U.S.C. 5902(a)), may constitute participation in an unlawful issuance for purposes of the criminal penalty in section 3(f) of the Act (12 U.S.C. 5902(f)), such as acting as a market maker for newly-issued payment stablecoins or coordinating with the issuer to facilitate key steps in the issuance.

Proposed § 1523.3 implements the GENIUS Act's prohibitions on the offer, sale, and making available of payment stablecoins by digital asset service providers under section 3(b) of the Act (12 U.S.C. 5902(b)). First, proposed § 1523.3(a) and (b) codify sections 3(b)(1) and 3(b)(2) of the Act (12 U.S.C. 5902(b)(1), (2)), respectively, with some clarifications. Second, proposed § 1523.3(c) describes a digital asset service provider's obligations with respect to a foreign payment stablecoin issuer's compliance with lawful orders and reciprocal arrangements. Next, proposed § 1523.3(d) enumerates examples of activities that constitute the offer or sale of payment stablecoins, such as directly soliciting a person located in the United States, advertising a payment stablecoin as available for purchase by persons located in the United States, and advising potential purchasers on how to evade generally applicable location detection or restriction mechanisms. Finally, proposed § 1523.3(e) describes activities that would be deemed not to be offers or sales of payment stablecoins to persons located in the United States.

Proposed § 1523.4 sets out exemptions and safe harbors from the section 3 framework, and Treasury requests comment on whether to create additional safe harbors.

Proposed § 1523.5 includes a severability provision. Proposed Appendix A provides a number of interpretations intended to clarify the application of proposed Part 1523 to certain common or complex scenarios.

C. Scope, Applicability, and Definitions (Proposed § 1523.1)

1. Scope and Applicability

Proposed § 1523.1 sets forth the scope and applicability of Part 1523. Paragraph (a) provides that Part 1523 is issued by Treasury to implement section 3 of the Act (12 U.S.C. 5902) regarding statutory prohibitions and limitations on issuing, offering, selling, and otherwise making available payment stablecoins in the United States.

2. Extraterritorial Effect

Proposed paragraph (b) makes clear that, consistent with section 3(e) of the Act (12 U.S.C. 5902(e)), proposed Part 1523 is intended to have extraterritorial effect if conduct involves the offer or sale of a payment stablecoin to a person located in the United States.

Question 1: Is the extraterritorial effect of section 3 of the Act (12 U.S.C. 5902) (as described in this proposed Part 1523) clear or should Treasury provide additional clarity? For example, should Treasury specify in regulatory text the extent to which Part 1523 has extraterritorial effect as to the issuance of payment stablecoins to persons located outside of the United States?

Question 2: Are there any scenarios in which issuing or making available a payment stablecoin would not reasonably be considered an offer or sale? If so, would such activity nonetheless fall within the extraterritorial scope of the Act and this Part? Are there any scenarios in which other conduct or transactions involving a payment stablecoin contemplated by Part 1523 would not reasonably be considered within the extraterritorial scope of the Act?

3. Definitions

Proposed paragraph (c) sets forth a number of definitions for purposes of Part 1523.[22]

Under the proposal, the terms ''digital asset,'' ''federal qualified payment stablecoin issuer,'' ''foreign payment stablecoin issuer,'' ''insured depository institution,'' ''lawful order,'' ''monetary value,'' ''offer,'' ''payment stablecoin,'' ''permitted payment stablecoin issuer,'' ''person,'' ''primary Federal payment stablecoin regulator,'' ''State,'' and ''subsidiary'' [23] would be defined by cross-reference to the corresponding statutory definitions in section 2 of the

[20] *See* 17 CFR 230.901–905.

[21] On April 3, 2026, Treasury proposed broad-based principles for determining whether a State-level regulatory regime is substantially similar to the Federal regulatory framework under section 4(c) of the Act (12 U.S.C. 5903(c)). *See* 91 FR 16844 (Apr. 3, 2026). Those principles would be codified at Part 1521 within a new Subchapter C of Chapter XV of the Code of Federal Regulations. This proposal would add new part 1523 to subchapter C, reserving part 1522 for other regulations.

[22] These definitions are proposed only for the purposes of part 1523 and this proposal does not propose to define terms that may be defined by any other statute or regulation, including other sections of the Act and regulations issued thereunder. For example, the proposed definition of ''issue'' is designed for and based on section 3 of the Act (12 U.S.C. 5902), which is meant to proscribe issuance by persons that are not permitted payment stablecoin issuers; this context is distinct from other contexts that may use facially similar terminology, such as the concepts of ''outstanding issuance value'' that are used by the primary Federal payment stablecoin regulators for purposes of prudential reserve requirements for permitted payment stablecoin issuers.

[23] With respect to this term, proposed paragraph (c) cites both sections 2(32) and 2(33) of the Act (12 U.S.C. 5901(32), (33)) to ensure subsidiaries of insured credit unions are appropriately captured. *See* 91 FR 6531, 6532 n.13 (Feb. 12, 2026).

Act (12 U.S.C. 5901) without further elaboration.

Question 3: Should any of the terms that would be defined solely by cross-reference to section 2 of the Act (12 U.S.C. 5901) be clarified? For example, should Treasury clarify the application of the term ''person'' to various entities that may be involved with payment stablecoins, including those that are or may be affiliated with a government entity. If a term's definition depends on other defined terms in the Act, should those nested definitions be spelled out? Should any of the definitions be reproduced in the text of Part 1523 rather than by cross-reference to the Act?

Question 4: Should Treasury make any modifications to the definition of ''lawful order'' as proposed for part 1523, including clarifications, such as to define terms within the definition of ''lawful order'' as considered by FinCEN for its proposed definition of the term ''lawful order'' or otherwise to align more closely to FinCEN regulatory definitions? See 91 FR 18582, 18594–5 (Apr. 10, 2026).

Question 5: For purposes of section 3 of the Act (12 U.S.C. 5902) and Part 1523, should Treasury interpret the term ''payment stablecoin'' and related definitions to include a digital asset that the issuer is obligated to redeem in other forms of value that may be the functional equivalent of those forms of ''monetary value'' enumerated in section 2(17) of the Act (12 U.S.C. 5901(17)) (i.e., national currencies or deposits as defined in section 3 of the Federal Deposit Insurance Act)? For example, should a digital asset that is redeemable only in credit union shares be considered a payment stablecoin within the scope of section 3 of the Act (12 U.S.C. 5902) and these proposed regulations? Does the ubiquitous convertibility of credit union shares and bank deposits in the U.S. financial system bear on this question? Similarly, should digital assets redeemable only in non-deposit liabilities of a company that are commonly viewed by the public as ubiquitously convertible to bank deposits be considered to be payment stablecoins? What are the practical or evasion risks of possible interpretations?

By contrast, the proposal would define several key terms other than solely by cross-reference to the Act either because the Act does not define the term or because Treasury has determined that additional clarity is needed to provide regulatory certainty.

Act or GENIUS Act. Proposed § 1523.1(c) would define ''Act'' or ''GENIUS Act'' to mean the Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*).

Digital asset service provider. Proposed § 1523.1(c) would define ''digital asset service provider'' by cross-reference to section 2(7) of the Act (12 U.S.C. 5901(7)), with the additional clarification that the term includes a person that, for compensation or profit, engages in the business in the United States of issuing payment stablecoins.

Treasury considered whether the Act should be read as treating issuers of payment stablecoins and digital asset service providers as mutually exclusive categories, but concluded that the better reading of the Act is that issuers of payment stablecoins can simultaneously be digital asset service providers. Notably, the Act does not specify that issuers of payment stablecoins cannot be digital asset service providers, but in other instances does specify when two categories are mutually exclusive.[24] Further, some of the core activities of payment stablecoin issuers (such as the activities of permitted payment stablecoin issuers listed in section 4(a)(7) of the Act (12 U.S.C. 5903(a)(7))) clearly fall within the list of digital asset service provider activities in section 2(7) of the Act (12 U.S.C. 5901(7)). For example, redeeming payment stablecoins (section 4(a)(7)(A)(ii) of the Act (12 U.S.C. 5903(a)(7)(A)(ii))) necessarily involves exchanging digital assets for monetary value (section 2(7)(A)(ii) of the Act (12 U.S.C. 5901(7)(A)(ii))). For this reason, Treasury not only determined that the categories of payment stablecoin issuer and digital asset service provider are overlapping, but that all persons that, for compensation or profit, engage in the business in the United States of issuing payment stablecoins will constitute digital asset service providers as defined in the Act.

A contrary reading in which payment stablecoin issuers are deemed not to be digital asset service providers could further have the effect of exempting persons who engage in significant payment stablecoin offer and sale activities in the United States from the operative restrictions of section 3 (12 U.S.C. 5902) merely because they are also engaged in payment stablecoin issuance. For example, such an interpretation would, theoretically, allow a permitted payment stablecoin issuer to offer and sell a payment stablecoin that a digital asset service provider is not permitted to offer or sell, such as a payment stablecoin issued by a foreign payment stablecoin issuer that does not have the technological capability to comply, or will not comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).[25] This interpretation would likewise allow a foreign payment stablecoin issuer to offer and sell a payment stablecoin issued by another issuer that is not compliant with the GENIUS Act. Such an interpretation would facilitate the evasion of section 3's prohibitions and obviate the GENIUS Act's otherwise clear boundaries ensuring that payment stablecoins offered and sold to persons in the United States comply with the Act's requirements.

Question 6: Does Treasury's determination that all persons that, for compensation or profit, engage in the business in the United States of issuing payment stablecoins constitute digital asset service providers reflect the best reading of the statute? Assuming payment stablecoin issuers can also be digital asset service providers, is additional clarity needed with respect to how any of section 3's prohibitions regarding the offer or sale of payment stablecoins apply to payment stablecoin issuers? Are there certain digital asset service provider restrictions that should not apply to payment stablecoin issuers, and if so, should it depend on whether the issuers are registered or unregistered under the Act? By contrast, if issuers of payment stablecoins and digital asset service providers are mutually exclusive categories, what changes would be necessary to the proposal to clarify the application of section 3?

Question 7: Should any additional clarification (beyond the one clarification proposed) be provided on the statutory definition of the term ''digital asset service provider''?

Issue. The term ''issue'' is not defined in the Act. Proposed § 1523.1(c) defines ''issue'' to mean, except as required by a lawful order, the first transfer of a payment stablecoin by the issuer, whether directly or indirectly, including by crediting an account, that results or will result in a person other than the issuer having the right to use or transfer the payment stablecoin or to have the payment stablecoin converted, redeemed, or repurchased.

Because the term ''issue'' is not defined in the Act, in order to implement the limitation on payment

[24] *Compare* section 2(7) of the Act (12 U.S.C. 5901(7)) (defining ''digital asset service provider'' without carving out issuers of payment stablecoins) *with* section 2(12) of the Act (12 U.S.C. 5901(12)) (defining ''foreign payment stablecoin issuer'' and clearly noting that a permitted payment stablecoin issuer is not a foreign payment stablecoin issuer).

[25] *See* section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)).

stablecoin issuance in section 3(a) (12 U.S.C. 5902(a)), it is necessary for Treasury to determine when in the process of creating a new payment stablecoin the payment stablecoin should be considered to have been issued.[26] The proposed definition contains several elements designed to ensure that the definition captures the appropriate payment stablecoin activities consistent with the text and purposes of the Act. The proposed definition also contains an exception to allow for compliance with a lawful order notwithstanding proposed § 1523.2.[27]

First, the proposed definition focuses on the *first transfer* of the payment stablecoin by the issuer. This element is consistent with the plain meaning of ''issue'' [28] as well as existing definitions of ''issue'' for other financial instruments.[29] A consequence of this element is that a digital asset that has been minted but is held in the issuer's treasury would not be considered to have been issued as a payment stablecoin because the digital asset has not yet been transferred to a third party.[30] However, the direct minting of a payment stablecoin to a holder's wallet would be considered a first transfer of the payment stablecoin.

Second, the proposed definition clarifies that the first transfer of the payment stablecoin may be effected *directly or indirectly* by the issuer. This element is intended to address situations where the first transfer of the payment stablecoin is effected by the issuer through an agent or intermediary acting on behalf of the issuer, such as an underwriter or distributor.

Third, the proposed definition clarifies that the transfer of a payment stablecoin includes the *crediting of an account.* This element is intended to address situations where rights associated with the payment stablecoin have been transferred to a person other than the issuer, but the payment stablecoin remains in the issuer's wallet, for example, because the issuer also serves as custodian. In this situation, even though the payment stablecoin has not transferred to a different wallet address, Treasury believes that an issuance has occurred.

Fourth, the first transfer of the payment stablecoin by the issuer must result or will result in a person other than the issuer having the right to use or transfer the payment stablecoin or to have the payment stablecoin converted, redeemed, or repurchased. This element reflects the key features that make a digital asset a payment stablecoin as defined in the Act: its usability as a means of payment or settlement and its convertibility into a fixed amount of monetary value.[31] As such, in defining when a payment stablecoin is considered to have been issued, Treasury believes that it is appropriate to focus on the transaction that gives rise to these key features of a payment stablecoin.[32] Further, existing definitions of ''issue'' include similar language focused on the vesting of rights in a third party.[33]

Treasury proposes to include the phrase ''will result'' in this fourth element to make clear that the issuance of a payment stablecoin need not result in a right to use or transfer the payment stablecoin immediately, or a right to have the payment stablecoin converted, redeemed, or repurchased immediately. Treasury considered that an issuer may, by smart contract or otherwise, limit the holder of a digital asset purporting to be a payment stablecoin from redeeming or further transferring the payment stablecoin until some future time (such as a purported payment stablecoin that may not be redeemed until 6 months after issuance). In such a case, during the lockout period, the purported payment stablecoin could potentially be viewed as not having been issued because the issuer does not have an obligation at present to convert, redeem, or repurchase the purported payment stablecoin on demand or the holder of the payment stablecoin does not have the right to use or further transfer it. However, Treasury believes that such an interpretation is not compelled by section 2(22) or section 3(a) of the Act (12 U.S.C. 5901(22), 5902(a)) and would facilitate evasion of section 3(a). Instead, for example, Treasury believes that a purported payment stablecoin which the issuer is obligated to convert, redeem, or repurchase for a third party at some future time should, during the non-redemption period, be considered a payment stablecoin that has been issued.

Another aspect of the fourth element of the definition of ''issue'' is that it does not require that the transferee be the person who has the right to use, transfer, or redeem the payment stablecoin. For example, Treasury considered that the issuer may transfer the payment stablecoin to a custodian, but it is the custodian's customer who has the right to use, transfer, or redeem the payment stablecoin. In this case, Treasury believes that the payment stablecoin has been issued, notwithstanding the fact that the transferee does not have the right to use, transfer, or redeem the payment stablecoin. Additionally, Treasury is aware that some payment stablecoins may be, as a technical matter, redeemable only by certain persons (such as intermediaries in contractual privity with the issuer), rather than by each individual holder of the payment stablecoin. The proposed fourth element of the definition of ''issue'' would ensure that these payment stablecoins are considered to have been issued even though a person other than the holder has the right to redeem the payment stablecoin.

The proposed definition of ''issue'' contains the phrase ''except as required

[26] For a description of how payment stablecoins are created, *see Strengthening American Leadership in Digital Financial Technology* at 90 (July 2025), *https://www.whitehouse.gov/wp-content/uploads/2025/07/Digital-Assets-Report-EO14178.pdf.*

[27] The Act calls for compliance with lawful orders in various provisions. *See, e.g.,* sections 3(b)(2), 4(a)(6), and 8 of the Act (12 U.S.C. 5902(b)(2), 5903(a)(6), and 5907). Treasury's proposed regulatory provisions accordingly seek to implement the language provided in the GENIUS Act regarding lawful orders.

[28] *See* Black's Law Dictionary, ''Issue'' (12th ed., 2024) (''to be put forth officially,'' ''to send out or distribute officially''); Merriam-Webster Online (''to put forth or distribute usually officially,'' ''to send out for sale or circulation'').

[29] *See* UCC § 3–105(a) (defining ''issue'' to mean ''the first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person''); *id.* at § 1–201(b)(15) (defining delivery, with respect to an instrument, as ''voluntary transfer of possession''). Treasury believes that reference to negotiable instruments under Article 3 of the Uniform Commercial Code (UCC) is a helpful analogy because such instruments share certain characteristics with payment stablecoins—namely that they are, or are designed to be, used as a means of payment or settlement. Treasury further believes that concepts of transfer with respect to controllable electronic records under Article 12 of the UCC also serve as helpful analogies. *See, e.g.,* UCC § 12–104(d) (''A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer . . .''); *id.* at § 12–105(a) (providing that a person has control over a record if it, among other things, gives the person exclusive power to ''transfer control of the electronic record to another person''). However, Treasury does not take a position in this proposal on appropriate treatment under the UCC of any transactions involving payment stablecoins, either before or after the effective date of the Act.

[30] Treasury notes that the OCC proposed to define ''outstanding issuance value'' to exclude payment stablecoins held in the issuer's treasury. *See* 91 FR 10202, 10208 (Mar. 2, 2026).

[31] *See* section 2(22) of the Act (12 U.S.C. 5901(22)) (defining ''payment stablecoin'' as a digital asset that, among other things, is, or is designed to be, used as a means of payment or settlement, and the issuer of which is obligated to convert, redeem, or repurchase for a fixed amount of monetary value).

[32] Treasury notes that the OCC similarly concluded that the concept of issuance should be understood consistent with the defined term ''payment stablecoin.'' *See* 91 FR 10202, 10208 (Mar. 2, 2026) (discussing ''outstanding issuance value'').

[33] In particular, under Article 3 of the UCC, a negotiable instrument is not issued unless the first delivery is ''for the purpose of giving rights on the instrument to any person.'' *See* UCC § 3–105(a).

by a lawful order'' to allow for compliance with a lawful order notwithstanding proposed § 1523.2.

The proposed definition of ''issue'' contains one additional clarification: For the avoidance of doubt, after a payment stablecoin has been converted, redeemed, repurchased, or otherwise reacquired by the issuer, the first subsequent transfer of the payment stablecoin by the issuer that otherwise satisfies the proposed definition is considered a new issuance, whether or not the transfer is characterized as a reissuance, except as required by a lawful order. This is the case whether or not the issuer burns the digital asset or holds it on its books. Treasury believes this understanding of reissuance is appropriate, administrable, and consistent with the Act because, although the digital asset may continue to exist following the redemption or transfer back to the issuer, the issuer no longer has an obligation to a third party to convert, redeem, or repurchase the payment stablecoin. However, the subsequent transfer of the payment stablecoin to a person other than the issuer would have the economic effect of a new issuance, in that a third party would newly have the right to use or transfer the payment stablecoin, or to have the payment stablecoin converted, redeemed, or repurchased. Finally, recognizing that the terms of a lawful order requiring seizing, freezing, burning, or preventing the transfer of a payment stablecoin may additionally require reissuance of the payment stablecoin, the last clause of the clarification makes clear that issuers may reissue a payment stablecoin to comply with a lawful order notwithstanding proposed § 1523.2.

As discussed in section II.H below, Treasury is proposing to include in Appendix A several interpretations of proposed Part 1523. Some of the proposed interpretations relate to when a payment stablecoin is considered to be issued.

Question 8: Is the proposed definition of ''issue'' appropriate and clear as to the point in time at which an issuance occurs? Should a payment stablecoin be considered to have been issued earlier or later in the process of creating a payment stablecoin?

Question 9: Should a payment stablecoin that is minted and exists on the public blockchain be considered issued even where the issuer holds the payment stablecoin in its treasury?

Question 10: Is the phrase ''first transfer'' sufficiently clear in the context of payment stablecoin issuance? Should the definition incorporate other existing concepts relating to transfer, such as transfer of control or transfer of possession under the UCC?

Question 11: Should a payment stablecoin that a third party has purchased be considered issued upon offer or sale, even though it has not yet been transferred to the third party (or potentially even minted)?

Question 12: What additional clarification would be useful regarding when a payment stablecoin is transferred ''indirectly'' by an issuer? Should Treasury clarify that this would cover, for example, transfers that occur automatically through smart contracts or other mechanisms?

Question 13: How should purported restrictions on the class of holders eligible to redeem the payment stablecoin, or the time or manner in which they can do so, be considered when determining whether a payment stablecoin has been issued? For example, should a payment stablecoin be considered issued if there is no obligation at present to redeem the payment stablecoin, but there is an obligation to redeem it in the future? Should it matter whether the obligation to redeem the payment stablecoin in the future is known with certainty (e.g., the payment stablecoin can be redeemed starting six months after issuance), or whether the existence of the obligation to redeem the payment stablecoin in the future is dependent on an uncertain trigger event or condition (e.g., the payment stablecoin can be redeemed only if a particular trigger occurs)?

Question 14: How should a payment stablecoin that has been redeemed or is otherwise transferred back to the issuer be viewed? If the payment stablecoin is held by the issuer (rather than being burned) for a time and is thereafter transferred to a third party, should that constitute a new issuance or only a new offer or sale?

Question 15: Which types of activity by an issuer, or by a person acting on behalf of an issuer, including activity that could be considered to be secondary market activity, should be treated as an issuance, and which should not? Should the analysis differ for issuer buybacks and resales, market-making activity, transfers of redeemed or reacquired stablecoins, or recovered or seized tokens?

Question 16: Should an increase in the aggregate amount of payment stablecoins outstanding be a necessary condition for an activity to constitute an issuance? Are there circumstances in which the aggregate amount outstanding does not increase, but the activity should nevertheless be treated as an issuance, such as certain chain migrations, burning of tokens, wrapped-token arrangements, or transfers of previously redeemed or reacquired stablecoins?

Question 17: Under what circumstances should internal transfers, custody movements, treasury-management activity, or other activity by or on behalf of an issuer be treated as an issuance? How should the definition apply to transfers among issuer-controlled wallets, transfers to custodians or agents acting solely for the issuer, transfers to affiliates, transfers to omnibus accounts, or transfers to exchanges, market makers, liquidity providers, or other intermediaries that may later make the payment stablecoin available to third parties?

Question 18: How should the theft of a payment stablecoin from the issuer or the unintended transfer of a payment stablecoin to a third party by the issuer be viewed? What about a transfer in the absence of a sale (e.g., an airdrop)? Should the payment stablecoins in these examples be considered to have been issued?

Question 19: Under what circumstances, if any, should the transfer or movement of a payment stablecoin from one blockchain network to another, including through a bridge or similar cross-chain mechanism, be treated as an issuance? Should the treatment depend on the technical structure of the bridging arrangement, including whether the arrangement uses a lock-and-mint, burn-and-mint, liquidity-pool, issuer-operated bridge, third-party bridge, or other mechanism?

Question 20: Under what circumstances, if any, should a bridge provider, bridge operator, custodian, or other intermediary involved in cross-chain transfers be treated as an issuer of a payment stablecoin? What factors should be relevant to that determination, including control over minting or burning, control over reserve assets, redemption obligations, contractual rights, or the ability to create or retire tokenized claims?

Question 21: Under what circumstances should the creation, minting, distribution, or transfer of a wrapped version of a payment stablecoin, a bridged representation of a payment stablecoin, a deposit receipt, or another tokenized claim referencing a payment stablecoin be treated as a new issuance? Should the analysis depend on the economic or legal rights embedded in the wrapped token, receipt token, or other instrument, including rights to use, transfer, redeem, convert, or obtain the underlying payment stablecoin or related reserve value?

Question 22: Is it clear from the definition of ''issue'' that an issuer directly minting a payment stablecoin into a holder's account is considered an issuance? If not, how could that be made more clear?

Issuer. Although the Act defines terms such as ''permitted payment stablecoin issuer'' and ''foreign payment stablecoin issuer,'' the term ''issuer'' itself is not defined in the Act. Proposed § 1523.1(c) would define ''issuer'' of a particular payment stablecoin to mean a person who (i) is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value, and (ii) represents that the person will maintain, or creates the reasonable expectation that the person will maintain, a stable value relative to the value of a fixed amount of monetary value.

Treasury believes that a definition of ''issuer'' is necessary because both the Act and the proposal refer to the ''issuer'' of a payment stablecoin in several instances. For example, the Act's definition of ''payment stablecoin'' refers to the issuer,[34] and Treasury's proposed definition of ''issue'' requires a transfer to a person other than the issuer. More generally, Treasury believes that there may be situations where the creation and distribution of a payment stablecoin involves multiple parties, such as in white label arrangements, and a definition of ''issuer'' would be useful to clarify each party's obligations and facilitate compliance with the Act.

The proposed definition of ''issuer'' incorporates two elements, both of which derive from the statutory definition of ''payment stablecoin'': the issuer is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value, and the issuer represents that such issuer will maintain, or creates the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value. As described above with respect to the definition of ''issue,'' Treasury interprets the obligation to convert, redeem, or repurchase the payment stablecoin broadly—imposing a lockout period or placing other conditions on redemption will not prevent a person from being considered the ''issuer'' of a particular payment stablecoin if the conditions for being an issuer are otherwise satisfied.

Treasury believes that relying on these core statutory functions of the issuer relating to the payment stablecoin appropriately identifies the issuer. Other persons who participate in the issuance (*e.g.,* by performing technical functions to effectuate minting of the payment stablecoin, or by providing their branding in a white label arrangement) but do not carry out the functions identified in the statute would not be considered an issuer of the payment stablecoin for purposes of proposed Part 1523 but may still be subject to criminal penalties if they knowingly participate in an unlawful issuance, as described further in the discussion around proposed § 1523.2(d).

Question 23: Is the proposed definition of ''issuer'' appropriate and clear? Is a definition of ''issuer'' necessary at all? Should either of the proposed prongs be sufficient? For example, should having a redemption obligation be independently sufficient to be treated as an issuer, without inquiry into representations or expectations regarding maintaining a stable value, or vice versa? Should the definition of ''issuer'' also include a prong related to the minting or creation of the payment stablecoin? If so, how should the definition account for an issuer that contracts out the technical work of minting the payment stablecoin to a third party?

Question 24: Are there situations in which the two activities that define ''issuer'' under the proposal are conducted by different persons? In those cases, who should be viewed as the issuer of the payment stablecoin? Is there a risk of evasion if activities are split among persons to attempt to avoid any one of them being considered the issuer? What about a corporate structure where a single subsidiary or affiliate has the legal obligation to redeem the payment stablecoins, but the issuance activities are otherwise carried out in a separate public-facing entity?

Question 25: Can there be more than one issuer of a payment stablecoin? For example, if a parent entity functionally takes all steps to issue the payment stablecoin but the obligation is legally recorded as a liability of a subsidiary or affiliate, is only the subsidiary or affiliate considered the issuer, or has the parent also issued a payment stablecoin? Similarly, in a white label arrangement, should a person providing its branding for the payment stablecoin be considered an issuer? Does that answer change if the parent, person providing its branding, or another person has a joint or secondary obligation (e.g., through a guarantee) to redeem or repurchase the payment stablecoin (e.g., in the event that the original obligee fails to redeem or repurchase)? Is it better to treat the parent, person providing its branding, or other person as ''participating'' in the issuance in accordance with proposed § 1523.2(d) below, rather than as an issuer of the payment stablecoin?

Located in the United States. Section 3 of the Act (12 U.S.C. 5902) refers to a person ''located in the United States'' but does not define the phrase.[35] In other instances, section 3 refers to persons located or activities conducted ''in the United States,'' but this phrase is similarly undefined.[36] As described below in connection with proposed § 1523.2 and § 1523.3, Treasury has interpreted these phrases in section 3 of the Act (12 U.S.C. 5902) consistently as referring to persons ''located in the United States.''

Proposed § 1523.1(c) would define ''located in the United States'' separately with respect to individuals and entities. With respect to an individual, ''located in the United States'' would mean the individual is physically present in the United States, unless the individual is not a resident of the United States and the individual's physical presence in the United States is merely temporary. The proposed definition thus generally turns on the individual's physical presence on U.S. soil,[37] but carves out temporarily present non-residents. Treasury considered an alternative approach in which all individuals who are physically present in the United States are regarded as ''located in the United States,'' but concluded that such an approach is not compelled by the Act and could create significant administrability concerns and punitive results. For example, consider a non-U.S. resident who is issued a payment stablecoin by a foreign payment stablecoin issuer while temporarily on vacation in the United States, even if the individual has a longstanding relationship with the foreign payment stablecoin issuer, and even if the foreign payment stablecoin issuer has previously verified the foreign residency of the individual and was not aware of the individual's temporary travel plans to the United States. In this case,

[34] *See* section 2(22) of the Act (12 U.S.C. 5901(22)).

[35] *E.g.,* section 3(e) of the Act (12 U.S.C. 5902(e)) (stating that section 3 is intended to have extraterritorial effect if conduct involves the offer or sale of a payment stablecoin ''to a person located in the United States'').

[36] *E.g.,* section 3(a) of the Act (12 U.S.C. 5902(a)) (prohibiting the issuance of certain payment stablecoins ''in the United States''); section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) (prohibiting digital asset service providers from offering or selling certain payment stablecoins ''to a person in the United States'').

[37] *See* Black's Law Dictionary, ''Location'' (12th ed. 2024) (''the specific place or position of a person or thing'').

Treasury does not believe it would be reasonable to subject the foreign payment stablecoin issuer to all requirements relating to dealings with persons located in the United States and potential associated penalties, and the Act does not clearly require this result.

Conversely, the proposed definition of ''located in the United States'' would exclude U.S. residents who are not physically present in the United States, such as a U.S. resident who is temporarily abroad. Treasury does not believe that the limitation in section 3(a) of the Act (12 U.S.C. 5902(a)) on issuing a payment stablecoin ''in the United States'' was intended to capture, for example, a foreign payment stablecoin issuer who issues a payment stablecoin to a U.S. resident temporarily traveling abroad on vacation. Application of Part 1523 to U.S. residents abroad would also risk frustrating particular goals of the Act, such as to promote payment stablecoins as payment instruments and establish reciprocal arrangements with foreign jurisdictions, while providing an appropriately tailored regime to mitigate potential illicit finance threats. At the outer extreme, a U.S. resident traveling temporarily in a foreign country where payment stablecoins were routinely used as payment instruments would be unable to purchase a limited amount of payment stablecoins used in that country to engage in ordinary transactions within the country.

With respect to a partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, proposed § 1523.1(c) would define ''located in the United States'' to mean that the entity (i) is organized or incorporated under the laws of the United States or a State, or (ii) has its principal place of business in the United States. This disjunctive definition comports with traditional notions of corporate domicile,[38] and Treasury believes that this traditional definition is appropriate in the context of the Act.

As discussed in section II.H below, Treasury is proposing to include in Appendix A several interpretations of proposed Part 1523. Some of the proposed interpretations relate to when a person is considered to be located in the United States.

Question 26: Is the proposed definition of ''located in the United States'' appropriate and clear? Is the proposed definition underinclusive of persons who should properly be considered located in the United States? Is the proposed definition overinclusive of persons who should not properly be considered located in the United States?

Question 27: Should Treasury prescribe standards for what constitutes residence in the United States or temporary presence in the United States?

Question 28: Does Treasury's proposed definition of ''located in United States'' present substantial operational challenges for issuers or risk of evasion by persons to whom tokens are issued? What considerations and capabilities should Treasury take into account to address such challenges and risks?

Question 29: Should Treasury prescribe standards for what constitutes an entity's principal place of business for purposes of determining its corporate domicile? Should Treasury consider alternatives to what it means to be ''located in the United States'' for corporate entities, such as where an entity does substantial business? Are all entities, incorporated or unincorporated, that may be issuers of payment stablecoins sufficiently captured by this definition?

Offer. Proposed § 1523.1(c) would define ''offer'' by cross-reference to section 2(21) of the Act (12 U.S.C. 5901(21)), with the additional clarification that the term includes making available for purchase, sale, or exchange a payment stablecoin that has not yet been issued. Treasury believes that the plain meaning of ''offer'' includes presales of payment stablecoins that have not yet been issued, and that making this interpretation explicit in proposed § 1523.1(c) would promote clarity and facilitate compliance with the Act's requirements related to offers and sales of payment stablecoins.

Question 30: Should the term ''offer'' be defined to expressly state that presales of payment stablecoins that have not yet been issued constitute offers of payment stablecoins?

United States. The term ''United States'' is not defined in the GENIUS Act. Proposed § 1523.1(c) would define ''United States'' to mean each of the several States (defined in the Act to include the District of Columbia and each territory of the United States), the Indian lands (as that term is defined in the Indian Gaming Regulatory Act), and the Insular Possessions of the United States.[39] Together with the statutory definition of ''State,'' Treasury intends the proposed definition of ''United States'' to include the full territory subject to U.S. jurisdiction.

Question 31: Is the proposed definition of ''United States'' (together with the statutory definition of ''State'') clear? Is the proposed definition underinclusive of geographies that should properly be considered part of the United States for purposes of Part 1523? Is the proposed definition overinclusive of geographies that should not properly be considered part of the United States for purposes of Part 1523?

Question 32: Are there any additional statutory or non-statutory terms that should be defined in Part 1523?

D. Payment Stablecoin Issuance (Proposed § 1523.2)

Proposed § 1523.2 implements the limitation in section 3(a) of the Act (12 U.S.C. 5902(a)) on payment stablecoin issuance in the United States. Proposed paragraph (a) codifies the statutory limitation with certain clarifications. Proposed paragraph (b) clarifies when a person will be considered to have issued a payment stablecoin in the United States. Proposed paragraph (c) clarifies when a person will be considered to not have issued a payment stablecoin in the United States. Finally, proposed paragraph (d) clarifies when a person has participated in a violation of section 3(a) of the Act (12 U.S.C. 5902(a)) for purposes of the penalty imposed by section 3(f) of the Act (12 U.S.C. 5902(f)).

1. Limitation on Payment Stablecoin Issuance in the United States (Proposed § 1523.2(a))

Section 3(a) of the Act (12 U.S.C. 5902(a)) generally provides that it shall be unlawful for any person other than a permitted payment stablecoin issuer to issue a payment stablecoin in the United States. Proposed § 1523.2(a) implements this provision and provides that, except in accordance with the exemptions and safe harbors in proposed § 1523.4, it shall be unlawful for any person to issue a payment stablecoin in the United States unless the person is a permitted payment stablecoin issuer, or a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).

[38] *See* Black's Law Dictionary, ''Domicile'' (12th ed. 2024) (stating that ''the legal home of a corporation'' is usually ''its state of incorporation or the state in which it maintains its principal place of business,'' and noting that for determining whether diversity jurisdiction exists in federal court, ''a corporation is considered a citizen of both its state of incorporation and the state of its principal place of business'').

[39] The proposed definition is based on the definition of ''United States'' in 31 CFR 1010.100(hhh), except that the reference to U.S. territories has been removed because the statutory definition of ''State'' already includes U.S. territories.

The text of proposed § 1523.2(a) differs from the text of section 3(a) of the Act (12 U.S.C. 5902(a)) in two key ways. First, the inclusion of the qualifying language ''[e]xcept in accordance with § 1523.4'' makes clear from the outset that certain exemptions and safe harbors may apply. These exemptions and safe harbors are addressed in proposed § 1523.4.

Second, while the text of section 3(a) (12 U.S.C. 5902(a)) only expressly contemplates issuance of payment stablecoins in the United States by permitted payment stablecoin issuers, proposed § 1523.2(a) additionally states that foreign payment stablecoin issuers that meet the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) may lawfully issue payment stablecoins in the United States.

Treasury believes that the best reading of the Act, considered as a whole, is that foreign payment stablecoin issuers that meet the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) may issue payment stablecoins in the United States. This conclusion is principally based on two key provisions of the statute. First, section 18(a) of the Act (12 U.S.C. 5916(a)) provides that the ''prohibitions under section 3'' shall not apply to a foreign payment stablecoin issuer meeting certain criteria. Treasury believes that the plain meaning of this phrase is that the prohibition in section 3(a) of the Act (12 U.S.C. 5902(a)) shall not apply to a foreign payment stablecoin issuer meeting the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).[40]

Second, section 4(a)(12)(C) of the Act (12 U.S.C. 5903(a)(12)(C)) expressly states that certain companies not domiciled in the United States or its Territories may not issue payment stablecoins without the approval of the Stablecoin Certification Review Committee (SCRC). This section of the statute would be in direct tension with section 3 if foreign payment stablecoin issuers were outright prohibited from issuing payment stablecoins in the United States.

Treasury further believes that practical considerations reinforce the conclusion, based on the text of the statute, that foreign payment stablecoin issuers that meet the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) may issue payment stablecoins in the United States. The Act clearly contemplates secondary market transactions in the United States involving payment stablecoins issued by foreign payment stablecoin issuers.[41] Thus, construing the Act as prohibiting direct issuance of payment stablecoins in the United States by foreign payment stablecoin issuers would require extra steps before these payment stablecoins are made available in U.S. markets.[42] Treasury believes that these extra steps would create inefficiencies, potentially obscure from U.S. regulators certain key steps in the creation of payment stablecoins intended for persons located in the United States, and may create an unintended uneven playing field as between permitted payment stablecoin issuers and foreign payment stablecoin issuers that meet the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) that ultimately discourages payment stablecoin and broader digital asset innovation in the United States relative to foreign countries. Treasury believes this result would be inconsistent with the purposes of the Act and does not reflect the best reading of the Act.[43]

Treasury notes that proposed § 1523.2(a) addresses generally which categories of persons may issue a payment stablecoin in the United States and does not exhaustively list all potentially applicable prerequisites to issuing payment stablecoins in the United States. For example, a permitted payment stablecoin issuer or a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) may need to obtain the approval of the SCRC prior to issuing a payment stablecoin pursuant to section 4(a)(12) of the Act (12 U.S.C. 5903(a)(12)).[44]

Question 33: Does Treasury's interpretation that foreign payment stablecoin issuers that meet the criteria set out in section 18(a) may issue payment stablecoins in the United States reflect the best reading of the Act? What would be the practical effects if foreign payment stablecoin issuers were instead permitted to offer and sell payment stablecoins to persons in the United States but not issue payment stablecoins in the United States?

Question 34: Should § 1523.2(a) address generally which categories of persons may issue a payment stablecoin in the United States (as proposed), or should it list some or all potentially applicable prerequisites to issuing payment stablecoins in the United States (such as the need to obtain the approval of the SCRC pursuant to section 4(a)(12) (12 U.S.C. 5903(a)(12)))?

2. Issuance in the United States (Proposed § 1523.2(b))

The Act does not define when a person has issued a payment stablecoin ''in the United States.'' Proposed § 1523.2(b) provides that a person will be considered to have issued a payment stablecoin in the United States only if, at the time of issuance, the person is located in the United States, or the person issues the payment stablecoin to a person located in the United States.

Treasury first determined that a standard based on the location of the parties to the transaction is consistent with the text of the Act and would be administrable and promote clarity and compliance with the requirements of the Act. In particular, the proposed approach would be simpler for all payment stablecoin market participants to understand, relative to other approaches that considered, for example, a broader conception of U.S. nexus, and thus better facilitate compliance with the requirements of the Act, especially in light of criminal penalties associated with violations of section 3(a) (12 U.S.C. 5902(a)).[45]

[40] Treasury acknowledges that the heading of section 3(a) of the Act (12 U.S.C. 5902(a)) refers to this paragraph as a ''limitation'' rather than a ''prohibition'' (unlike section 3(b) of the Act (12 U.S.C. 5902(b))). However, Treasury does not believe that paragraph headings are determinative. The limitation in section 3(a) is, in substance, a prohibition on issuance of payment stablecoins in the United States by persons not authorized to do so, and is therefore among the prohibitions referenced in section 18(a) of the Act (12 U.S.C. 5916(a)).

[41] *See, e.g.,* section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) and section 18(c)(1)(A) of the Act (12 U.S.C. 5916(c)(1)(A)).

[42] Specifically, a foreign payment stablecoin issuer would need to issue the payment stablecoin to a person not located in the United States, such as a foreign exchange, which in turn would need to then act as a digital asset service provider to offer or sell the payment stablecoins to persons in the United States or transfer the payment stablecoin to a digital asset service provider to do so.

[43] Treasury also considered, in the alternative, whether the Act contemplates that payment stablecoins issued by foreign payment stablecoin issuers would only be traded on the secondary market in the United States, rather than being directly issued in the United States. *See, e.g.,* section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) (expressly focusing on the offer and sale of such stablecoins); section 18(c)(1)(A) of the Act (12 U.S.C. 5916(c)(1)(A)) (providing that a foreign payment stablecoin issuer may offer or sell payment stablecoins using a digital asset service provider if certain requirements are met). However, Treasury believes that these other isolated references cannot overcome the plain text reading of section 18(a) of the Act (12 U.S.C. 5916(a)), as described above.

[44] Treasury expects that the Stablecoin Certification Review Committee will issue separate regulations or guidance to implement section 4(a)(12) of the Act (12 U.S.C. 5903(a)(12)).

[45] Unlike other Federal financial regulatory frameworks, such as Federal securities law frameworks or Federal banking law frameworks, which have existed for decades, the Federal payment stablecoin framework has not yet even become effective. Treasury believes that adopting regulations that clarify the criminal penalties associated with participations in issuances in violation of section 3(a) of the Act (12 U.S.C. 5902(a)) as provided in section 3(f) of the Act (12 U.S.C. 5902(f)) should be set forth as simply as practicable. Treasury further believes this approach

Similarly, the proposed approach would be more administrable for Treasury and other implementing agencies.

Treasury next considered whether issuance in the United States should be determined based on the location of the issuer or based on the location of the third party to which the payment stablecoin has been issued.[46] In the former case, a payment stablecoin would be considered issued in the United States if the issuer is located in the United States, even if the third party to which the payment stablecoin has been issued is located abroad. In the latter case, a payment stablecoin would be considered issued in the United States if the third party is located in the United States, even if the issuer is located abroad.

Various provisions of the Act suggest that Congress was concerned with *both* the issuance of payment stablecoins to persons located in the United States *and* the issuance of payment stablecoins by issuers located in the United States.[47] However, Treasury believes that the Act does not evidence any intent to capture issuances where neither the issuer *nor* the recipient of the payment stablecoin is located in the United States. Extending the reach of part 1523 to such issuances could raise questions about the extraterritorial application of the Act.

As discussed in section II.H below, Treasury is proposing to include in Appendix A several interpretations of proposed Part 1523. Some of the proposed interpretations relate to when a payment stablecoin is considered to be issued in the United States.

Question 35: Should issuance in the United States be determined based on the location of the parties to the transaction? Alternatively, should Treasury consider other, broader measures of nexus to the United States during the issuance process, such as the use of U.S. financial institutions, payment rails, or other infrastructure?

Question 36: Is the proposed standard for when a payment stablecoin is considered to have been issued in the United States appropriate? For example, should the location of a payment stablecoin issuance be determined based solely on the location of the issuer, or based solely on the location of the third party to which the payment stablecoin has been issued?

Question 37: Are there other situations covered by proposed § 1523.2 for which Treasury should also not deem an issuance in the United States to have occurred in furtherance of the purposes of this Act? For example, should issuances resulting from certain types of reverse solicitations involving payment stablecoins issued by foreign payment stablecoin issuers not be deemed to violate the prohibition?

3. Activities Deemed Not To Be Issuance in the United States (Proposed § 1523.2(c))

Whereas proposed § 1523.2(b) is intended to provide clarity about what constitutes payment stablecoin issuance in the United States for purposes of section 3(a) of the Act (12 U.S.C. 5902(a)), proposed § 1523.2(c) describes when a person not located in the United States will be deemed *not* to issue a payment stablecoin in the United States. In this way, proposed § 1523.2(c) is intended to provide clarity and promote compliance with the Act by describing what a foreign issuer must do to avoid any potential liability under section 3(a) of the Act (12 U.S.C. 5902(a)). Significantly, a person that meets the requirements of proposed § 1523.2(c) will be deemed not to have violated section 3(a) of the Act (12 U.S.C. 5902(a)) even if the person's activities would otherwise constitute, for example, the inadvertent issuance of an unregistered payment stablecoin to a person located in the United States.

To benefit from the protection of proposed § 1523.2(c), a person must meet four conditions. First, the person must not be located in the United States as defined in proposed § 1523.1(c). Second, the person must reasonably believe that each person to whom the payment stablecoin is issued is not located in the United States. Treasury acknowledges that what constitutes a reasonable belief may depend on the facts and circumstances. However, Treasury intends this requirement to exclude situations where the issuer knows, has reason to know, or should know, based on the facts and circumstances, including representations of the person to whom the payment stablecoin is issued or other information reasonably accessible to the issuer, that the person is located in the United States.

Third, the issuer must have adopted and implemented policies, procedures, and controls reasonably designed to avoid issuing the payment stablecoin to any person located in the United States. Treasury emphasizes that these policies, procedures, and controls must not only be adopted on paper, but actually implemented in the issuer's operations, in order for the issuer to benefit from proposed § 1523.2(c). In addition, Treasury believes that policies, procedures, and controls cannot be said to be reasonably designed if they are static; rather, Treasury expects issuers to periodically review and update their policies, procedures, and controls as warranted by changing circumstances, such as when the payment stablecoin market matures, technology evolves, the issuer gains experience in issuing payment stablecoins, and in response to discovery of any inadvertent issuance to persons located in the United States.

Finally, the issuer must not engage in advertising or solicitation activities that target, or could be reasonably expected to have the effect of targeting, any person located in the United States. Treasury believes this condition is necessary to avoid a situation where an issuer is not knowingly issuing payment stablecoins to a person located in the United States, but is engaged in activities that could foreseeably have this result.

Proposed § 1523.2(c) reflects certain concepts that are similar to concepts reflected in Regulation S under the Securities Act, including determination of the non-U.S. status of the relevant person and prohibition against U.S.-targeted advertising or solicitation.[48]

comports with the spirit of Executive Order 14294, *Fighting Overcriminalization in Federal Regulations,* 90 FR 20363 (May 14, 2025) (stating that the ''status quo . . . privileges large corporations, which can afford to hire expensive legal teams to navigate complex regulatory schemes and fence out new market entrants, over average Americans'' and that ''[a]gencies promulgating regulations potentially subject to criminal enforcement should explicitly describe the conduct subject to criminal enforcement''). Therefore, in accordance with Executive Order 14294, participating in violations of section 3(a) and the proposed implementing regulations, if finalized, may be subject to criminal penalties with *mens rea* of knowingly as an element pursuant to 12 U.S.C. 5902(f).

[46] Treasury's interpretation of ''located in the United States'' is discussed above in connection with proposed § 1523.1(c).

[47] By contrast, Treasury interprets the Act's offer and sale provisions as squarely focused on protecting U.S. markets. For example, section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) and section 3(e) of the Act (12 U.S.C. 5902(e)) both explicitly refer to the offer or sale of a payment stablecoin ''to a person [located] in the United States.'' *See also* section 4(e)(3) of the Act (12 U.S.C. 5903(e)(3)) (making it unlawful ''to market a product in the United States as a payment stablecoin'' unless issued pursuant to the Act). In comparison, the issuance provision in section 3(a) of the Act (12 U.S.C. 5902(a)) uses broader language (''in the United States'' rather than ''to a person [located] in the United States''), which suggests a broader focus on issuance activities based in the United States, even if the person to whom a payment stablecoin is issued is located abroad. Other provisions of the Act related to issuers, such as section 4(a) of the Act (12 U.S.C. 5903(a))'s standards for permitted payment stablecoin issuers, evince a Congressional concern for issuers of payment stablecoins located in the United States and relying on the U.S. financial system for their operations.

[48] Regulation S clarifies the extraterritorial application of the registration provisions of the

Continued

Proposed § 1523.2(c), however, would operate within the proposed definition of ''located in the United States'' and would not adopt Regulation S's offshore-transaction framework. In particular, proposed § 1523.2(c) would not determine whether an entity acquirer is outside the United States by reference to the location from which an authorized employee or other authorized person originates the relevant transaction instruction.

Question 38: What policies, procedures, or controls should support a reasonable belief that the acquiring person is outside the United States? Should Treasury identify specific controls, such as customer identification and due diligence, account-opening information, geographic access restrictions, device- or network-location checks, contractual representations, transaction monitoring, or other controls? Would this diligence take the form of self-attestations, IP address checking, identification document checking, or something else? If the issuer only directly distributed to a digital asset service provider or other intermediary to make the market or otherwise facilitate the transfer of newly-issued payment stablecoins to the ultimate purchasers, should the issuer's obligations be limited to checking whether the intermediary is located in the United States? Or should the issuer be required or expected to work with the intermediary to confirm whether the ultimate purchasers of newly-issued payment stablecoins are located in the United States? Does a reasonableness standard provide sufficient guidance? Should the policies, procedures, and controls be reviewed and updated on a particular cadence?

4. Participation in Violation of Section 3(a) of the Act (Proposed § 1523.2(d))

Section 3(f) (12 U.S.C. 5902(f)) imposes certain penalties on persons who knowingly participate in a violation of section 3(a) (12 U.S.C. 5902(a)). The Act does not define what it means to participate in a violation of section 3(a)'s limitation on payment stablecoin issuance. To promote clarity on the scope of this penalty provision and prevent evasion of the Act, Treasury is proposing three specific but non-exclusive examples in proposed § 1523.2(d) of when a person would be considered to participate in a violation of section 3(a) in connection with a payment stablecoin issued in violation of section 3(a). These proposed examples do not represent all situations where a person would be considered to participate in a violation of section 3(a), but rather Treasury enumerates these examples to provide a principled framework in implementing regulations with respect to section 3(a).

First, proposed § 1523.2(d)(1) provides that a person would participate in a violation of section 3(a) if, in connection with a payment stablecoin issued in violation of section 3(a), the person incurs an obligation to a third party to convert, redeem, or repurchase a payment stablecoin, including a secondary obligation to convert, redeem, or repurchase on behalf of the original issuer. This example is intended to capture the issuer itself, as well as others who effectively function as a joint issuer or guarantor insofar as they are obligated to redeem a payment stablecoin issued in violation of section 3(a).

Second, proposed § 1523.2(d)(2) provides that a person would participate in a violation of section 3(a) if, in connection with a payment stablecoin issued in violation of section 3(a), the person coordinates with the issuer to facilitate key steps in the issuance, such as soliciting customers or minting the payment stablecoins. This example is intended to capture persons who provide substantial assistance to the issuer in issuing a payment stablecoin in violation of section 3(a), and where such assistance was provided prior to or at the point at which the payment stablecoins are considered issued. For example, in a white label arrangement, the person providing its branding may be considered to facilitate key steps in the issuance process even though such person may not itself be the issuer of the payment stablecoin.

Third, proposed § 1523.2(d)(3) provides that a person would participate in a violation of section 3(a) if, in connection with a payment stablecoin issued in violation of section 3(a), the person acts as a market maker for newly issued payment stablecoins, distributes the newly issued payment stablecoins to purchasers of newly issued payment stablecoins, or otherwise makes the newly issued payment stablecoins available for secondary market trading. This example is intended to capture persons who provide substantial assistance in issuing a payment stablecoin in violation of section 3(a), and where such assistance was provided at or around the point of issuance. Treasury expects, for example, that this would cover a digital asset service provider making an initial listing of an unregistered payment stablecoin shortly after issuance, in effect supporting the mass initial distribution of the unlawful issuance. Treasury generally does not intend for proposed § 1523.2(d)(3) to cover persons who merely purchase a smaller subset of the unlawfully issued payment stablecoins in the issuance for their own use (as opposed to for immediate resale in a dealer capacity), nor is proposed § 1523.2(d)(3) intended to capture secondary market trading activities that do not have a close temporal nexus to the initial issuance. Of course, secondary market trading activities of unregistered payment stablecoins at any time may implicate the prohibitions on offer and sale in section 3(b) of the Act (12 U.S.C. 5902(b)), as described further below.

Treasury emphasizes that the proposed examples are not intended to be exhaustive, and that other persons not covered by these examples may be found to have knowingly participated in a violation of section 3(a).

As discussed in section II.H below, Treasury is proposing to include in Appendix A several interpretations of proposed Part 1523. Some of the proposed interpretations relate to when a person may have participated in a violation of section 3(a) of the Act (12 U.S.C. 5902(a)).

Question 39: Are the proposed examples of when a person would be considered to participate in a violation of section 3(a) appropriate and clear?

Question 40: What additional examples of when a person would be considered to participate in a violation of section 3(a) should Treasury adopt?

Question 41: Should the situations covered by proposed § 1523.2(d) be non-exhaustive examples of participating in an unlawful issuance, or should they be an exhaustive set? What is the value and risk of providing complete certainty of activities that constitute participation versus preserving flexibility to capture participation in unlawful issuances in ways that are unanticipated or structured to evade proposed rule?

Question 42: Are there situations covered by proposed § 1523.2(d) for which Treasury should grant foreign payment stablecoin issuers or related parties relief in furtherance of the purposes of this Act? If so, what would be the appropriate form(s) of such relief?

Securities Act of 1933. It provides generally that any offer or sale of securities that occurs outside the United States is not subject to registration under the Securities Act, and includes two safe harbors for specified transactions. *See* Release No. 33–6863 (April 24, 1990). The safe harbors require that offers and sales of securities occur in offshore transactions (which includes not being made to U.S. persons), and that no directed selling efforts are made in the United States. The term ''offshore transaction'' is defined in Rule 902(c) and the term ''directed selling efforts'' is defined in Rule 902(h) of Regulation S. While proposed part 1523 is similar in certain ways to Regulation S, Treasury does not intend to formally incorporate any portion of that regulation or any interpretations thereof.

Question 43: Should Treasury set requirements, guidance, or safe harbors relating to how a person should determine if it is participating in an unlawful issuance in accordance with proposed § 1523.2(d)? If so, would they be similar to or different from the requirements, guidance, or safe harbors contemplated in the prior question relating to proposed § 1523.2(c)? Should the requirements differ based on whether the participant in the issuance is the issuer itself, a person providing its branding in a white label arrangement, a market maker, a service provider, or something else? Should one participant be permitted to rely on the representations of another participant that the issuance is lawful? Are such requirements, guidance, or safe harbors appropriate and necessary for § 1523.2 or should § 1523.2 focus instead on the factual contours of participating in an issuance to a person located in the United States, and reserve questions of knowledge or due diligence to the determination of a ''knowing'' violation under section 3(f)?

5. Alternative Approaches

In lieu of the proposal discussed above, Treasury is also considering alternative approaches under which proposed § 1523.2 would deem any issuance of a payment stablecoin by a person other than a permitted payment stablecoin issuer or a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) to a person who is located in the United States to be unlawful, regardless of whether the issuer knew or should have known that the recipient was actually located in the United States. Such an alternative would involve narrowing or removing proposed § 1523.2(c). This alternative approach would provide a clear, unambiguous line as to whether payment stablecoins were issued in the United States that depends only on factually verifiable locations of the issuer and the person to whom the payment stablecoins were issued. The lawful or unlawful nature of the issuance, therefore, would not depend on other facts and circumstances, such as the level of due diligence performed by the issuer.

Treasury acknowledges that this outcome may be viewed as overly strict, particularly where the issuer took reasonable steps to ensure that the recipient was not located in the United States and reasonably believed that the recipient was not located in the United States at the time of the issuance. However, under this approach, the due diligence steps that the issuer took or its reasonable belief with respect to the location of the recipient would not be relevant considerations as to whether an issuance has occurred in the United States in the first instance; rather, these factors are most relevant to the question of whether the issuer or another person ''knowingly'' participated in an unlawful issuance, which is a required element for the criminal penalties under section 3(f) of the Act (12 U.S.C. 5902(f)).

As a second alternative, Treasury is considering whether to align proposed § 1523.2 more directly to the territorial concepts reflected in Regulation S under the Securities Act by adopting a broader offshore transaction framework. Under this alternative, for example, the term ''located in the United States'' would not be defined based on an individual or entity's status (*e.g.,* residency or jurisdiction of organization), and a foreign payment stablecoin issuer would be deemed not to issue a payment stablecoin in the United States if (i) the issuance is made in an offshore transaction and (ii) no directed selling efforts are made in the United States by the foreign payment stablecoin issuer or any person acting on its behalf. Proposed § 1523.2(c) similarly incorporates certain Regulation S-like concepts, but it would not adopt Regulation S's offshore-transaction framework nor its specific definitions.

In such an alternative, an offshore transaction could be defined to require that no offer be made to a person in the United States and that, at the time the acquisition request or other transaction instruction is originated, the person acquiring the payment stablecoin is outside the United States, or the foreign payment stablecoin issuer and any person acting on its behalf reasonably believe that the person acquiring the payment stablecoin is outside the United States. Similar to proposed § 1523.2(c), the reasonable belief standard could be supported by reasonably designed, implemented, and maintained policies, procedures, and controls, which may include customer identification and due diligence, account-opening information, geographic access restrictions, device- or network-location tools, contractual representations, transaction monitoring, and other controls reasonably designed to identify whether the person acquiring the payment stablecoin is outside the United States.

Unlike proposed § 1523.2(c), when the person acquiring the payment stablecoin is a legal entity, if an authorized employee places the acquisition request or other transaction instruction while abroad, the requirement that the person acquiring the payment stablecoin be outside the United States would be satisfied, regardless of the place of incorporation or principal place of business of the entity.

As compared to proposed § 1523.2(c), the alternative would more directly incorporate the concept of directed selling efforts from Regulation S, which could be defined as any activity undertaken for the purpose of, or that could reasonably be expected to have the effect of, conditioning the market in the United States for the payment stablecoin. In applying that concept to payment stablecoins, Treasury could consider whether activity is undertaken for the purpose of, or could reasonably be expected to have the effect of, promoting, soliciting, or creating demand in the United States for the payment stablecoin. Such activity could include advertising or solicitation directed at the United States, liquidity incentives directed at U.S. use, merchant-enablement activity in the United States, U.S.-facing wallet or platform integrations, or other ecosystem-development activity intended to facilitate the use or circulation of the payment stablecoin in the United States, even if the formal issuance occurs outside the United States.

While informed by Regulation S concepts, such an approach need not import Regulation S wholesale. For example, Regulation S's category structure, distribution compliance periods, and offering restrictions may not be necessary.

Treasury recognizes that this alternative may better address certain cross-border fact patterns than the proposed approach, which defines when a payment stablecoin has been issued ''in the United States'' based on the location of the issuer and acquirer. For example, a nominally offshore issuance may be structured to place newly issued payment stablecoins into U.S. circulation through an affiliate, distributor, market maker, platform, or other intermediary. Conversely, an issuance may involve a U.S.-organized entity acting through non-U.S. personnel, accounts, and operations for non-U.S. customers, with no U.S.-directed activity. More closely aligning with Regulation S may provide more clarity for certain financial institutions that are already familiar with this well-established framework and have controls designed for it, though it may provide more complexity for payment stablecoin actors that are not already familiar with Regulation S. Treasury requests comment on whether an

offshore-transaction framework would better distinguish between those fact patterns, or whether the proposed approach, including the proposed definition of ''located in the United States'' and proposed § 1523.2(b)–(d), provides greater administrability and certainty.

Treasury also requests comment on whether the alternative frameworks would create undue complexity or increase or decrease evasion risk or risk of flowback of large volumes of payment stablecoins to the U.S. market.

Question 44: Should Treasury adopt the first alternative described above, wherein an issuance is per se unlawful if any payment stablecoins are issued to persons located in the United States, where knowledge and procedures are relevant only for the secondary question of whether criminal penalties may attach?

Question 45: Should Treasury adopt an offshore transaction framework more similar to Regulation S, such as the approach described in the second alternative above, under which a foreign payment stablecoin issuer would be deemed not to issue a payment stablecoin in the United States for purposes of section 3(a) of the Act (12 U.S.C. 5902(a)) if the issuance is made in an offshore transaction and no directed selling efforts are made in the United States by the issuer or any person acting on its behalf?

Question 46: Should any offshore transaction framework apply only to foreign payment stablecoin issuers? Should such a framework replace proposed § 1523.2(b)–(d), supplement proposed § 1523.2(b)–(d), or be structured as a safe harbor under § 1523.4?

Question 47: Should a foreign payment stablecoin issuer be unable to rely on offshore treatment if the issuer or any person acting on its behalf knows that the transaction has been prearranged with a person in the United States?

Question 48: What conduct should Treasury identify as inconsistent with offshore treatment or as evidence of directed selling efforts in the United States? For example, should such conduct include advertising the payment stablecoin as available to persons in the United States, advising persons how to evade location-detection or restriction mechanisms, providing U.S.-directed liquidity incentives, supporting U.S.-facing wallet or platform integrations, or facilitating U.S. merchant acceptance?

Question 49: What conduct should Treasury identify as ordinarily not constituting directed selling efforts standing alone? For example, should such conduct include legally required notices with no promotional content; factual communications to existing holders; processing conversion, redemption, or repurchase requests; ordinary custody or safekeeping; and ordinary technical support?

Question 50: Are there additional concepts, conditions, limitations, interpretations, or exceptions from Regulation S or other areas of law that Treasury should consider incorporating into any offshore transaction framework for payment stablecoin issuance? For example, should Treasury consider a category structure, distribution compliance periods, offering restrictions, purchaser certifications, transfer restrictions, notice or platform-control requirements, special treatment for discretionary accounts or similar accounts held for the benefit or account of non-U.S. persons by others, such as fiduciaries, organizations, or affiliates? Should Treasury also incorporate anti-evasion principles, such as rules for transactions specifically targeted at identifiable groups of U.S. persons abroad, prearranged transactions with persons in the United States, or transactions that are formally offshore but part of a plan or scheme to evade section 3(a) of the Act (12 U.S.C. 5902(a))?

E. Payment Stablecoin Offer and Sale (Proposed § 1523.3)

Proposed § 1523.3 implements the prohibitions in section 3(b) of the Act (12 U.S.C. 5902(b)) on offers and sales of payment stablecoins by digital asset service providers. Proposed paragraphs (a) and (b) codify the statutory prohibitions in sections 3(b)(1) and 3(b)(2) of the Act (12 U.S.C. 5902(b)(1), (2)) with certain clarifications. Proposed paragraph (c) clarifies a digital asset service provider's obligations with respect to a foreign payment stablecoin issuer's compliance with lawful orders and reciprocal arrangements. Proposed paragraph (d) provides examples of activities that constitute an offer or sale of a payment stablecoin to a person in the United States. Proposed paragraph (e) describes when a digital asset service provider will be deemed not to violate the prohibitions in section 3(b) of the Act (12 U.S.C. 5902(b)).

In developing proposed regulations to implement section 3(b) of the Act (12 U.S.C. 5902(b)), Treasury first considered the relationship between the prohibitions in section 3(b)(1) and section 3(b)(2). As a preliminary matter, Treasury notes that the prohibitions in section 3(b)(1) and section 3(b)(2) of the Act (12 U.S.C. 5902(b)(1), (2)) are similar in language, structure and effect: Both prohibitions declare it to be unlawful for a digital asset service provider to engage in certain proscribed activities related to a payment stablecoin, unless the payment stablecoin is issued by a person meeting certain criteria. The most obvious differences between the two prohibitions are the date on which each becomes applicable and the criteria that must be met for a digital asset service provider not to violate each prohibition.

Beyond these obvious differences, there are two more subtle differences between the prohibitions in sections 3(b)(1) and 3(b)(2) of the Act (12 U.S.C. 5902(b)(1), (2)). First, whereas section 3(b)(1) proscribes the ''offer or [sale]'' of certain payment stablecoins, section 3(b)(2) proscribes the ''offer, [sale], or otherwise mak[ing] available'' of certain payment stablecoins. With respect to ''make available,'' Treasury acknowledges that different terms in a statute are ordinarily presumed to have different meanings, in which case, ''make available'' should be understood to refer to a distinct set of activities that are not ''offer'' or ''sale,'' but that general rule is not dispositive.[49] In this case, the Act defines ''offer'' as ''to make available for purchase, sale, or exchange.'' [50] For this reason, Treasury does not believe that the statutory terms ''offer,'' ''sell,'' and ''make available'' are mutually exclusive, and they may significantly overlap. Further, at least for purposes of the proposed rule, Treasury believes that the value of reducing redundancy and promoting clarity to digital asset service providers on the scope of prohibited activities counsels against providing separate and distinct examples of what constitutes the ''mak[ing] available'' of a payment stablecoin, which may create confusion among the legal obligations that apply to digital asset service providers. For this reason, proposed § 1523.3(d) enumerates a single set of activities that, when conducted by a digital asset service provider, would violate either section 3(b)(1) or section 3(b)(2), as applicable. Treasury notes that these

[49] *See, e.g.,* William Eskridge, Interpreting Law (2016) (noting that the presumption against interpreting a provision of a statute in a way that would render other provisions superfluous or redundant ''must give way when offset by other evidence of statutory meaning''); *King* v. *Burwell,* 576 U.S. 473, 491 (2015) (noting with respect to a particular statute that ''rigorous application of the canon does not seem a particularly useful guide to a fair construction of the statute''); *Marx* v. *Gen. Revenue Corp.,* 568 U.S. 371, 385 (2013) (observing that ''[t]he canon against surplusage is not an absolute rule'').

[50] *See* section 2(21) of the Act (12 U.S.C. 5901(21)).

examples are not exhaustive, and that other activities may constitute the offer, sale, or making available of a payment stablecoin.

Second, section 3(b)(1) applies to the offer or sale of certain payment stablecoins ''to a person in the United States,'' but section 3(b)(2) applies to the offer, sale, or otherwise making available ''in the United States'' of certain payment stablecoins. As discussed above, Treasury acknowledges that different terms in a statute are ordinarily presumed to have different meanings. However, Treasury believes that whatever the outer boundaries of this phrase in section 3(b)(2), offering, selling, or otherwise making available a payment stablecoin ''in the United States'' must include offering or selling *to a person located in the United States.* Thus, in this respect, section 3(b)(2) at least includes, if it is not coextensive with, section 3(b)(1). This reading is consistent with section 3(e) of the Act (12 U.S.C. 5902(e)), which provides extraterritorial treatment for conduct involving an offer or sale of a payment stablecoin to a ''person located in the United States.'' As noted above, Treasury believes that the value of promoting clarity and reducing redundancy counsels against an overly complex proposed rule. Accordingly, proposed § 1523.3(b) specifies that the prohibition in section 3(b)(2) extends to offers or sales to persons located in the United States, and all of the examples enumerated in proposed § 1523.3(d) that would violate section 3(b)(1) or section 3(b)(2), as applicable, are activities conducted with respect to persons located in the United States.

Question 51: Does Treasury's interpretation of the relationship between section 3(b)(1) and section 3(b)(2) reflect the best reading of the Act? In particular, does the phrase ''make available'' include activities not already covered by ''offer'' or ''sell,'' and if so, what are specific examples of such activities? Is offering or selling ''in the United States'' meaningfully different from offering or selling ''to a person in the United States''?

1. Offer and Sale Activities On and After July 18, 2028 (Proposed § 1523.3(a))

Section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) provides that, except as provided in section 3(c) (12 U.S.C. 5902(c)) and section 18 (12 U.S.C. 5916), beginning on the date that is three years after the date of enactment of the Act, it shall be unlawful for a digital asset service provider to offer or sell a payment stablecoin to a person in the United States, unless the payment stablecoin is issued by a permitted payment stablecoin issuer. Proposed § 1523.3(a) implements section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) and provides that beginning on July 18, 2028, except in accordance with § 1523.4, it shall be unlawful for a digital asset service provider to offer or sell a payment stablecoin to a person located in the United States unless the payment stablecoin is (i) issued by a permitted payment stablecoin issuer, or (ii) issued by a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).

The text of proposed § 1523.3(a) codifies the substance of section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) without change but Treasury has included certain ministerial clarifications in the regulatory text. First, proposed § 1523.3(a) specifies that the prohibition in section 3(b)(1) becomes applicable on July 18, 2028, which is the date that is three years after the date of enactment of the Act. Second, the inclusion of the qualifying language ''except in accordance with § 1523.4'' makes clear from the outset that certain exemptions and safe harbors may apply. These exemptions and safe harbors are addressed below in connection with proposed § 1523.4. Third, whereas section 3(b)(1) merely cross-references section 18 of the Act (12 U.S.C. 5916) as providing an exemption, proposed § 1523.3(a) more clearly spells out that the prohibition does not apply to a payment stablecoin issued by a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).

2. Offer and Sale of Payment Stablecoins Issued by Foreign Payment Stablecoin Issuers (Proposed § 1523.3(b))

Section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) provides that it shall be unlawful for any digital asset service provider to offer, sell, or otherwise make available in the United States a payment stablecoin issued by a foreign payment stablecoin issuer unless the foreign payment stablecoin issuer has the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916). Proposed § 1523.3(b) implements section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) and provides that, except in accordance with § 1523.4, it shall be unlawful for a digital asset service provider to offer or sell to a person located in the United States, or otherwise offer, sell, or make available in the United States, a payment stablecoin issued by a foreign payment stablecoin issuer unless the foreign payment stablecoin issuer has the technological capability to comply with, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).

The text of proposed § 1523.3(b) differs from the text of section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) in two respects. First, the inclusion of the qualifying language ''except in accordance with § 1523.4'' makes clear from the outset that certain exemptions and safe harbors may apply. These exemptions and safe harbors are addressed below in connection with proposed § 1523.4. Second, proposed § 1523.3(b) makes clear that, as discussed above, the statutory phrase ''offer, sell, or otherwise make available in the United States'' includes offering or selling to a person located in the United States.

Treasury considered whether section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)) is applicable to a payment stablecoin issued by a foreign payment stablecoin issuer meeting the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)). Treasury does not believe that sections 18(a) and 3(b), when read together, were intended to relieve foreign payment stablecoin issuers meeting the criteria in section 18(a) of the Act (12 U.S.C. 5916(a)) of the obligations to comply with lawful orders and reciprocal arrangements, or to authorize the offer or sale of payment stablecoins issued by non-compliant issuers. Instead, Treasury believes that sections 18(a) and 3(b), when read together, relieve foreign payment stablecoin issuers meeting the criteria of section 18(a) of the Act (12 U.S.C. 5916(a)) from the general prohibition on offers and sales of their payment stablecoins, while retaining the obligations to comply with lawful orders and reciprocal arrangements. Treasury notes that these obligations of foreign payment stablecoin issuers arise under or are reinforced by other provisions of the Act, namely section 8(a)(1) of the Act (12 U.S.C. 5907(a)(1)) (regarding lawful orders) and sections 18(a) (12 U.S.C. 5916(a)) and 18(d) of the Act (12 U.S.C. 5916(d)) (regarding reciprocity).

3. Compliance With Lawful Orders and Reciprocal Arrangements (Proposed § 1523.3(c))

As described above, section 3(b)(2) and proposed § 1523.3(b) each refer to limitations on digital asset service providers' ability to offer, sell, or make available in the United States a payment stablecoin issued by a foreign payment

stablecoin issuer. In particular, in order for the payment stablecoin to be lawfully offered, sold, or made available by a digital asset service provider, the foreign payment stablecoin issuer must have the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916). Recognizing the importance of providing clarity to digital asset service providers on how to avoid unlawful offers and sales of payment stablecoins issued by foreign payment stablecoin issuers, proposed § 1523.3(c) clarifies a digital asset service provider's obligations with respect to these requirements. It provides that, for purposes of proposed § 1523.3(b), a digital asset service provider may rely on a representation by a foreign payment stablecoin issuer that the foreign payment stablecoin issuer has the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916), subject to two constraints. First, the digital asset service provider may not rely on such representation unless it conducts reasonable due diligence regarding the representation. Second, the digital asset service provider may not rely on such representation if, based on such due diligence or other information reasonably available to it, the digital asset service provider knows, has reason to know, or should know that the representation is false or that the foreign payment stablecoin issuer does not have the technological capability to comply, or will not comply, with the terms of any lawful order or any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).

In considering the requirements of section 3(b)(2) of the Act (12 U.S.C. 5902(b)(2)), Treasury notes that, as a practical matter, a digital asset service provider may not know, and may not be able to ascertain without prohibitively onerous inquiry, the full extent of a foreign payment stablecoin issuer's technological capabilities to comply with lawful orders and reciprocal arrangements. More significantly, a digital asset service provider can never know with certainty whether a foreign payment stablecoin issuer ''will comply'' at all times in the future with the terms of any lawful order or any reciprocal arrangement. Thus, a strict reading of these provisions of the Act would effectively foreclose the offer or sale by digital asset service providers of payment stablecoins issued by foreign payment stablecoin issuers in all cases because it would be impossible for the digital asset service provider to meet these exacting standards. Treasury believes this strict reading is not compelled by the text of the statute and would frustrate the purpose of the Act, which clearly contemplates the offer or sale by digital asset service providers of payment stablecoins issued by foreign payment stablecoin issuers, at least in some cases.

Instead, Treasury proposes a more practical approach that permits a digital asset service provider to rely in certain circumstances on a foreign payment stablecoin issuer's representation that the foreign payment stablecoin issuer has the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916). To be entitled to rely on such a representation, however, the digital asset service provider must meet two criteria.

First, the digital asset service provider may not rely on a foreign payment stablecoin issuer's representation unless it conducts reasonable due diligence on the foreign payment stablecoin issuer. Treasury acknowledges that what constitutes a reasonable level of due diligence may vary depending on the facts and circumstances. In all cases, however, Treasury expects this due diligence to include confirming that no prohibition on secondary trading pursuant to section 8 of the Act (12 U.S.C. 5907) is in effect with respect to the foreign payment stablecoin issuer. Section 8 of the Act (12 U.S.C. 5907) authorizes the Secretary to designate any foreign payment stablecoin issuer as noncompliant with the requirement that the foreign payment stablecoin issuer has the technological capability to comply and complies with the terms of any lawful order.[51] The Secretary's designation is made public via the process laid out in section 8 of the Act (12 U.S.C. 5907), including publication in the **Federal Register**, along with a prohibition on secondary trading of the foreign payment stablecoin issuer's payment stablecoins in the United States by digital asset service providers.[52]

Treasury considered whether confirming the absence of any prohibition on secondary trading should alone constitute a sufficient level of due diligence on the part of a digital asset service provider. However, other evidence of a foreign payment stablecoin issuer's noncompliance with, for example, a lawful order may be readily available from public or non-public sources accessible to the digital asset service provider, even when no prohibition on secondary trading under section 8 is yet in effect. In such a situation, Treasury believes that a digital asset service provider should not be able to rely on the foreign payment stablecoin issuer's representation. As such, the proposed requirement that a digital asset service provider must conduct reasonable due diligence is intended to go beyond merely confirming that no prohibition on secondary trading is in effect. Rather, the digital asset service provider should consider all reasonably available sources of information regarding the foreign payment stablecoin issuer.

Second, the digital asset service provider may not rely on a foreign payment stablecoin issuer's representation if, based on such due diligence or other information reasonably available to it, the digital asset service provider knows, has reason to know, or should know that the representation is false or that the foreign payment stablecoin issuer does not have the technological capability to comply, or will not comply, with the terms of any lawful order or any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916). Treasury intends this language to include, in addition to actual knowledge of falsity, a situation where the digital asset service provider is aware of facts that would cause a reasonable person to conclude that the foreign payment stablecoin issuer does not have the technological capability to comply, or will not comply, with the terms of any lawful order or any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).

Question 52: What due diligence should be required of a digital asset service provider in order for the digital asset service provider to be entitled to rely on the representation of a foreign payment stablecoin issuer that the foreign payment stablecoin issuer has the technological capability to comply, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916)? Should the rule be more prescriptive about the form of the representation, such as requiring it to be in writing, contain certain language, or be updated with some frequency? Is the requirement to conduct reasonable due diligence clear and appropriate? Should the proposed rule be more prescriptive about the specific steps a digital asset service

[51] *See* section 8(a) of the Act (12 U.S.C. 5907(a)).

[52] *See* section 8(b) of the Act (12 U.S.C. 5907(b)).

provider must take? For example, should the rule address certain public representations or advertisements made by foreign payment stablecoin issuers, such as that their payment stablecoins are resistant to freezing? Should the rule require digital asset service providers to retain records of the representation and due diligence, and if so, which records and for how long? For example, should a digital asset service provider be required to audit or examine smart contracts relating to a payment stablecoin? If so, should a digital asset service provider be required to verify the existence and/or efficacy of smart contract functions designed to comply with lawful orders, such as ''seize,'' ''freeze,'' and ''burn'' functions? Would such requirement effectively prevent digital asset service providers from offering, selling or otherwise making available payment stablecoins whose code is not fully open source?

Question 53: Is the proposed ''knows, has reason to know, or should know'' standard appropriate and clear? Alternatively, should digital asset service providers be held to a more exacting standard—such as not having any reason to suspect that a foreign payment stablecoin issuer does not have the technological capability to comply, or will not comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916)—before being entitled to rely on the foreign payment stablecoin issuer's representation?

Question 54: Should the proposed due diligence requirements be different for lawful orders vs. reciprocal arrangements? For example, for reciprocal arrangements, should the requirements specify the extent to which the digital asset service provider should obtain and review the terms of any reciprocal arrangement with a jurisdiction that is the foreign payment stablecoin issuer's domicile?

Question 55: Is there any difference in the obligations of digital asset service providers with respect to lawful orders or reciprocity agreements before or after July 18, 2028, or with respect to payment stablecoins issued by foreign payment stablecoin issuers in compliance with section 18(a) of the Act (12 U.S.C. 5916(a))?

4. Offer and Sale Activities Prescribed (Proposed § 1523.3(d))

Whereas proposed § 1523.3(a) and proposed § 1523.3(b) aim generally to codify the text of the statutory prohibitions in section 3(b)(1) and section 3(b)(2), respectively, proposed § 1523.3(d) provides further clarity to digital asset service providers regarding these prohibitions by enumerating examples of activities that constitute the offer or sale of a payment stablecoin to a person located in the United States. Treasury emphasizes that the proposed examples are not intended to be exhaustive, and that other activities by digital asset service providers may constitute a violation of proposed § 1523.3(a) or proposed § 1523.3(b), as applicable, depending on the facts and circumstances.

First, proposed § 1523.3(d)(1) provides that a digital asset service provider offers or sells a payment stablecoin to a person located in the United States if the digital asset service provider directly solicits a person located in the United States to purchase the payment stablecoin.

Second, proposed § 1523.3(d)(2) provides that a digital asset service provider offers or sells a payment stablecoin to a person located in the United States if the digital asset service provider advertises the payment stablecoin as available for purchase by persons located in the United States.

Third, proposed § 1523.3(d)(3) provides that a digital asset service provider offers or sells a payment stablecoin to a person located in the United States if the digital asset service provider responds to an unsolicited inquiry from a person located in the United States by indicating willingness to sell the payment stablecoin. In this example, Treasury believes that an offer has occurred because the digital asset service provider has made a payment stablecoin available for purchase, sale, or exchange, regardless of the circumstances that gave rise to the offer.

Fourth, proposed § 1523.3(d)(4) provides that a digital asset service provider offers or sells a payment stablecoin to a person located in the United States if the digital asset service provider advises potential purchasers of the payment stablecoin on how to evade generally applicable location detection or restriction mechanisms that would otherwise detect or block purchases by persons located in the United States, such as IP address checkers. This example is intended to prevent digital asset service providers from evading the Act by facilitating a potential purchaser's use of technology to evade the limitation on purchasers located in the United States.

Fifth, proposed § 1523.3(d)(5) provides that a digital asset service provider offers or sells a payment stablecoin to a person located in the United States if the digital asset service provider enters into a contract for the sale of a payment stablecoin with a person located in the United States, regardless of the form of consideration provided in return for the payment stablecoin or the timing of delivery of the payment stablecoin. Treasury believes that a sale should be considered to have occurred regardless of the form of consideration provided in return for the payment stablecoin or the timing of delivery of the payment stablecoin.

Question 56: Are the proposed examples of activities that, when conducted by a digital asset service provider, constitute the offer or sale of a payment stablecoin to a person located in the United States appropriate and clear?

Question 57: What additional examples of activities that, when conducted by a digital asset service provider, constitute the offer or sale of a payment stablecoin to a person located in the United States should be provided?

Question 58: Should the scenarios included in proposed § 1523.3(d) be an exhaustive list of violations of proposed § 1523.3(a) or proposed § 1523.3(b) rather than a non-exhaustive list of examples?

Question 59: Is an airdrop of a payment stablecoin considered an offer, such as on the basis that the payment stablecoin is being made available for exchange, even in the absence of a sale for consideration? Or are such airdrops outside the scope of proposed § 1523.3?

Question 60: How should the use of payment stablecoins in traditional financial instruments and markets, including funds, implicate or not implicate the provisions governing offer or sale of payment stablecoins by digital asset service providers? For example, if a financial instrument pays dividends in the form of payment stablecoins, should the offer or sale of the underlying instrument be considered the offer or sale of a payment stablecoin? Should the answer depend on whether the dividend has already been declared at the time the underlying instrument is offered or sold? Regardless of the treatment of the offer or sale of the underlying instrument, should the payment of the dividend itself be considered an offer or sale of payment stablecoins?

Question 61: Is it clear how proposed § 1523.3 relates to participation in an issuance under proposed § 1523.2? In what scenarios would a digital asset service provider violate one, the other, or both?

5. Activities Deemed Not To Be Offers or Sales (Proposed § 1523.3(e))

Whereas proposed § 1523.3(d) is intended to provide clarity to digital

asset service providers about what offer and sale activities violate the prohibitions in section 3(b)(1) and 3(b)(2) of the Act (12 U.S.C. 5902(b)(1), (2)), proposed § 1523.3(e) describes when a digital asset service provider will be deemed *not* to offer or sell a payment stablecoin to a person located in the United States, and will be deemed not to offer, sell, or otherwise make available in the United States a payment stablecoin. In this way, proposed § 1523.3(e) is intended to provide clarity and promote compliance with the Act by describing what a digital asset service provider must do to avoid potentially violating section 3(b) of the Act (12 U.S.C. 5902(b)). Significantly, a digital asset service provider that meets the requirements of proposed § 1523.3(e) will not be considered to have violated section 3(b) of the Act (12 U.S.C. 5902(b)) even if the digital asset service provider's activities would otherwise constitute, for example, the inadvertent sale of an unregistered payment stablecoin to a person located in the United States.

To benefit from the protection of proposed § 1523.3(e), a digital asset service provider must meet three conditions. First, the digital asset service provider must reasonably believe that the person to whom the payment stablecoin is offered, sold, or otherwise made available is not located in the United States. Treasury acknowledges that what constitutes a reasonable belief on the part of the digital asset service provider may depend on the facts and circumstances. Similar to the proposed due diligence requirements in proposed § 1523.3(c), however, Treasury intends this requirement to exclude situations where the digital asset service provider knows or has reason to know, based on the representations of the person to whom the payment stablecoin is offered, sold, or otherwise made available or other information reasonably accessible to the digital asset service provider, that the person is located in the United States.

Second, the digital asset service provider must have adopted and implemented policies, procedures, and controls reasonably designed to avoid offering, selling, or making available the payment stablecoin to any person located in the United States. Treasury emphasizes that these policies, procedures, and controls must not only be adopted in form, but actually implemented in the digital asset service provider's operations, in order for the digital asset service provider to benefit from proposed § 1523.3(e). In addition, Treasury believes that policies, procedures, and controls cannot be said to be reasonably designed if they are static; rather, Treasury expects digital asset service providers to periodically review and update their policies, procedures, and controls as the payment stablecoin market matures, technology evolves, as the digital asset service provider gains experience in offering and selling payment stablecoins, and in response to any identified instances of offers or sales to persons located in the United States.

Finally, the digital asset service provider must not engage in advertising or solicitation activities that target, or could be reasonably expected to have the effect of targeting, any person located in the United States. Treasury believes this condition is necessary to avoid a situation where a digital asset service provider is not knowingly offering, selling, or making payment stablecoins available to a person located in the United States, but is engaged in activities that could foreseeably have this result.

Like proposed § 1523.2(c), proposed § 1523.3(e) incorporates certain concepts that are similar to concepts reflected in Regulation S under the Securities Act, but would operate within the proposed definition of ''located in the United States'' and would not adopt Regulation S's offshore-transaction framework.

Question 62: What policies, procedures, or controls should support a reasonable belief that the acquiring person is outside the United States? Should Treasury identify specific controls, such as customer identification and due diligence, account-opening information, geographic access restrictions, device- or network-location checks, contractual representations, transaction monitoring, or other controls? Would this diligence take the form of self-attestations, IP address checking, identification document checking, or something else? Should the policies, procedures, and controls be reviewed and updated on a particular cadence?

Question 63: Are there other situations covered by proposed § 1523.3 for which Treasury should also not deem an offer or sale to a person located in the United States to have occurred in furtherance of the purposes of this Act? For example, should offers or sales resulting from certain types of reverse solicitations involving payment stablecoins issued by foreign payment stablecoin issuers not be deemed to violate the prohibition?

6. Alternative Approaches

As with payment stablecoin issuance, discussed in section II.D.5, Treasury is also considering several alternative approaches for § 1523.3. First, Treasury is considering an alternative approach under which proposed § 1523.3 would deem any offer or sale of a payment stablecoin that is not issued by a permitted payment stablecoin issuer or a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)) to a person who is located in the United States to be unlawful, regardless of whether the digital asset service provider knew or should have known that the recipient or offeree was actually located in the United States. Such an alternative would involve narrowing or removing proposed § 1523.3(e). This alternative approach would provide a clear, unambiguous line that depends only on factually verifiable location of the person to whom the payment stablecoins were offered or sold. The lawful or unlawful nature of the offer or sale, therefore, would not depend on other facts and circumstances, such as the level of due diligence performed by the digital asset service provider.

Treasury acknowledges that this outcome may be viewed as overly strict, particularly where the digital asset service provider took reasonable steps to ensure that the recipient was not located in the United States and reasonably believed that the recipient was not located in the United States at the time of the offer or sale.

As a second alternative, Treasury is considering whether to align proposed § 1523.3 more directly to the territorial concepts reflected in Regulation S under the Securities Act by adopting a broader offshore transaction framework. Under this alternative, for example, the term ''located in the United States'' would not be defined based on an individual's or entity's status (*e.g.,* residency or jurisdiction of organization), and a digital asset service provider would be deemed not to offer or sell a payment stablecoin to a person located in the United States if (i) the offer or sale is made in an offshore transaction and (ii) no directed selling efforts are made in the United States by the digital asset service provider or any person acting on its behalf. Proposed § 1523.3(e) similarly incorporates certain Regulation S-like concepts, but it would not adopt Regulation S's offshore-transaction framework nor its specific definitions.

In such an alternative, an offshore transaction could be defined to require that no offer be made to a person in the United States and that, at the time the acquisition request or other transaction instruction is originated, the person acquiring the payment stablecoin is outside the United States, or the digital

asset service provider and any person acting on its behalf reasonably believe that the person acquiring the payment stablecoin is outside the United States. Similar to proposed § 1523.3(e), the reasonable belief standard could be supported by reasonably designed, implemented, and maintained policies, procedures, and controls, which may include customer identification and due diligence, account-opening information, geographic access restrictions, device- or network-location tools, contractual representations, transaction monitoring, and other controls reasonably designed to identify whether the person acquiring the payment stablecoin is outside the United States.

Unlike proposed § 1523.3(e), when the person acquiring the payment stablecoin is a legal entity, if an authorized employee places the acquisition request or other transaction instruction while abroad, the requirement that the person acquiring the payment stablecoin be outside the United States would be satisfied, regardless of the place of incorporation or principal place of business of the entity.

As compared to proposed § 1523.3(e), the alternative would more directly incorporate the concept of directed selling efforts from Regulation S, which could be defined as any activity undertaken for the purpose of, or that could reasonably be expected to have the effect of, conditioning the market in the United States for the payment stablecoin. In applying that concept to payment stablecoins, Treasury could consider whether activity is undertaken for the purpose of, or could reasonably be expected to have the effect of, promoting, soliciting, or creating demand in the United States for the payment stablecoin. Such activity could include advertising or solicitation directed at the United States, liquidity incentives directed at U.S. use, merchant-enablement activity in the United States, U.S.-facing wallet or platform integrations, or other ecosystem-development activity intended to facilitate the use or circulation of the payment stablecoin in the United States, even if the formal issuance occurs outside the United States.

While informed by Regulation S concepts, such an approach need not import Regulation S wholesale. For example, Regulation S's category structure, distribution compliance periods, and offering restrictions may not be necessary.

Similar to the alternative considered and described in section II.D.5 above, Treasury recognizes that this alternative may better address certain cross-border fact patterns than the proposed approach. More closely aligning with Regulation S may provide more clarity for certain financial institutions that are already familiar with this well-established framework and have controls designed for it, though it may provide more complexity for payment stablecoin actors that are not already familiar with Regulation S. Treasury requests comment on whether an offshore-transaction framework would better distinguish between those fact patterns, or whether the proposed approach, including the proposed definition of ''located in the United States'' and proposed § 1523.3(b)–(e), provides greater administrability and certainty.

Treasury also requests comment on whether the alternative frameworks would create undue complexity or increase or decrease evasion risk or risk of flowback of large volumes of payment stablecoins to the U.S. market.

Question 64: Should Treasury adopt the first alternative described above, wherein an offer or sale is per se unlawful if any payment stablecoins are offered or sold to persons located in the United States, where knowledge and procedures are not relevant? Does this alternative reflect the better reading of the statute?

Question 65: Should Treasury adopt an offshore transaction framework more similar to Regulation S, such as the approach described in the second alternative above, under which a digital asset service provider would be deemed not to offer or sell a payment stablecoin in the United States for purposes of section 3(b) of the Act (12 U.S.C. 5902(b)) if the offer or sale is made in an offshore transaction and no directed selling efforts are made in the United States by the digital asset service provider or any person acting on its behalf?

Question 66: Should any offshore transaction framework apply only to payment stablecoins issued by foreign payment stablecoin issuers, only to offshore digital asset service providers, or only to some other subset of payment stablecoins or digital asset service providers? Should such a framework replace proposed § 1523.3(e), supplement proposed § 1523.3(e), or be structured as a safe harbor under § 1523.4?

Question 67: Should a digital asset service provider be unable to rely on offshore treatment if it or any person acting on its behalf knows that the transaction has been prearranged with a person in the United States?

Question 68: What conduct should Treasury identify as inconsistent with offshore treatment or as evidence of directed selling efforts in the United States? For example, should such conduct include advertising the payment stablecoin as available to persons in the United States, advising persons how to evade location-detection or restriction mechanisms, providing U.S.-directed liquidity incentives, supporting U.S.-facing wallet or platform integrations, or facilitating U.S. merchant acceptance?

Question 69: What conduct should Treasury identify as ordinarily not constituting directed selling efforts standing alone? For example, should such conduct include legally required notices with no promotional content; factual communications to existing holders; processing conversion, redemption, or repurchase requests; ordinary custody or safekeeping; and ordinary technical support?

Question 70: Are there additional concepts, conditions, limitations, or exceptions from Regulation S or other areas of law that Treasury should consider incorporating into any offshore transaction framework for payment stablecoin offer and sale? For example, should Treasury consider a category structure, distribution compliance periods, offering restrictions, purchaser certifications, transfer restrictions, notice or platform-control requirements, special treatment for discretionary accounts or similar accounts held for the benefit or account of non-U.S. persons by others, such as fiduciaries, organizations or affiliates? Should Treasury also incorporate anti-evasion principles, such as rules for transactions specifically targeted at identifiable groups of U.S. persons abroad, prearranged transactions with persons in the United States, or transactions that are formally offshore but part of a plan or scheme to evade section 3(b) of the Act (12 U.S.C. 5902(b))?

F. Exemptions and Safe Harbors (Proposed § 1523.4)

Proposed § 1523.4 implements various provisions of the Act that provide for exemptions and safe harbors from section 3(a)'s limitation on payment stablecoin issuance and section 3(b)'s prohibition on payment stablecoin offers or sales. Proposed paragraph (a) codifies the exemption in section 5(f) of the Act (12 U.S.C. 5904(f)) applicable to certain persons with a pending application to become a permitted payment stablecoin issuer. Proposed paragraph (b) addresses those limited safe harbors that the Secretary may provide in unusual and exigent

circumstances pursuant to section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)). Proposed paragraph (c) codifies the exemptions for specific transactions in section 3(h)(1) of the Act (12 U.S.C. 5902(h)(1)).

1. Safe Harbor for Pending Applications (Proposed § 1523.4(a))

Section 5(f) of the Act (12 U.S.C. 5904(f)) provides that the primary Federal payment stablecoin regulators may waive the application of the requirements of the Act for a period not to exceed 12 months beginning on the effective date of the Act with respect to the subsidiary of an insured depository institution, if the insured depository institution has an application pending for the subsidiary to become a permitted payment stablecoin issuer on that effective date, or a Federal qualified payment stablecoin issuer with a pending application on that effective date. Proposed § 1523.4(a) implements this provision and provides that the prohibitions in proposed § 1523.2 (relating to payment stablecoin issuance) and § 1523.3 (relating to payment stablecoin offer and sale) shall not apply to a subsidiary of an insured depository institution or a person applying to be a Federal qualified payment stablecoin issuer with a pending application to become a permitted payment stablecoin issuer on the effective date of the Act, but only if a waiver is granted by the primary Federal payment stablecoin regulator under section 5(f) of the Act (12 U.S.C. 5904(f)), and only to the extent such waiver by its terms waives the provisions of section 3 of the Act (12 U.S.C. 5902).

Treasury believes that the authority granted to the primary Federal payment stablecoin regulators in section 5(f) of the Act (12 U.S.C. 5904(f)) authorizes those regulators to waive the provisions of section 3 of the Act (12 U.S.C. 5902) for pending applicants. The statutory phrase ''the requirements of this Act'' plainly encompasses *all* of the requirements of the Act, including section 3's requirements regarding the issuance, offer, and sale of payment stablecoins.

Although such waivers granted by the primary Federal payment stablecoin regulators could be viewed as self-executing, Treasury believes that expressly recognizing these waivers in proposed § 1523.4(a) would promote clarity for the industry and for potential purchasers of payment stablecoins during the period of any such waiver. Treasury emphasizes, however, that such waivers are intended to be temporary in duration and limited in scope. As such, the relief recognized in proposed § 1523.4(a) would apply only for the period of the waiver. Further, such waiver provides an exemption from proposed § 1523.2 or § 1523.3 only to the extent such waiver by its terms waives section 3(a) or 3(b) of the Act (12 U.S.C. 5902(a), (b)), respectively.

Question 71: Should proposed § 1523.4(a) provide any additional guidance regarding the effect on section 3 of the Act (12 U.S.C. 5902) of any waivers granted by the Federal payment stablecoin regulators pursuant to section 5(f) of the Act (12 U.S.C. 5904(f))?

2. Limited Safe Harbors in Unusual and Exigent Circumstances (Proposed § 1523.4(b))

Section 3(c) of the Act (12 U.S.C. 5902(c)) authorizes the Secretary to adopt limited safe harbors from section 3(a)'s limitation on payment stablecoin issuance in two circumstances. First, section 3(c)(1) (12 U.S.C. 5902(c)(1)) authorizes the Secretary to issue regulations providing safe harbors that are consistent with the purposes of the Act, limited in scope, and apply to a de minimis volume of transactions. Second, section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)) authorizes the Secretary to provide limited safe harbors if the Secretary determines that unusual and exigent circumstances exist.[53] Proposed § 1523.4(b) implements section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)) and provides that the prohibitions in proposed § 1523.2 and proposed § 1523.3 shall not apply to the extent that the Department of the Treasury determines that unusual and exigent circumstances exist in accordance with section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)).

Treasury believes that the textual differences between the safe harbor authorities in section 3(c)(1) and section 3(c)(2) of the Act (12 U.S.C. 5902(c)(1), (2)) indicate that the latter paragraph authorizes the Secretary to adopt safe harbors in unusual and exigent circumstances other than by rulemaking. In particular, section 3(c)(1)'s general grant of authority to the Secretary to adopt safe harbors specifies that such safe harbors must be issued *by regulation,* but there is no similar specification in section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)). Further, Treasury believes that it would frustrate the purpose of section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)) to allow Treasury to rapidly respond to unusual and exigent circumstances if the Secretary were required to provide such safe harbors by notice-and-comment rulemaking. While proposed § 1523.4(b) does not specify the exact procedural mechanism by which Treasury would provide limited safe harbors in unusual and exigent circumstances, Treasury generally expects to provide such limited safe harbors by order.

Question 72: The prohibition on offers and sales in section 3(b)(1) of the Act (12 U.S.C. 5902(b)(1)) states that it is ''except as provided in subsection (c),'' but the text of subsection (c) itself only expressly references safe harbors from subsection (a). Is section 3(c) (12 U.S.C. 5902(c)) best read to authorize standalone safe harbors for offer and sale unrelated to an issuance of payment stablecoins? Or is it best read to only authorize safe harbors for offer and sale incidental to issuance?

Question 73: Should Treasury issue any regulatory safe harbors under section 3(c)(1) of the Act (12 U.S.C. 5902(c)(1)) at this time? If so, how would Treasury determine that those safe harbors were limited to a de minimis volume of transactions? For example, should any safe harbors be time based (e.g., providing safe harbors for all issuances for some period of time following the effective date of the Act or providing safe harbors for all offers and sales for some period of time following July 18, 2028)? Alternatively, should any safe harbors be transaction size limited (e.g., providing safe harbors for all issuances, offers, and sales below a certain volume of transactions, such as $1 million dollars per year)? Or instead should any safe harbors be limited to particular industries or use cases? Should any safe harbors apply only to transactions in payment stablecoins issued by domestic issuers, foreign issuers, or both? What are the costs and

[53] Prior to issuing a limited safe harbor, Treasury must submit to the chairs and ranking members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a justification for the determination of the unusual and exigent circumstances, which may be contained in a classified annex. *See* section 3(c)(2)(B) of the Act (12 U.S.C. 5902(c)(2)(B)). For the avoidance of doubt, the determination that ''unusual and exigent circumstances'' exist for purposes of section 3(c)(2) of the GENIUS Act and any associated regulations, orders, justifications, or interpretations do not constitute a determination or interpretation for purposes of other provisions of law that reference unusual or exigent circumstances. For example, the context for the Secretary's determination that ''unusual and exigent circumstances'' exist for purposes of section 3(c)(2) of the GENIUS Act (12 U.S.C. 5902(c)(2)) is distinct from the Secretary's approval of any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343). Any interpretation of ''unusual and exigent circumstances'' for purposes of section 3(c)(2) of the GENIUS Act would not constitute an interpretation of that term under section 13(3) of the Federal Reserve Act.

benefits, including any incentive effects, of such safe harbors?

Question 74: Should Treasury issue any regulatory safe harbors relating to, or otherwise address, State qualified payment stablecoin issuers that are licensed in a State for some period prior to the State submitting a certification to the Stablecoin Certification Review Committee under section 4(c) of the Act (12 U.S.C. 5903(c)) or while such a certification is pending? Should Treasury issue any regulatory safe harbors relating to, or otherwise address, State qualified payment stablecoin issuers that are licensed in a State that may fail to submit the certification or annual recertification required under section 4(c) of the Act (12 U.S.C. 5903(c)) in a timely manner or have a certification or recertification that is denied by the Stablecoin Certification Review Committee under section 4(c) of the Act (12 U.S.C. 5903(c))? Would any such safe harbors be consistent with the purposes of the Act, limited in scope, and apply to only a de minimis volume of transactions? Should the issuance, offer, or sale of payment stablecoins issued by such a State qualified payment stablecoin issuer be deemed unlawful under section 3 of the Act (12 U.S.C. 5902) if the State qualified payment stablecoin issuer does not obtain a Federal license or a license in another State within a certain period of time?

Question 75: What effect, if any, will Treasury's interpretation of the prohibitions under section 3 (12 U.S.C. 5902) have on the ability of U.S. financial institutions to participate in cross-border payments or other bona fide foreign exchange transactions that include foreign-issued, foreign currency-denominated payment stablecoins? What changes could support this use case by U.S. financial institutions, while still preserving foreign jurisdiction and issuer interest in achieving comparability under Section 18 of the Act (12 U.S.C. 5916)?

Question 76: Should proposed § 1523.4(b) provide any additional guidance regarding the effect of any safe harbors adopted by the Secretary on section 3 of the Act (12 U.S.C. 5902)?

3. Exempt Transactions (Proposed § 1523.4(c))

Section 3(h)(1) of the Act (12 U.S.C. 5902(h)(1)) provides that section 3 (12 U.S.C. 5902) shall not apply to three categories of exempt transactions. Proposed § 1523.4(c) implements this provision nearly verbatim and provides that the prohibitions in proposed § 1523.2 and proposed § 1523.3 shall not apply to (i) the direct transfer of digital assets between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary; (ii) any transaction involving the receipt of digital assets by an individual between an account owned by the individual in the United States and an account owned by the individual abroad that are offered by the same parent company; and (iii) any transaction by means of a software or hardware wallet that facilitates an individual's own custody of digital assets.

Question 77: Are the categories of transactions exempt from section 3 of the Act (12 U.S.C. 5902) pursuant to section 3(h)(1) (12 U.S.C. 5902(h)(1)) clear?

G. Severability (Proposed § 1523.5)

Proposed § 1523.5 provides that the provisions of this part are separate and severable from one another. If any provision, clause, or phrase of this part is stayed or determined to be invalid, it is Treasury's intention that the remaining provisions shall continue in effect.

Treasury is proposing to include a severability clause so that in the event any particular provision of the proposed rule is held to be invalid, the remainder of the rule would remain in effect, providing clarity for all participants in the payment stablecoin market. In particular, even if the portions of this rule regarding issuance were held to be invalid, the restrictions on offer and sale would generally operate independently and continue to function as intended, as the former is directed at the conduct of issuers and the latter is directed at the conduct of digital asset service providers more broadly. Similarly, even if the portions of this rule regarding offer and sale were held to be invalid, the restrictions on payment stablecoin issuance would generally operate independently and continue to function as intended. This regulation would have been proposed independently of any provision that may be determined to be invalid.

H. Interpretations (Proposed Appendix A)

In addition to the provisions of proposed Part 1523 discussed above, Treasury is proposing to include in Appendix A interpretations of proposed Part 1523 to further clarify and illustrate the application of various aspects of the proposed rule.

Proposed Interpretation 1 considers a U.S. resident who is issued a payment stablecoin while on vacation in a foreign country. This interpretation is intended to illustrate when a person is considered to be located in the United States as defined in proposed § 1523.1(c), and when a payment stablecoin is considered to have been issued in the United States as described in proposed § 1523.2.

Proposed Interpretation 2 considers the airdropping of a new payment stablecoin absent any sale.[54] The interpretation is intended to illustrate when a payment stablecoin is considered to have been issued in the United States as described in proposed § 1523.2.

Proposed Interpretation 3 considers a situation in which a digital asset service provider that operates an exchange coordinates with an issuer to list a newly issued payment stablecoin for sale. The interpretation is intended to illustrate how the digital asset service provider's activities may be viewed for purposes of proposed Part 1523.

Proposed Interpretation 4 considers a digital asset that is not redeemable by the issuer for a period of time after issuance. The interpretation is intended to illustrate when a payment stablecoin is considered to have been issued as described in proposed § 1523.2(b).

Question 78: Is the inclusion of interpretations useful?

Question 79: Should the interpretations be codified in Appendix A to Part 1523 as proposed, or should the interpretations be published in another location or format?

Question 80: Should Treasury adopt other interpretations that illustrate the application of other aspects of proposed Part 1523, and if so, which aspects?

III. Regulatory Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[55] requires an agency to consider the impact of its proposed rules on small entities. In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. Treasury's preliminary view is that the proposed rule would not have a significant economic impact on a substantial number of small

[54] While proposed interpretation 2 does not address offer and sale, note that the definition of offer includes making a payment stablecoin available for exchange.

[55] 5 U.S.C. 601 *et seq.*

entities, but requests comment on the impact of its proposed rule on small entities. Additional analysis about the effect of the proposed rule on small entities is available in the regulatory impact analysis which will be posted to the docket on the website *www.regulations.gov.*

B. Unfunded Mandates Reform Act

Treasury has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[56] Under this analysis, Treasury considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). Pursuant to section 202 of the UMRA,[57] if a proposed rule meets this UMRA threshold, Treasury would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal. This requirement does not apply to regulations to the extent they incorporate requirements specifically set forth in law.[58]

Treasury's cost-benefit analysis of this proposal is summarized in section III.E below and described in more detail in the regulatory impact analysis which will be posted to the docket on the website *www.regulations.gov.*

C. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023, 5 U.S.C. 553(b)(4), requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the website *www.regulations.gov.*

Treasury is proposing to issue regulations to implement section 3 of the Guiding and Establishing National Innovation for U.S. Stablecoins (GENIUS) Act (12 U.S.C. 5902), regarding the statutory prohibitions and limitations on payment stablecoin issuance, offer, and sale in the United States. The proposal and the required summary can be found at *https://www.regulations.gov.*

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Treasury's preliminary view is that this proposed rule does not contain any information collections within the meaning of the Paperwork Reduction Act, but requests comment on whether any aspect of the proposal raises information collection burdens.

E. Regulatory Planning and Review

The Office of Information and Regulatory Affairs (OIRA) in OMB has determined that this proposed rule is a significant regulatory action under section 3(f)(1) of Executive Order 12866 and, therefore, is subject to review under Executive Order 12866. Treasury's analysis conducted in connection with Executive Order 12866 is summarized below and Treasury's detailed regulatory impact analysis will be posted to the docket on the website *www.regulations.gov.* This proposed rule is not anticipated to be an E.O. 14192 regulatory action.

As described in more detail in the detailed regulatory impact analysis, the proposed rule's estimated benefits substantially exceed the estimated costs. The quantified benefits of this proposal comprise: regulatory clarity and avoided depegging losses and consumer protection from avoided issuer failures. Non-quantified benefits include preservation of dollar dominance in digital payment markets, enhanced market integrity and investor confidence, innovation incentives from clear regulatory ''rules of the road'', and improved U.S. competitive positioning in global digital payments.

The direct costs of this proposed rule are expected to be primarily transitional: market concentration costs and switching costs. The analysis also contemplates annual digital asset service provider compliance costs, and requests comment on whether issuer compliance costs should be quantified separately, given the overlap described throughout this proposal among issuers and digital asset service providers, as well as among issuance, offer, and sale. Qualitative costs include reduced product choice.

As described in the previous sections and in the more detailed regulatory impact analysis, Treasury also considered several alternatives to the proposed rule. In particular, Treasury considered a less stringent extended transition period (*e.g.,* 36 months) with a safe harbor permitting unregistered foreign-issued stablecoins with a de minimis volume (*e.g.,* less than $1 billion in U.S.-held capitalization) to continue U.S. issuance, but concluded that this safe harbor would result in delayed benefits (*e.g.,* consumer protection) that far exceed the reduced transition and other costs. Treasury next considered a more stringent approach (*e.g.,* removing the proposed § 1523.2(c) and § 1523.3(e) clarifications, elimination of the residency prong of the located in the United States definition, or removing the ''reasonable belief'' standard for DASPs), but concluded that the additional compliance burden and offshore-migration risk exceed the marginal gains from broader regulatory coverage. Finally, Treasury considered an approach that was more similar to Regulation S, as described in the previous sections, but concluded that such an approach would provide substantially less regulatory clarity and would be more difficult to administer and enforce.

Treasury requests comment on all aspects of the regulatory impact analysis, including the data, assumptions, methods, and estimates used to assess the costs, benefits, transfers, distributional effects, and alternatives associated with the proposed rule.

Question 81: Does the regulatory impact analysis use an appropriate baseline for evaluating the effects of the proposed rule? In particular, does the analysis appropriately distinguish between effects attributable to the GENIUS Act itself and effects attributable to the proposed rule?

Question 82: What data, studies, or other information should Treasury consider to assess the costs and benefits of section 3 of the Act (12 U.S.C. 5902) as proposed in part 1523?

Question 83: What are the potential costs and benefits of the implementation of section 3 of the Act (12 U.S.C. 5902) as proposed in part 1523, beyond costs and benefits imposed by the Act itself? Are Treasury's estimates of costs and benefits appropriate? To what extent does Treasury have discretion within the boundaries of the Act to further reduce costs or increase benefits?

Question 84: Are the potential costs and benefits of the implementation of section 3 of the Act (12 U.S.C. 5902) as proposed in part 1523 sufficiently analyzed as distinct from the costs and benefits of other sections of the Act and associated current or expected regulatory proposals, such as the registration and prudential regulatory frameworks proposed by the primary Federal payment stablecoin regulators, FinCEN, and OFAC? To what extent should Treasury consider these costs

[56] 2 U.S.C. 1531 *et seq.*

[57] 2 U.S.C. 1532.

[58] 2 U.S.C. 1532.

and benefits or avoid double counting in its analysis of proposed part 1523?

Question 85: How should Treasury evaluate the costs and benefits of the alternatives discussed in this proposal, including a per se location-based approach, an offshore-transaction framework modeled more closely on Regulation S, more or less prescriptive due diligence requirements, and additional safe harbors? Are there other alternatives that should be considered, and what are their respective costs and benefits?

Question 86: What is the estimated impact on compliance efficiency, market participation, and demand for payment stablecoins due to clearer regulatory guidance?

Question 87: Are there information collection burdens associated with the proposed rule that Treasury has not identified? If so, what entities would bear those burdens, and what would be the estimated time and cost associated with them?

List of Subjects in 12 CFR Part 1523

Banks, banking, Consumer protection, Digital assets, Digital asset service provider, Non-bank entity, Payment stablecoins, Permitted payment stablecoin issuer, State and local governments, State qualified payment stablecoin issuer, foreign payment stablecoin issuer.

For the reasons stated in the preamble, the Department of the Treasury proposes to amend 12 CFR chapter XV subchapter C by adding part 1523 to read as follows:

SUBCHAPTER C—REGULATION OF PAYMENT STABLECOINS

PART 1523—PAYMENT STABLECOIN OFFER, SALE, AND ISSUANCE

Sec.

1523.1 Scope, Applicability, and Definitions.
1523.2 Payment Stablecoin Issuance.
1523.3 Payment Stablecoin Offer and Sale.
1523.4 Exemptions and Safe Harbors.
1523.5 Severability.

Authority: 12 U.S.C. 5901 *et seq.*

§ 1523.1 Scope, Applicability, and Definitions.

(a) This part is issued by the U.S. Department of the Treasury to implement section 3 of the Guiding and Establishing National Innovation for U.S. Stablecoins (GENIUS) Act (12 U.S.C. 5902) regarding the statutory prohibitions and limitations on issuing, offering, selling, and otherwise making available payment stablecoins in the United States.

(b) Consistent with section 3(e) of the Act (12 U.S.C. 5902(e)), this part is intended to have extraterritorial effect if conduct involves the offer or sale of a payment stablecoin to a person located in the United States.

(c) For purposes of this part, the following definitions apply:

Act or *GENIUS Act* means the Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*).

Digital asset has the meaning set forth in section 2(6) of the Act (12 U.S.C. 5901(6)).

Digital asset service provider has the meaning set forth in section 2(7) of the Act (12 U.S.C. 5901(7)). For the avoidance of doubt, a person that, for compensation or profit, engages in the business in the United States of issuing payment stablecoins is a digital asset service provider.

Federal qualified payment stablecoin issuer has the meaning set forth in section 2(11) of the Act (12 U.S.C. 5901(11)).

Foreign payment stablecoin issuer has the meaning set forth in section 2(12) of the Act (12 U.S.C. 5901(12)).

Insured depository institution has the meaning set forth in section 2(15) of the Act (12 U.S.C. 5901(15)).

Issue means the first transfer of a payment stablecoin by the issuer, except as required by a lawful order, whether directly or indirectly, including by crediting an account, that results or will result in a person other than the issuer having the right to use or transfer the payment stablecoin or to have the payment stablecoin converted, redeemed, or repurchased. For the avoidance of doubt, after a payment stablecoin has been converted, redeemed, repurchased, or otherwise reacquired by the issuer, the first subsequent transfer of the payment stablecoin by the issuer that otherwise satisfies this definition is considered a new issuance, whether or not the transfer is characterized as a reissuance, except as required by a lawful order.

Issuer means a person who (i) is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value, and (ii) represents that the person will maintain, or creates the reasonable expectation that the person will maintain, a stable value relative to the value of a fixed amount of monetary value.

Lawful order has the meaning set forth in section 2(16) of the Act (12 U.S.C. 5901(16)).

Located in the United States means:

(1) With respect to an individual, the individual is physically present in the United States, unless the individual is not a resident of the United States and the individual's physical presence in the United States is merely temporary; or

(2) With respect to a partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, the entity:

(i) Is organized or incorporated under the laws of the United States or a State; or

(ii) Has its principal place of business in the United States.

Offer has the meaning set forth in section 2(21) of the Act (12 U.S.C. 5901(21)). For the avoidance of doubt, the term includes making available for purchase, sale, or exchange a payment stablecoin that has not yet been issued.

Monetary value has the meaning set forth in section 2(17) of the Act (12 U.S.C. 5901(17)).

Payment stablecoin has the meaning set forth in section 2(22) of the Act (12 U.S.C. 5901(22)).

Permitted payment stablecoin issuer has the meaning set forth in section 2(23) of the Act (12 U.S.C. 5901(23)).

Person has the meaning set forth in section 2(24) of the Act (12 U.S.C. 5901(24)).

Primary Federal payment stablecoin regulator has the meaning set forth in section 2(25) of the Act (12 U.S.C. 5901(25)).

State has the meaning set forth in section 2(28) of the Act (12 U.S.C. 5901(28)).

Subsidiary has the meaning set forth in sections 2(32) and 2(33) of the Act (12 U.S.C. 5901(32), (33)), as applicable.

United States means each of the several States, the Indian lands (as that term is defined in the Indian Gaming Regulatory Act, 25 U.S.C. 2703(4)), and the Insular Possessions of the United States.

§ 1523.2 Payment Stablecoin Issuance.

(a) Except in accordance with § 1523.4, it shall be unlawful for any person to issue a payment stablecoin in the United States unless the person is:

(1) A permitted payment stablecoin issuer; or

(2) A foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).

(b) A person will be considered to have issued a payment stablecoin in the United States only if, at the time of issuance:

(1) The person is located in the United States; or

(2) The person issues the payment stablecoin to a person located in the United States.

(c) Notwithstanding any other provision of this section, a person will be deemed not to issue a payment stablecoin in the United States, if:

(1) The person is not located in the United States;

(2) The person reasonably believes that each person to whom the payment stablecoin is issued is not located in the United States;

(3) The person has adopted and implemented policies, procedures, and controls reasonably designed to avoid issuing the payment stablecoin to any person located in the United States; and

(4) The person does not engage in advertising or solicitation activities that target, or could be reasonably expected to have the effect of targeting, any person located in the United States.

(d) The following are examples of activities that, when conducted by a person in connection with the issuance of a payment stablecoin that violates paragraph (a), constitute participation by the person in the violation for purposes of the penalty in section 3(f) of the Act (12 U.S.C. 5902(f)):

(1) The person incurs an obligation to a third party to convert, redeem, or repurchase a payment stablecoin, including a secondary obligation to convert, redeem, or repurchase on behalf of the original issuer;

(2) The person coordinates with the issuer to facilitate key steps in the issuance, such as soliciting customers or minting the payment stablecoins; or

(3) The person acts as market maker for the newly issued payment stablecoin, distributes the newly issued payment stablecoin to purchasers of the newly issued payment stablecoin, or otherwise makes the newly issued payment stablecoin available for secondary market trading.

§ 1523.3 Payment Stablecoin Offer and Sale.

(a) Beginning on July 18, 2028, except in accordance with § 1523.4, it shall be unlawful for a digital asset service provider to offer or sell a payment stablecoin to a person located in the United States unless the payment stablecoin is:

(1) Issued by a permitted payment stablecoin issuer; or

(2) Issued by a foreign payment stablecoin issuer that meets the criteria set out in section 18(a) of the Act (12 U.S.C. 5916(a)).

(b) Except in accordance with § 1523.4, it shall be unlawful for a digital asset service provider to offer or sell to a person located in the United States, or otherwise offer, sell, or make available in the United States, a payment stablecoin issued by a foreign payment stablecoin issuer unless the foreign payment stablecoin issuer has the technological capability to comply with, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).

(c) For purposes of paragraph (b) of this section, a digital asset service provider may rely on a representation by a foreign payment stablecoin issuer that the foreign payment stablecoin issuer has the technological capability to comply with, and will comply, with the terms of any lawful order and any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916), provided that:

(1) The digital asset service provider may not rely on such representation unless it conducts reasonable due diligence regarding the representation; and

(2) The digital asset service provider may not rely on such representation if, based on such due diligence or other information reasonably available to it, the digital asset service provider knows, has reason to know, or should know that the representation is false or that the foreign payment stablecoin issuer does not have the technological capability to comply, or will not comply, with the terms of any lawful order or any reciprocal arrangement pursuant to section 18 of the Act (12 U.S.C. 5916).

(d) The following are non-exhaustive examples of activities that constitute an offer or sale of a payment stablecoin to a person located in the United States:

(1) Directly soliciting a person located in the United States to purchase the payment stablecoin;

(2) Advertising the payment stablecoin as available for purchase by persons located in the United States;

(3) Responding to an unsolicited inquiry from a person located in the United States by indicating willingness to sell the payment stablecoin;

(4) Advising potential purchasers of the payment stablecoin on how to evade generally applicable location detection or restriction mechanisms that would otherwise detect or block purchases by persons located in the United States, such as IP address checkers; or

(5) Entering into a contract for the sale of a payment stablecoin with a person located in the United States, regardless of the form of consideration provided in return for the payment stablecoin or the timing of delivery of the payment stablecoin.

(e) Notwithstanding any other provision of this section, a digital asset service provider will be deemed not to offer or sell a payment stablecoin to a person located in the United States, and will be deemed not to offer, sell, or otherwise make available in the United States a payment stablecoin, if:

(1) The digital asset service provider reasonably believes that the person to whom the payment stablecoin is offered, sold, or otherwise made available is not located in the United States;

(2) The digital asset service provider has adopted and implemented policies, procedures, and controls reasonably designed to avoid offering, selling, or making available the payment stablecoin to any person located in the United States; and

(3) The digital asset service provider does not engage in advertising or solicitation activities that target, or could be reasonably expected to have the effect of targeting, any person located in the United States.

§ 1523.4 Exemptions and Safe Harbors.

(a) The prohibitions in § 1523.2 and § 1523.3 shall not apply to a subsidiary of an insured depository institution or a person applying to be a Federal qualified payment stablecoin issuer with a pending application to become a permitted payment stablecoin issuer on the effective date of the Act, but only if a waiver is granted by the primary Federal payment stablecoin regulator under section 5(f) of the Act (12 U.S.C. 5904(f)), and only to the extent such waiver by its terms waives the provisions of section 3 of the Act (12 U.S.C. 5902).

(b) The prohibitions in § 1523.2 and § 1523.3 shall not apply to the extent that the Department of the Treasury determines that unusual and exigent circumstances exist in accordance with section 3(c)(2) of the Act (12 U.S.C. 5902(c)(2)).

(c) The prohibitions in § 1523.2 and § 1523.3 shall not apply to:

(1) The direct transfer of digital assets between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary;

(2) Any transaction involving the receipt of digital assets by an individual between an account owned by the individual in the United States and an account owned by the individual abroad that are offered by the same parent company; and

(3) Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of digital assets.

§ 1523.5 Severability.

The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, it is Treasury's intention that the remaining provisions shall continue in effect.

Appendix A to Part 1523: Interpretations

1. *While vacationing in a foreign country, a U.S. resident is issued a payment stablecoin by an issuer that (a) is both incorporated under the laws of and has its principal place of business in the foreign country and (b) does not meet the criteria set out in section 18(a) of the GENIUS Act (12 U.S.C. 5916(a)). Has the issuer violated § 1523.2(a)?*

No. As described in § 1523.2(b), a person will be considered to have issued a payment stablecoin in the United States only if, at the time of issuance, the person issuing the payment stablecoin is located in the United States, or the person issues the payment stablecoin to a person located in the United States. The foreign payment stablecoin issuer is not located in the United States because it is not organized or incorporated under the laws of the United States or a State and does not have its principal place of business in the United States. Similarly, at the time of the issuance, the U.S. resident is not located in the United States because he or she is not physically present in the United States.

Although the foreign payment stablecoin issuer has not violated § 1523.2(a) in this scenario, foreign payment stablecoin issuers should take care to avoid offers or sales to U.S. residents while such residents are located in the United States. For example, if the foreign payment stablecoin issuer directly solicited the U.S. resident (while he or she was physically located in the United States) to purchase the payment stablecoin, this conduct would likely violate § 1523.3, unless the conditions in § 1523.3(e) were satisfied.

2. *As part of its marketing strategy for a new payment stablecoin, an issuer, for no consideration and without previously advertising the payment stablecoin, mints and airdrops a payment stablecoin to a U.S. resident who is physically present in the United States. Following the airdrop, the U.S. resident has or will have the right to transfer, use, or redeem the payment stablecoin. Has a payment stablecoin been issued in the United States for purposes of § 1523.2(a)?*

Yes, because the airdrop meets the definition of ''issue'' in § 1523.1(c), and because, as described in § 1523.2(b), a payment stablecoin has been issued in the United States because the person to whom the payment stablecoin was issued was located in the United States at the time of issuance.

3. *A digital asset service provider that operates an exchange coordinates with an issuer to list newly issued payment stablecoins on the digital asset service provider's exchange for purchase by persons located in the United States. The digital asset service provider does not have an obligation to convert, redeem, or repurchase the payment stablecoins. Has the digital asset service provider issued the payment stablecoins within the meaning of § 1523.2(a)?*

No. The digital asset service provider is not considered the issuer as defined in § 1523.1(c) because the digital asset service provider does not have an obligation to convert, redeem, or repurchase the payment stablecoins. However, depending on the facts and circumstances, the digital asset service provider may have participated in the issuance as described in § 1523.2(d) and may be offering or selling the payment stablecoins as described in § 1523.3.

4. *An issuer mints and transfers a digital asset to a person located in the United States. The digital asset is designed to be used as a means of payment or settlement, and the issuer represents that it will maintain a stable value relative to the value of a fixed amount of monetary value. However, the issuer provides (by smart contract or otherwise) that the digital asset is not redeemable by the issuer until a future date. Has a payment stablecoin been issued within the meaning of § 1523.2?*

Yes. As described in § 1523.1(c), an issuer is considered to have issued a payment stablecoin if the first transfer of the payment stablecoin will result in a person other than the issuer having the right to redeem a payment stablecoin, even if the redemption obligation does not mature until some period after the transfer.

Rachel Miller,

Executive Secretary.

[FR Doc. 2026–16796 Filed 8–17–26; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7237; Project Identifier AD–2025–01425–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company 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 certain The Boeing Company Model 737 -300, -400, and -500 series airplanes. This proposed AD was prompted by reports of nuisance stick shaker activation while accelerating to cruise speed at the top of a climb due to frozen angle of airflow (AOA) sensor vanes. This proposed AD would require installing new external case heaters (ECHs) on the left and right AOA sensors, performing repetitive functional tests and applicable corrective actions, and accomplishing applicable concurrent actions. 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 October 2, 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–2026–7237; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–7237.

FOR FURTHER INFORMATION CONTACT: Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3973; email: *Michael.P.Closson@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2026–7237; Project Identifier AD–2025–01425–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 Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3973; email: *Michael.P.Closson@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports of nuisance stick shaker activation on Model MD–90 airplanes while the airplane was accelerating to cruise speed at the top of a climb. A review of recorded flight data and weather reports indicated that the nuisance stick shaker activation was caused by AOA sensor vanes that were frozen and malfunctioned due to insufficient heat in certain AOA sensors that prevent ice build-up in the vane pivot. Heavy moisture conditions on the ground can lead to water entering the AOA vane pivot and freezing prior to or during flight. The manufacturer has determined that the potential for vane pivot freezing exists on AOA sensor part numbers used on certain Model 737, -300, -400, and -500 series airplanes. This condition, if not addressed, could lead to failure of the stall warning system and result in a loss of continued safe flight and landing.

FAA's Determination

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.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026. This material specifies procedures for installing new ECHs on the left and right AOA sensors, performing repetitive functional tests and applicable corrective actions (*e.g.,* includes troubleshooting and replacing the ECH), and accomplishing applicable concurrent actions. Concurrent actions include installing a junction box, installing air data probe heat automation wire provisions, replacing insulation blankets with new flame retardant material, modifying circuit breaker panels to activate the automated probe heat system, and modifying or replacing the identification label on certain AOA sensors, as applicable. Concurrent actions also include, if any crack is found, contacting Boeing for repair instructions and doing the repair.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–7237.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 133 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
Installation	13 work-hours × $85 per hour = $1,105	$1,020	$2,125	$282,625.
Functional test	1 work-hours × $85 per hour = $85 per test cycle.	0	$85 per test cycle	$11,305 per test cycle.
Concurrent actions	Up to 888 work-hours × $85 per hour = $75,480.	34,403	Up to $109,883	Up to $14,614,439.

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:

The Boeing Company: Docket No. FAA–2026–7237; Project Identifier AD–2025–01425–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737-300, 737-400, and 737-500 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Unsafe Condition

This AD was prompted by reports of nuisance stick shaker activation while the airplane was accelerating to cruise speed at the top of a climb due to frozen angle of airflow (AOA) sensor vanes. The FAA is issuing this AD to address malfunctioning AOA sensor vanes due to insufficient heat in certain AOA sensors that prevent ice build-up in the vane pivot. The unsafe condition, if not addressed, could lead to failure of the stall warning system and result in a loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–30A1081, Revision 1, dated April 30, 2026, which is referred to in Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026, refers to the original issue date of Requirements Bulletin 737–30A1081 RB, this AD requires using the effective date of this AD.

(2) Where the concurrent actions of Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026, specify contacting Boeing for repair instructions: This AD requires doing the repair before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(3) For any concurrent actions of Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026, that contain steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(3)(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.

(j) Additional Information

(1) For more information about this AD, contact Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3973; email: *Michael.P.Closson@faa.gov*.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–30A1081 RB, Revision 1, dated April 30, 2026.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.

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

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

Issued on August 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–16795 Filed 8–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–5150; Airspace Docket No. 25–AAL–148]

RIN 2120–AA66

Establishment of Class E Airspace; Trading Bay Production Airport, Trading Bay, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Trading Bay Production Airport, Trading Bay, AK. This action would support the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before October 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–5150 and Airspace Docket No. 25–AAL–148 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 the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Bryantjay T. Toves, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3465.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class E5 airspace area designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would establish Class E airspace area extending upward from 700 feet above the surface at Trader Bay Production Airport, AK, to contain two private-use special instrument flight procedures.

The establishment of Class E airspace would encompass a 3.9-mile radius west and a 7-mile radius east, both bounded by a north-south line centered approximately 250 feet west of the airport reference point to contain IFR aircraft transitioning to or from Trader Bay Production Airport. The airspace would contain arriving aircraft descending below 1,500 feet above the surface while on the Area Navigation (RNAV) (Global Positioning System [GPS]) M Runway (RWY) 17 and RNAV (GPS) M RWY 35 approach procedures and departing aircraft while on the Special Obstacle Departure Procedures until the aircraft reaches 1,200 feet above the surface.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AAL CA E5 Trading Bay, AK [New]

Trading Bay Production Airport, AK
(Lat. 60°49′00″ N, long. 151°47′59″ W)

That airspace extending upward from 700 feet above the surface within a 3.9-mile radius west and a 7-mile radius east of the long. 151°50′13″ W line and centered on the airport reference point.

* * * * *

Issued in Des Moines, Washington, on August 13, 2026.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2026–16804 Filed 8–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2024–0667]

RIN 1625–AA01

Anchorages; Bolivar Roads Channel, Galveston, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the regulation for the Galveston Harbor, Bolivar Roads Channel, Texas Anchorage grounds (the ''Bolivar Anchorage'') to institute a 48 hour time limit for anchorage area (A) East. Amending this regulation would align the time limit for anchorage area (A) East with the already established 48 hour time limits for Bolivar Anchorage areas (A), (B) and (C). We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 17, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2024–0667.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Christopher Morgan, Sector Houston-Galveston, U.S. Coast Guard; telephone 713–398–5823, email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

In 2018 the Coast Guard established the Bolivar Anchorage area (A) East at 33 CFR 110.197, to address port security, port congestion and navigation safety concerns (83 FR 18412, April 27, 2018). At the time when the anchorage area was established it did not include a time limit of 48 hours like the Bolivar Anchorage areas (A), (B) and (C). After discussion with the local maritime community during a Harbor Safety Committee meeting, it was determined that having a 48 hour time limit in the regulations for the Bolivar Anchorage area (A) East was needed to ensure consistency among these anchorage areas.

The purpose of this proposed rule is to amend the Bolivar Anchorage regulation to establish a 48-hour time limit for vessels within the Bolivar Anchorage area (A) East, to bring its timeline requirements in line with the rest of the Bolivar Anchorage areas.

The Coast Guard is proposing this rulemaking under authorities in 33 U.S.C. 2071; 46 U.S.C. 70006 and 70034; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

III. Discussion of the Rule

This proposed rule would amend the already existing Bolivar Anchorage 48-hour time limit regulation at 33 CFR 110.197(b)(2), by adding anchorage area (A) East. As amended, the 48-hour time limit would then apply to all Bolivar Anchorage areas: (A), (A) East, (B), and (C). This amendment would ensure uniformity across the entirety of the Bolivar Anchorage areas and reduce confusion from the local maritime community about the time limit restrictions. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant

economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because it merely institutes a 48-hour time limitation in an already existing anchorage area.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

This proposed rule amends an existing anchorage regulation by implementing a 48 hour time restriction. Since this proposed rule would neither increase nor decrease the size of existing anchorage and does not increase the existing use of the anchorage, no environmental impact is anticipated. Normally such actions are categorically excluded from further review under paragraph. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2024–0667 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. 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 docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 2071; 46 U.S.C. 70006, 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.4.

■ 2. Revise 110.197(b)(2) to read as follows:

§ 110.197 Galveston Harbor, Bolivar Roads Channel, Texas

* * * * *

(b) * * *

(2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in anchorage areas (A), (A) East, (B), or (C) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston. Permission to anchor for longer periods may be obtained through Coast Guard Vessel Traffic Service Houston/Galveston on VHF–FM channels 12 (156.60 MHz) or 13 (156.65 MHz).

* * * * *

W.E. Watson,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Heartland District.

[FR Doc. 2026–16832 Filed 8–17–26; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 91, No. 158
Tuesday, August 18, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–1090]

Pioneer Hi-Bred International, Inc.: Availability of a Petition for a Determination of Nonregulated Status and Draft Plant Pest Risk Assessment for Insect Resistant COR–23134–4 Soybean (Glycine max)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Pioneer Hi-Bred International, Inc. seeking a determination of nonregulated status for COR–23134–4 soybean, which has been developed using genetic engineering to express Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins to protect against certain susceptible lepidopteran pests, and the GM–HRA protein that was used as a selectable marker. We are making the petition and draft plant pest risk assessment available for public review and comment.

DATES: We will consider all comments that we receive on or before October 19, 2026.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–1090 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–1090, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Avenue #AP760, Beltsville, MD 20705.

The petition, draft plant pest risk assessment, and any comments we receive on this docket may be viewed at *www.regulations.gov,* or in our reading room, which is located in 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Pearson, Biotechnology Regulatory Services, APHIS, USDA, 5601 Sunnyside Avenue, AP100–3–WS–1151, Beltsville, MD 20705; (301) 851–3944; email: *alan.pearson@usda.gov.*

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

Section 340.6(a) of the regulations provides that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 25–349–01p) from Pioneer Hi-Bred International, Inc. seeking a determination of nonregulated status for COR–23134–4 soybean (*Glycine max*), referred to as COR23134, which has been developed using genetic engineering to express Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins to protect against certain susceptible lepidopteran pests, and the GM–HRA protein that was used as a selectable marker. The petition states that the information provided indicates that COR23134 is unlikely to pose a plant pest risk and therefore should not be regulated under APHIS' regulations in 7 CFR part 340.

As part of our decision-making process regarding the organism's regulatory status, APHIS prepared a draft plant pest risk assessment (PPRA) to assess the plant pest risk of the organism. APHIS' draft PPRA compared the pest risk posed by COR23134 with that of the unmodified variety from which it was derived. The draft PPRA concluded that COR23134 is unlikely to pose an increased plant pest risk compared to the nonmodified soybean.

Paragraph (d) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** providing 60 days for public comment on petitions for a determination of nonregulated status. In accordance with § 340.6(d), we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition and draft PPRA from interested or affected persons for a period of 60 days from the date of this notice. The petition and draft PPRA are available for public review and comment, and copies are available as indicated under **ADDRESSES** and from the individual listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. We are particularly interested in receiving comments regarding biological or ecological issues, and we encourage the submission of scientific data, studies, or research to support your comments.

After the comment period closes, APHIS will review and evaluate any information received during the comment period and any other relevant information. Based upon available information, APHIS will respond to the petitioner either approving or denying the petition. APHIS will post its regulatory determination on its website and publish a notice of availability in the **Federal Register**.

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

Done in Washington, DC, this 12th day of August 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–16809 Filed 8–17–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–1354]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Animal Care; Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the Animal Welfare Act regulations for the humane handling, care, treatment, and transportation of birds not bred for use in research by dealers, exhibitors, operators of auction sales, research facilities, carriers and intermediate handlers.

DATES: We will consider all comments that we receive on or before October 19, 2026.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–1354 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–1354, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Animal Welfare Act contact Ms. SaMonia Ford, APHIS, Animal Care, 2150 Centre Avenue, Building B, 3W11, Fort Collins, CO 80526; 970–494–7478; *AC.PublicComment@usda.gov.* For more information on the information collection reporting process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Animal Care; Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act.

OMB Control Number: 0579–0486.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Welfare Act (AWA, 7 U.S.C. 2131 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to ensure the humane treatment of animals covered by the Animal Welfare Act, and to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, operators of auction sales, research facilities, carriers and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Animal Care.

Definitions, regulations, and standards established under the AWA are contained in 9 CFR parts 1, 2, and 3 (referred to below as the regulations). Part 1 contains definitions for terms used in parts 2 and 3. Part 2 provides administrative requirements and sets forth institutional responsibilities for regulated parties, including licensing requirements for dealers, exhibitors, and operators of auction sales. Part 3 provides standards for humane handling, care, treatment, and transportation of covered animals, and consists of subparts which contain specific standards for animals covered under the AWA. Subpart G of Part 3 provides standards for birds not bred for use in research.

Administering the AWA requires the use of several information collection activities such as license applications and renewals, registration applications and updates; annual reports; acknowledgement of regulations and standards; inspections; requests; notifications; agreements; plans; written program of veterinary care and health records; itineraries; applications and permits; records of acquisition, disposition, or transport of animals; official identification; variances; protocols; health certificates; complaints; marking requirements; and recordkeeping.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years as they pertain to birds not bred for use in research. APHIS has amended this information collection by decreasing the number Respondents, Responses, and Total Burden Hours being reported.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.893 hours per response.

Respondents: Individuals or households; businesses or other for-profit entities; not-for-profit institutions; farms; State, local, or tribal government officials; and foreign government officials.

Estimated annual number of respondents: 6401.

Estimated annual number of responses per respondent: 24.

Estimated annual number of responses: 150,855.

Estimated total annual burden on respondents: 134,774 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 14th day of August 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–16844 Filed 8–17–26; 8:45 am]

BILLING CODE 3410–34–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[Docket No. ATBCB–2026–0003]

Proposed Renewal of Information Collection; OMB Control Number 3014–2012; Online Architectural Barriers Act (ABA) Complaint Form

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: 30-Day information collection notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), the Architectural and Transportation Barriers Compliance Board (Access Board) has submitted the following request for renewal of information collection request titled ''Online ABA Complaint Form'' to the Office of Management and Budget (OMB) for its review and approval. The Access Board invites comment on its ''Online Architectural Barriers Act (ABA) Complaint Form.'' (OMB Control No. 3014–0012). The purpose of this information collection is to provide a standardized method for members of the public to file ABA complaints with the Access Board. The information collection is scheduled to expire on October 31, 2026, and we propose to continue using the instrument for an additional three years.

DATES: Send comments on or before September 17, 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 ''Architectural and Transportation Barriers Compliance Board'' under ''Currently under Review —Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, Office of General Counsel, U.S. Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111. Phone: 202–272–0043. Email: *marshall@access-board.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA and its implementing regulations (5 CFR part 1320), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information,'' within the meaning of the PRA, includes agency requests that pose identical questions to, or impose reporting or recording keeping obligations on, ten or more persons, regardless of whether response to such request is mandatory or voluntary. See 5 CFR 1320.3(c); see also 44 U.S.C. 3502(3). Before seeking clearance from OMB, agencies are generally required, among other things, to publish both 60-day and 30-day Notices in the **Federal Register** concerning any proposed information collection—including extension of a previously-approved collection—and provide an opportunity for comment. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

To comply with this requirement, the Access Board published its 60-day Notice in May 2026. See 91 FR 31405 (May 27, 2026). The Access Board is now publishing this 30-day Notice for the proposed renewal of this information collection. OMB's approval of the current version of the Access Board's Online ABA Complaint Form is set to expire in October 2026.

OMB Control Number: 3014–0012.

Title: Online Architectural Barriers Act (ABA) Complaint Form.

Type of Request: Extension of a currently approved information collection.

Abstract: The Access Board enforces the ABA by investigating complaints from members of the public concerning particular buildings or facilities, *i.e.,* those that are: constructed or altered by or on behalf of the United States; leased with federal funds; or constructed or altered with funds from a federal grant or loan. Over 90% of complaints the Access Board receives each year are submitted using the standardized, user-friendly, and accessible Online ABA Complaint Form; the remainder are submitted in writing, without use of a complaint form, by email or mail. The Online ABA Complaint Form allows complaints to be filed 24 hours per day, seven days per week, and allows for greater efficiency, clarity, and timeliness in the complaint filing process and resolution of complaints.

The Online ABA Complaint Form prompts complainants to provide the information the Access Board needs to investigate their complaint. First, complainants must complete the form fields for at least the name of the building or facility and the city and state in which it is located. Second, complainants must describe each barrier to accessibility they have encountered or are aware of at the building or facility. Third, complainants are given the option, but are not required, to provide personal information, including their name, address, telephone number(s), and email address. Where provided, personal information is not disclosed outside the Access Board without the written permission of the complainant. Complainants are also given the option to upload electronic files containing pictures, drawings, or other documents relevant to their complaint. Once any additional information and the complaint is submitted, the system provides complainants with confirmation that their complaint has been submitted successfully, a complaint number for them to use when making inquiries about the status of their complaint, and an option to print their complaint.

Respondents/Affected Public: Individual members of the public.

Burden Estimates: In the table below (Table 1), the Access Board provides estimates for the annual reporting burden under this information collection. In the existing collection, the Board had estimated 200 respondents annually with an average response time of 30 minutes and total burden hours of 100. Based on the past three years of data, the ABA complaints received by the Board have consistently outpaced the 200-respondent estimate, averaging around 300–320 respondents. Based on this increase in public participation, the Board believes a more accurate estimate is 400 respondents annually. Additionally, the Board believes that the average response time was overestimated in the last information collection and that coupled with the subsequent changes to the format of the online form, the response time will be reduced to 15 minutes per response. The Access Board does not anticipate incurring any capital or other direct costs associated with this information collection, other than salary time of staff to review the complaint form.

TABLE 1—ESTIMATED ANNUAL BURDEN HOURS

Type of collection	Number of respondents	Frequency of response (per year)	Average response time (mins.)	Total burden (hours)
ABA Complaint Form	400	1	15	100

(Note: Total burden hours per collection rounded to the nearest full hour).

Request for Comment: Comments are again invited on: (a) whether the proposed collection of information is necessary for performance of the Access Board's work; (b) the accuracy of the estimated burden; (c) ways for the Access Board to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. If you wish to comment in response to this Notice, you may send your comments as specified under the **ADDRESSES** section of this Notice by September 17, 2026.

Christopher Kuczynski,

General Counsel.

[FR Doc. 2026–16773 Filed 8–17–26; 8:45 am]

BILLING CODE 8150–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Maryland Advisory Committee (Committee) to the Commission will hold a public meeting via Zoom. The purpose is for the committee to continue The purpose is for the committee to continue briefing planning on the chosen topic of artificial intelligence and its application in voting administration.

DATES: Tuesday, August 25, 2026, at 1:00 p.m. ET.

ADDRESSES:

Registration Link (Audio/Visual): The meeting will be held via Zoom. *https://www.zoomgov.com/webinar/register/WN_8MkfYzXuSzi_2s2Mx9gNew.*

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 165 500 3665 #.

Agenda: https://usccr.box.com/s/zbfd0awfy5vl7hk3wc9pb9nic1v0rlf3 (note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at *bpeery@usccr.gov* or 1–202–701–1376.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of meeting will include a list of persons who are present. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to meetings.

Members of the public are entitled to submit written comments; comments must be received in the regional office within 30 days following scheduled meetings. Written comments may be emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809–9618.

Records generated from meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after meetings. Records of meetings will be available via the file sharing website: *https://tinyurl.com/mnshz8n9* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Dated: August 13, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–16772 Filed 8–17–26; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; State and Local Government Finance Collections, and Public Employment & Payroll Collections

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revisions to the State and Local Government Finance Collections, and Public Employment & Payroll Collections, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 19, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to *Matthew.J.Tucker@census.gov.* Please reference State and Local Government Finance Collections, and Public Employment & Payroll Collections in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0430, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing

until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Michael Reich, Assistant Division Chief, Public Sector, Economy-Wide Statistics Division, 301–763–5163; or by email *michael.r.reich@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request a revision and extension of the clearance for the Annual Survey of Public Employment & Payroll and the Annual Survey of State and Local Government Finances. The Annual Survey of Public Employment & Payroll collects state and local government data by function for full-time and part-time employees and payroll. Data collection is conducted through ten tailored instruments (Forms E1 through E10), each assigned to a government unit in accordance with its functional responsibilities. The Annual Survey of State and Local Government Finances collects state and local government finance data including government revenue, expenditure, debt, and details on pension systems. Data are collected for all agencies, departments, and institutions of the 50 state governments and for a sample of all local governments (counties, municipalities, townships, and special districts). Data collection is conducted through five tailored instruments (Forms F11, F13, F28, F29, and F32), each assigned to a government unit in accordance with its functional responsibilities. Form F11 is used for public pension systems; Form F13 is used for state insurance trust systems; and Forms F28, F29, and F32 are used for local governments. Data for school districts is collected under a separate survey (Annual Survey of School System Finances) and are not included here.

In years ending with '2' and '7' this collection is conducted as a part of the Census of Governments. There is no difference in content collected between a Census of Governments year and non-Census year. In non-Census of Governments years, we only collect data from a sample of the entire government universe, whereas during a Census of Governments year we collect data from the entire universe. The upcoming three years of this collection will cover fiscal years 2027, 2028, and 2029. 2027 will be a Census of Governments year collection.

The Census Bureau plans to revise the Annual Survey of Local Government Finances (F–28) and the Annual Survey of Public Pensions (F–11) collections. These surveys are collected as part of the larger State and Local Government Finance Collections mentioned above. All other forms remain unchanged.

For Local Government Finances (F–28), the Census Bureau plans to add the collection of selected criminal justice intergovernmental expenditure details previously dropped to support the needs of the Bureau of Justice Statistics. In addition, a question to clarify payments made to retirement systems that the government is unable to classify will be added to remove classification issues in the financial admin and miscellaneous expenditure functions.

For Public Pensions (F–11), the Census Bureau plans to restructure the instrument to streamline collection and reduce respondent burden. The Census Bureau will combine several items including government contributions (into two items; own contributions and other government contributions), interest and dividends (into one item), state and local active membership (into one item), and state and local employee contributions (into one item). These revised questions will better align with Annual Comprehensive Financial Report structure, making collection easier for smaller pension system while affecting overall public estimates minimally. The Census Bureau will also drop sixteen actuarial data items only published in individual unit files, keeping fiduciary net position, actuarially determined contributions, discount rate, total pension liability, and net pension liability.

These changes will help to provide key data users with the data they need and modernize the survey's content to maintain the relevancy and sustainability of these data. Cognitive testing shows the addition and removal of the forementioned content did not negatively impact overall response.

The data collected are released as part of the State and Local Government Finance and Public Employment & Payroll statistical series. The collections also produce individual data products that focus on state governments, local governments, and public pensions in greater detail than the combined financial and employment series as a by-product of their collections for the combined data series. The Census Bureau provides these data to the Bureau of Economic Analysis to develop the public sector components of the National Income and Product Accounts and for constructing the functional payrolls in the public sector of the Gross Domestic Product, payroll being the single largest component of current operations. The Census Bureau also provides these data to the Federal Reserve Board for use in the Flow of Funds Accounts and Centers for Medicare & Medicaid Services for use in the National Health Expenditure Accounts. Other Federal agencies that make regular use of the data include the Council of Economic Advisers, the Agency for Healthcare Research and Quality, the Government Accountability Office, and the Department of Justice. State and local governments and related organizations, public policy groups, public interest groups, private research organizations, and private sector businesses also use these data.

Statistics are produced as data files in electronic formats published to the Census Bureau website and APIs.

II. Method of Collection

These surveys use multiple modes for data collection with the main collection method being internet data collection with a mailed invitation, followed by email, mail, and telephone follow-ups. Other methods used to collect data and maximize response include collecting state and local government data through administrative records such as submitted financial audits, state financial reports, and annual comprehensive financial reports via electronic or mailed files and/or records.

The Census Bureau developed central collection agreements with state and large local government officials to collect the data from their dependent agencies and report to the Census Bureau as a central respondent. These arrangements eliminate the need for a mail invitation for approximately 5,900 governmental units in a sample year and 33,000 during the year of the Census of Governments. The arrangements reduce burden by greatly decreasing the number of respondents who must complete an on-line response as the data are acquired from a centralized source instead of multiple sources.

III. Data

OMB Control Number: 0607–0585.

Form Number(s): F–11, F–13, F–28, F–29, F–32, E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: State and local governments.

Estimated Number of Respondents: Per sample year for F-forms: 13,959 and for E-forms: 16,960; Per census year for F-forms 58,991 and for E-forms: 87,440; Total: 30,919 per sample year and 146,431 per census year.

Estimated Time per Response: Average per sample year for F-forms: 3.09 hours and for E-forms: .84 hours; Average per census year for F-forms 3.00 and for E-forms: .88 hours.

Estimated Total Annual Burden Hours: Per sample year for F-forms: 43,133 and for E-forms: 14,246 hours; Per census year for F-forms: 176,973 hours and for E-forms: 76,947 hours; Total: 57,379 per sample year, 253,920 per census year.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 161 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–16791 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–406–2026]

Foreign-Trade Zone 16; Application for Subzone; Yazaki North America, Inc.; Petoskey, Michigan

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Sault Ste. Marie Economic Development Corporation, grantee of FTZ 16, requesting subzone status for the facility of Yazaki North America, Inc., located in Petoskey, Michigan. 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 13, 2026.

The proposed subzone (2.5 acres) is located at 2277 M–119 Highway, Petoskey, Michigan. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 16.

In accordance with the FTZ Board's regulations, John Frye 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 28, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through October 13, 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 John Frye at *John.Frye@trade.gov.*

Dated: August 14, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–16836 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Business Center Program Online Customer Relationship Management (CRM)—Performance Databases

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 19, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Minority Business Development Agency PRA Officer at *PRAcomments@doc.gov.* Please reference OMB Control Number 0640–0025 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Uma Hiremagalur at *uhiremagalur@mbda.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

In 2023, MBDA awarded cooperative agreements under the Notice of Funding Opportunity for the MBDA Business Center Program. In accordance with the Government Performance and Results Act/Modernization Act (GPRA/MA), and the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), MBDA requires all award recipients to report basic participant information, service activities and progress on attainment of program goals via the Online CRM/Performance

Database. The data inputs into the Online CRM/Performance Database originates from progress report forms used by each awardee to collect information about each participant that receives technical assistance services under the Business Center Program.

This data provides the baseline from which the Online CRM/Performance Database is populated. The Online CRM/Performance Database is used to regularly monitor and evaluate the progress of the MBDA programs, to provide the Department and OMB with a summary of the quantitative information required to be submitted about government supported programs, to implement the GPRA/MA, conduct program evaluation in support of the Evidence Act. This information may also be summarized and included in the MBDA Annual Performance Report, which is made available to the public.

The MBDA technical assistance programs continue to use the Online CRM/Performance Database. The client transaction and verification forms will be used to collect information about the effectiveness of the programs funded by the agency. The forms include a statement regarding MBDA's intended use and transfer of the information collected to other federal agencies for the purpose of conducting research and studies on minority and underserved businesses.

II. Method of Collection

Information will be collected both manually and electronically.

III. Data

OMB Control Number: 0640–0025.
Form Number(s): None.
Type of Review: Regular submission.
Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.
Estimated Number of Respondents: 6.
Estimated Time per Response: 5–60 minutes.
Estimated Total Annual Burden Hours: 512.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Mandatory.
Legal Authority: The statutory authority for the MBDA Business Center Program is 3009(e)(2) of the Small Business Jobs Act of 2010, as amended by the American Rescue Plan Act of 2021 (ARP) (codified at 12 U.S.C. 5708(e)(2)). MBDA's programmatic authority is 15 U.S.C. 9501–9598.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–16790 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Capital Readiness Program Online Customer Relationship Management (CRM)—Performance Databases

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 19, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Minority Business Development Agency PRA Officer at *PRAcomments@doc.gov.* Please reference OMB Control Number 0640–0025 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Uma Hiremagalur at *uhiremagalur@mbda.gov* or *CRPAwardees@mbda.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

In 2023, MBDA awarded cooperative agreements under the Notice of Funding Opportunity for the MBDA Capital Readiness Program. In accordance with the Government Performance and Results Act/Modernization Act (GPRA/MA), and the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), MBDA requires all award recipients to report basic participant information, service activities, and progress on attainment of program goals via the Online CRM/Performance Database. The data inputs into the Online CRM/Performance Database originates from progress report forms used by each awardee to collect information about each participant that receives technical assistance services under the Capital Readiness Program.

This data provides the baseline from which the Online CRM/Performance Database is populated. The Online CRM/Performance Database is used to regularly monitor and evaluate the progress of the MBDA programs, to provide the Department and OMB with a summary of the quantitative information required to be submitted about government-supported programs, to implement the GPRA/MA, conduct program evaluation in support of the Evidence Act. This information may also be summarized and included in the MBDA Annual Performance Report, which is made available to the public.

The MBDA technical assistance programs continue to use the Online CRM/Performance Database. The client transaction and verification forms will be used to collect information about the

effectiveness of the programs funded by the agency. The forms include a statement regarding MBDA's intended use and transfer of the information collected to other federal agencies for the purpose of conducting research and studies on minority and underserved businesses.

II. Method of Collection

Information will be collected both manually and electronically.

III. Data

OMB Control Number: 0640–0025.
Form Number(s): None.
Type of Review: Regular submission.
Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.
Estimated Number of Respondents: 20.
Estimated Time per Response: 30 minutes.
Estimated Total Annual Burden Hours: 2,000 (for about 200 responses per respondent).
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Mandatory.
Legal Authority: The statutory authority for the MBDA Capital Readiness Program is 3009(e)(2) of the Small Business Jobs Act of 2010, as amended by the American Rescue Plan Act of 2021 (ARP) (codified at 12 U.S.C. 5708(e)(2)). MBDA's programmatic authority is 15 U.S.C. 9501–9598.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–16792 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF940]

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.

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 NMFS has modified the Letter of Authorization (LOA) issued to bp Exploration and Production Inc. (bp) for the take of marine mammals incidental to geophysical survey activity in the GOA.

DATES: The LOA is effective through October 1, 2026.

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** section).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, 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

[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).

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.

NMFS issued a LOA to bp on March 1, 2026, for the take of marine mammals incidental to a three-dimensional ocean-bottom node and distributed acoustic sensing survey in the Garden Banks and Walker Ridge areas, effective May 1, 2026, through August 31, 2026. Please see the **Federal Register** notice of issuance (91 FR 24809, May 7, 2026) for additional detail regarding the LOA and the survey activity.

On July 21, 2026, bp informed NMFS that the survey had a delayed start. Accordingly, they requested that the August 31, 2026 expiration date be extended to October 1, 2026, due to the delay. There are no other changes to the survey area or plan, which includes 106 days of sound source operation, with 69 days planned in zone 5 and 37 days planned in zone 7. Since the survey timing now involves months for which take was not previously assessed, we have updated bp's take estimates based on the revised schedule. The monthly distribution of survey days is not known in advance, though we assume that the planned 106 days of source operation would occur contiguously. Take estimates for each species are based on the period that produces the greatest value.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the modified 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 (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 and in the **Federal Register** notice of issuance for the original LOA (91 FR 24809, May 7, 2026). 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 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	820	347	2,451	14.2.
Kogia spp.	[3] 280	84	1,385	7.3.
Beaked whales	1,468	148	1,038	14.3.
Rough-toothed dolphin	2,037	585	4,853	12.0.
Bottlenose dolphin	1,895	544	166,538	0.3.
Clymene dolphin	728	209	6,136	3.4.
Atlantic spotted dolphin	562	161	21,506	0.8.
Pantropical spotted dolphin	21,781	6,251	50,209	12.5.

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Spinner dolphin	385	111	2,991	3.7.
Striped dolphin	2,924	839	16,102	5.2.
Fraser's dolphin	795	228	1,665	13.7.
Risso's dolphin	547	161	1,974	8.2.
Blackfish [4]	3,312	977	9,535	10.2.
Short-finned pilot whale	797	235	3,277	7.2.

[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 18 takes by Level A harassment and 262 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] The ''blackfish'' guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of bp's proposed survey activity described in its LOA application, as subsequently modified by bp, 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 modification 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 a modification to the LOA to bp authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: August 13, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–16815 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Office of the Secretarial Boards & Councils, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Secretary of Energy Advisory Board (SEAB) will be renewed for a two-year period beginning on August 26, 2026. The Committee provides advice and recommendations to the Secretary of Energy on energy policies; the Department's basic and applied research and developmental activities; economic and national security policy; and on any other activities and operations of the Department of Energy.

DATES: The projected renewal date is August 26, 2026.

FOR FURTHER INFORMATION CONTACT: David Borak, SEAB Designated Federal Officer, by Phone: 240–306–5557 or Email: *david.borak@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The renewal of the SEAB has been determined to be essential to conduct business of the Department of Energy and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Board will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

Public Interest Determination: Pursuant to 41 United States Code (U.S.C.) 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

The U.S. Department of Energy (DOE) is providing this written public interest determination, which has been approved by the Secretary of Energy, to demonstrate that renewing the Secretary of Energy Advisory Board (SEAB) is in the public interest:

1. Annual budget: Approximately $375,000.

a. Federal personnel on a full-time equivalent (FTE) basis: The estimated annual person years of Federal support required is 1 FTE, at an estimated annual cost of $250,000.

b. Other Federal internal costs: The estimate for other Federal internal costs, which include Federal travel, meeting/administrative expenses, and contractor costs, is $100,000.

c. Proposed payments to members: $0.

d. Proposed number of members: Approximately 20 members.

e. Reimbursable costs: The estimate for reimbursable costs, including members' travel expenses, is $25,000.

2. If applicable, the total dollar value of grants expected to be recommended during the Fiscal Year: N/A

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership: Membership of the Committee has been carefully considered to obtain a balance of disciplines, experiences, points of view, and geography. The members span academia, private institutions, and the private sector.

4. List of all other Federal advisory committees of the agency:

- 21st Century Energy Workforce Advisory Board
- Advisory Committee for Nuclear Security
- Appliance Standards and Rulemaking Federal Advisory Committee
- Biomass Research and Development Technical Advisory Committee

- Carbon Dioxide Capture, Utilization, and Sequestration Federal Lands Permitting Task Force
- Carbon Dioxide Capture, Utilization, and Sequestration Non-Federal Lands Permitting Task Force
- Electricity Advisory Committee
- Electric Vehicle Working Group
- Environmental Management Site-Specific Advisory Board
- Hydrogen and Fuel Cell Technical Advisory Committee
- Isotope Research & Development and Production Advisory Committee
- Industrial Technology Innovation Advisory Committee
- Methane Hydrate Advisory Committee
- National Coal Council
- National Petroleum Council
- National Quantum Initiative Advisory Committee
- President's Council of Advisors on Science and Technology
- Office of Science Advisory Committee
- State Energy Advisory Board
- Technical Panel on Magnetic Fusion

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source: No other advisory committee focuses only on cross-Departmental issues related to overall energy policy. This board is uniquely suited to find solutions to problems that the government alone cannot answer.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue: The SEAB was first established and chartered in 1990 under the administration of President George H.W. Bush. It has lapsed and been reestablished by subsequent administrations. SEAB was most recently reestablished in August 2012. The Secretary only recently appointed membership to the SEAB so there are not yet accomplishments in this administration. There is a pressing need to receive outside independent advice for our Nation's energy policies.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business: The SEAB specifically promotes the idea of energy dominance. America is blessed with an abundance of natural resources and is a leader in energy technologies and innovation that are critical to the economic prosperity and national security of the American people, as well as our partners and allies. The SEAB will help expand all forms of reliable and affordable energy production to drive down inflation, grow our economy, create good-paying jobs, reestablish American leadership in manufacturing, and lead the world in artificial intelligence. By utilizing our national assets, including our crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water, and critical minerals, we will preserve and protect our most beautiful places, reduce our dependency on foreign imports, and grow our economy—thereby enabling the reduction of our deficits and our debt. In conclusion, this public interest determination documents that renewing the committee is in the public interest and essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Signing Authority

This document of the Department of Energy was signed on August 13, 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 14, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–16801 Filed 8–17–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–2760–003.
Applicants: Omnis Pleasants, LLC.
Description: Triennial Market Power Analysis for Northeast Region of Omnis Pleasants, LLC.
Filed Date: 8/11/26.
Accession Number: 20260811–5173.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2598–001.
Applicants: Public Service Company of Colorado.
Description: Tariff Amendment: 2026–08–13 UPI—SISA—Grandview—926—Deficiency Response to be effective 12/10/2025.
Filed Date: 8/13/26.
Accession Number: 20260813–5108.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3513–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Amendment to WMPA, SA No. 4448; Queue No. AB1–021 (amend) to be effective 10/13/2026.
Filed Date: 8/13/26.
Accession Number: 20260813–5097.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3514–000.
Applicants: Public Service Company of Colorado.
Description: 205(d) Rate Filing: 2026–08–13–PSC–PI–2024–21—SPB—PLGIA—BESS Project—878—0.1.0—Amnd to be effective 8/14/2026.
Filed Date: 8/13/26.
Accession Number: 20260813–5111.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3515–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Proposal to Establish Interim Resource Adequacy Service & a Large Load Registry to be effective 10/12/2026.
Filed Date: 8/13/26.
Accession Number: 20260813–5118.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3516–000.
Applicants: Louisville Gas and Electric Company.
Description: 205(d) Rate Filing: EKPC Cambellsville CIAC Rate Schedule No. 538 to be effective 10/13/2026.
Filed Date: 8/13/26.
Accession Number: 20260813–5132.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3517–000.
Applicants: Kentucky Utilities Company.
Description: 205(d) Rate Filing: KU Concurrence EKPC Cambellsville CIAC FERC No. 538 to be effective 10/13/2026.
Filed Date: 8/13/26.
Accession Number: 20260813–5144.
Comment Date: 5 p.m. ET 9/3/26.

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 13, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–16808 Filed 8–17–26; 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: RP26–1053–000.

Applicants: Northern Natural Gas Company.

Description: 4(d) Rate Filing: 20260812 Carlton Flow Obligation to be effective 11/1/2026.

Filed Date: 8/12/26.

Accession Number: 20260812–5100.

Comment Date: 5 p.m. ET 8/24/26.

Docket Numbers: RP26–1054–000.

Applicants: Enable Gas Transmission, LLC.

Description: Compliance filing: NAESB Version 4.0 Revisions Compliance Filing to be effective 1/1/2027.

Filed Date: 8/13/26.

Accession Number: 20260813–5030.

Comment Date: 5 p.m. ET 8/25/26.

Docket Numbers: RP26–1055–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: Compliance filing: NAESB Version 4.0 Revisions Compliance Filing to be effective 1/1/2027.

Filed Date: 8/13/26.

Accession Number: 20260813–5033.

Comment Date: 5 p.m. ET 8/25/26.

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:

RP26–1044–001.

Applicants: Golden Pass Pipeline LLC.

Description: Tariff Amendment: Out-of-Cycle Retainage Filing Amended Filing for Tariff Record Revisions to be effective 9/1/2026.

Filed Date: 8/12/26.

Accession Number: 20260812–5127.

Comment Date: 5 p.m. ET 8/24/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 13, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–16810 Filed 8–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project/Docket No. 5912–004]

Town of Dover-Foxcroft; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 12, 2026, Maine Department of Environmental Protection submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Town of Dover-Foxcroft, in conjunction with the above captioned project on August 3, 2026. Pursuant to section 6.1(b) of the Commission's regulations,[1] we hereby notify the Maine Department of Environmental Protection of the following:

Date of Receipt of the Certification Request: August 3, 2026.

Reasonable Period of Time to Act on the Certification Request: August 3, 2027 (One year).

If Maine Department of Environmental Protection fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 13, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16834 Filed 8–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–147–000.

Applicants: Greenbacker Renewable Energy Company LLC

Description: Application for Authorization Under Section 203 of the Federal Power Act of Greenbacker Renewable Energy Company LLC.

Filed Date: 8/10/26.

Accession Number: 20260810–5160.

Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: EC26–148–000.

Applicants: SR Tullahoma, LLC.

[1] 18 CFR 6.1(b).

Description: Application for Authorization Under Section 203 of the Federal Power Act of SR Tullahoma, LLC.

Filed Date: 8/11/26.

Accession Number: 20260811–5158.

Comment Date: 5 p.m. ET 9/1/26.

Docket Numbers: EC26–149–000.

Applicants: CDH Vidal LLC, Cald BESS LLC, Kuna BESS LLC, Pediment BESS I LLC, BGTF II Alpha AcquireCo LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of CDH Vidal LLC, et al.

Filed Date: 8/11/26.

Accession Number: 20260811–5160.

Comment Date: 5 p.m. ET 9/1/26.

Docket Numbers: EC26–150–000.

Applicants: SR Rochelle, LLC, SR Georgetown, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of SR Rochelle, LLC, et al.

Filed Date: 8/11/26.

Accession Number: 20260811–5162.

Comment Date: 5 p.m. ET 9/1/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2564–017; ER10–2289–017; ER10–2600–017.

Applicants: UNS Electric, Inc., UniSource Energy Develop.m.ent Company, Tucson Electric Power Company.

Description: Notice of Non-Material Change in Status of Tucson Electric Power Company, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5373.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER10–2727–017; ER10–1469–020; ER24–172–011; ER10–2728–021; ER10–1451–019; ER10–2687–019; ER10–1467–020; ER10–2688–022; ER11–3907–013.

Applicants: The Toledo Edison Company, The Potomac Edison Company, Ohio Edison Company, Monongahela Power Company, Jersey Central Power & Light, Green Valley Hydro, LLC, FirstEnergy Pennsylvania Electric Company, The Cleveland Electric Illuminating Company, Allegheny Energy Supply Company, LLC.

Description: Notice of Non-Material Change in Status of Allegheny Energy Supply Company, LLC, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5371.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER10–2819–009; ER14–413–007; ER10–3147–009; ER21–2652–008; ER10–3131–008; ER20–1970–004; ER22–2500–003; ER22–2501–003; ER22–2502–003; ER19–1778–005; ER14–1390–008; ER19–1639–005; ER10–2358–010; ER14–1397–008.

Applicants: Storm Lake Power Partners II, LLC, Storm Lake Power Partners I LLC, South Peak Wind LLC, Lake Benton Power Partners LLC, Glen Ullin Energy Center, LLC, DLS—Sylvan Project Co, LLC, DLS—Laskin Project Co, LLC, DLS—Jean Duluth Project Co, LLC, Diamond Spring, LLC, Condon Wind Power, LLC, Caddo Wind, LLC, AES Armenia Mountain Wind, LLC, ALLETE Clean Energy, Inc., ALLETE, Inc.

Description: Notice of Non-Material Change in Status of ALLETE, Inc., et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5368.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER11–2552–007; ER11–2558–008.

Applicants: Niagara Mohawk Power Corporation, Massachusetts Electric Company.

Description: Notice of Change in Status of Massachusetts Electric Company, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5370.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER23–113–006; ER25–3039–003; ER25–3360–002.

Applicants: AL Solar H, LLC,AL Solar G, LLC,AL Solar D, LLC.

Description: Triennial Market Power Analysis for Southeast Region of AL Solar D, LLC, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5366.

Comment Date: 5 p.m. ET 9/29/26.

Docket Numbers: ER24–1271–010; ER22–1627–012; ER24–2271–009; ER20–2028–014; ER23–921–007; ER23–2481–012; ER24–1272–010; ER24–957–006; ER24–1449–008; ER22–2042–008; ER24–2273–009; ER22–398–011; ER10–1330–021; ER19–89–009; ER26–1236–003; ER24–2467–008; ER23–1889–006; ER23–2203–010.

Applicants: Wildflower Solar, LLC, Sweetland Wind Farm, LLC, Spanish Peaks Solar LLC, Pitt Solar, LLC, North Rosamond Solar, LLC, North Allegheny Wind, LLC, Mesa Wind Power LLC, Jones Farm Lane Solar, LLC, Jackpot Holdings, LLC, Goose Prairie Solar LLC, Franklin Solar LLC, Foxglove Solar Project, LLC, Crystal Hill Solar, LLC, Black Mesa Energy, LLC, Bitter Ridge Wind Farm, LLC, Aspen Road Solar 1, LLC, AM Wind Repower LLC, Alton Post Office Solar, LLC.

Description: Notice of Non-Material Change in Status of Alton Post Office Solar, LLC, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5365.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER24–1345–002; ER24–1346–002.

Applicants: RB Inyokern Solar WDAT 1203 LLC, RB Inyokern Solar WDAT 1281 LLC.

Description: Notice of Change in Status of RB Inyokern Solar WDAT 1281 LLC, et al.

Filed Date: 7/31/26.

Accession Number: 20260731–5367.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER25–895–005.

Applicants: BOCA bn, LLC.

Description: Notice of Change in Status of BOCA bn, LLC.

Filed Date: 7/31/26.

Accession Number: 20260731–5369.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–2691–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment: Response to Deficiency Letter (Joint OATT Att F–2) to be effective 8/1/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5066.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3502–000.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Order No. 1920—Interregional Coordination to be effective 1/1/2028.

Filed Date: 8/12/26.

Accession Number: 20260812–5132.

Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: ER26–3503–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: Order No. 1920 Interregional OATT Compliance Filing for WestConnect Planning Reg to be effective 1/1/2028.

Filed Date: 8/12/26.

Accession Number: 20260812–5133.

Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: ER26–3504–000.

Applicants: Arizona Public Service Company.

Description: 205(d) Rate Filing: Rate Schedule No. 326–ANPP Interconnection Agreement with Arlington Valley to be effective 10/12/2026..

Filed Date: 8/12/26.

Accession Number: 20260812–5148.

Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: ER26–3505–000.

Applicants: Stellar Wright BESS LLC.

Description: 205(d) Rate Filing: Stellar Wright BESS LLC SFA to be effective 9/15/2026.

Filed Date: 8/12/26.

Accession Number: 20260812–5156.

Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: ER26–3506–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4987 NextEra Energy Resources Development Surplus GIA to be effective 10/13/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5003.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3507–000.

Applicants: Treaty Oak Devco Holdco, LLC, St. Landry Solar, LLC.

Description: Request for Limited and Prospective Waiver, et al. of St. Landry Solar, LLC, et al.

Filed Date: 8/10/26.

Accession Number: 20260810–5159.

Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3508–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: BPA General Transfer Agreement (West) Rev 13 (RS No. 237) to be effective 10/14/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5015.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3509–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Southern Power (Franklin 2) Second Revised and Restated LGIA Filing to be effective 8/3/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5076.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3510–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to Incorporate MSR Self-Committed to Charge MWs to be effective 12/31/9998.

Filed Date: 8/13/26.

Accession Number: 20260813–5077.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3511–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Southern Power (Franklin 3) Amended and Restated LGIA Filing to be effective 8/3/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5078.

Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–3512–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Southern Power (Franklin 1) Amended and Restated LGIA Filing to be effective 8/3/2026.

Filed Date: 8/13/26.

Accession Number: 20260813–5081.

Comment Date: 5 p.m. ET 9/3/26.

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 13, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–16813 Filed 8–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–332]

Pacific Gas and Electric Company; Notice of Additional Scoping Sessions on Proposed Surrender, Decommissioning, and Non-Project Use of Project Lands

On July 25, 2025, Pacific Gas and Electric Company (applicant or PG&E) filed an application to surrender and decommission the Potter Valley Hydroelectric Project No. 77. The project is located on the Eel River and East Branch of the Russian River in Lake and Mendocino counties, California. The project occupies federal lands managed by the U.S. Forest Service.

On May 22, 2026, the staff of the Federal Energy Regulatory Commission (FERC or Commission) initiated a scoping process as part of its review and held scoping meetings on June 23 and 24, 2026 in Ukiah, California. On July 24, 2026, Commission staff extended the comment period to September 18, 2026, by 5 p.m. Eastern Time, for the filing of scoping comments.

By this notice, Commission staff provides notice of two additional public scoping sessions to collect comments on the scope of the environmental issues that should be analyzed in the NEPA document. All interested individuals, resource agencies, Native American Tribes, and non-governmental organizations (NGOs) are invited to attend one or both of the sessions.

These additional sessions will follow the format of the June 23 and 24, 2026 sessions. There will be no formal presentations at either session. Numbered tickets will be handed out on a first-come, first-serve basis; individuals will be called in order by ticket number to provide oral comments to be transcribed by a stenographer for the formal record. Time limits on oral comments may be enforced to ensure those wishing to comment have the opportunity to do so. The times and locations of the additional scoping sessions are as follows:

Evening Scoping Session

Date: Tuesday, September 15, 2026.

Time: 6:00 p.m.–8:00 p.m. Pacific Time (PT).

Place: Wharfinger Building.

Address: 1 Marina Way, Eureka, CA 95501.

Daytime Scoping Session

Date: Wednesday, September 16, 2026.

Time: 9:00 a.m.–11:00 a.m. (PT).

Place: Wharfinger Building.

Address: 1 Marina Way, Eureka, CA 95501.

If you provided comments in our previous June 23–24 scoping sessions, you do not need to attend and/or resubmit your comments. For additional information on the proceeding, see our May 22, 2026 notice and Scoping Document 1. The comment period for filing all scoping comments closes on September 18, 2026, by 5 p.m. Eastern Time

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.*

If you have further questions, you may also contact Diana Shannon at *diana.shannon@ferc.gov* or 202–502–6136.

(Authority: 18 CFR 2.1.)

Dated: August 13, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16833 Filed 8–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–562–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on August 7, 2026, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000, for authorization to: (i) abandon in place approximately 5.39 miles of Columbia's 10-inch-diameter BKY pipeline, (ii) abandon by removal approximately 0.19 miles of Columbia's 10-inch-diameter BKY pipeline, and (iii) remove associated mainline valves meters, a rectifier, and appurtenant facilities. All of the above facilities are located in Lawrence County, Kentucky, and Wayne County, West Virginia (BKY Abandonment Project). The project will allow Columbia to facilitate the planned expansion of an adjacent third-party facility since the proposed pipeline segments are no longer required to support Columbia's current firm service obligations. The estimated cost for the project is $2,797,063, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to LaShawndra R. Proctor, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at (832) 320–5232, or by email at *lashawndra_proctor@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 13, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on October 13, 2026. Filings that do not meet requirements of 18 CFR 157.205(e)(2) [4] will not be considered protests by the Commission.[5] A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [6] and the regulations under the NGA [7] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 13, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filled motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 157.205(e)(2).

[5] *Cheniere Creole Trail Pipeline, L.P.,* 195 FERC ¶ 61,208, at P 8 n.16 (2026).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 13, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–562–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–562–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: LaShawndra R. Proctor, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, or by email (with a link to the document) at *Lashawndra_proctor@tcenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

Dated: August 13, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16835 Filed 8–17–26; 8:45 am]

BILLING CODE 6717–01–P

[8] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2026–5679; FRL–13538–01–OCSPP]

Nominations to the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP); Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is now accepting public comments on the experts the Agency is considering for membership on the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP). This document identifies the individuals nominated. The Agency anticipates selecting from those nominees that are identified as interested and available to appoint two new SAP members by October 2026 due to expiring membership terms. Public comments on these nominations will be used to assist the Agency in selecting the new members for the FIFRA SAP.

DATES: Submit your comments on or before September 8, 2026.

ADDRESSES: Submit comments, identified by docket identification (ID) number EPA–HQ–OPP–2026–5679, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO) is Tamue L. Gibson; Regulatory and Information Services Division (7602M), Office of Mission Critical Operations, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency; telephone number: (202) 564–7642; email address: *gibson.tamue@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. It may be of particular interest to persons who are interested in the impact of pesticide regulatory actions on health and the environment and pesticide-related issues in general. The Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. Submitting CBI

Do not submit CBI information to EPA through email or *https://www.regulations.gov.* If your comment contains any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments. Information properly marked as CBI will not be disclosed except in accordance with the procedures set forth in 40 CFR part 2.

2. Commenting on EPA Dockets

When preparing and submitting your comments, see Commenting on EPA Dockets at *https://www.epa.gov/dockets/commenting-epa-dockets.*

C. What action is the Agency taking?

This document solicits public comment on the experts recently nominated to serve on the FIFRA SAP (see Unit III.D.2.). The Agency anticipates selecting from these nominations to appoint two new SAP members by October 2026 due to expiring membership terms. Public comments on these recent nominations will be used to assist the Agency in selecting the new members for the FIFRA SAP.

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

The FIFRA SAP is a federal advisory committee, established in 1975 under FIFRA (7 U.S.C. 136 *et seq.*), that operates in accordance with requirements of the Federal Advisory Committee Act (FACA) (5 U.S.C. 10). In accordance with FACA requirements, a Charter for the FIFRA SAP, dated June 15, 2026, provides for open meetings with opportunities for public participation.

II. Background

The FIFRA SAP serves as a scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide independent scientific advice, information, and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. The FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health (NIH) and the National Science Foundation (NSF). Members serve staggered terms of appointment, generally of three to six years duration. To augment the knowledge-base of the FIFRA SAP, FIFRA required that EPA establish a Science Review Board consisting of at least 60 scientists who are available to the FIFRA SAP on an ad hoc basis to assist in reviews conducted by the FIFRA SAP.

As a scientific peer review mechanism, the FIFRA SAP provides comments, evaluations, and recommendations to improve the effectiveness and quality of analyses made by Agency scientists.

III. Nominees

A. Qualifications of Members

Members are scientists who have sufficient professional qualifications, including training and experience, to provide expert comments on the impact of pesticides on human health and the environment. In accordance with FIFRA section 25(d)(1), the Administrator shall require nominees to the FIFRA SAP to furnish information concerning their professional qualifications, including educational background, employment history, and scientific publications. No persons shall be ineligible to serve on the FIFRA SAP by reason of their membership on any other advisory committee to a federal department or agency, or their employment by a federal department or agency (except EPA). FIFRA section 25(d) further stipulates that the Agency publish the name, address, and professional affiliation of the nominees in the **Federal Register**.

B. Applicability of Existing Regulations

Consistent with the requirements of FIFRA section 25(d), FIFRA SAP members are subject to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635, conflict of interest statutes in Title 18 of the United States Code, and related regulations. Before being formally appointed, each candidate is required to submit a Confidential Financial Disclosure Form in which they must fully disclose, among other financial interests, the nominee's sources of research support, if any. EPA will evaluate the candidate's financial disclosure forms to assess the possibility of financial conflicts of interest, appearance of a loss of impartially, or any prior involvement with the development of documents likely to be under consideration by the FIFRA SAP (including previous scientific peer reviews) before the candidate is considered further.

C. Process of Obtaining Nominees

In accordance with the provisions of FIFRA section 25(d), on April 15, 2026, EPA requested that the NIH and the NSF nominate scientists to fill vacancies occurring on the FIFRA SAP. The Agency requested nominations of nationally recognized experts in the fields of ecological and human exposure assessment, including environmental fate and transport of chemicals; new approach methodologies, including *in vitro* to *in vivo* extrapolation. Experts with specific experience in risk assessment, dose-response analysis, cheminformatics, bioinformatics, and genomics are preferred.

D. Nominated Individuals

NIH and NSF provided the Agency with a total of 28 nominees, of which, 16 are interested and available to actively participate in FIFRA SAP meetings (see Unit III.D.2.), and 12 individuals are not available to be considered further for membership at this time (see Unit III.D.1.). In addition to the list of nominees provided in this document, a compilation of brief biographical sketches, including information about the qualifications of the individual nominees, is available in the public docket identified under **ADDRESSES**.

1. Nominees That Are Not Available

The following individuals are not available to be considered further for membership at this time (listed alphabetically):

1. Steven Belmain, Ph.D., University of Greenwich, Greenwich, London.
2. Mark Cubeta, Ph.D., North Carolina State University, Raleigh, North Carolina.
3. Thomas Hartung, MD, Ph.D., Johns Hopkins University, Baltimore, Maryland.*
4. Eunha Hoh, Ph.D., San Diego State University, San Diego, California.*
5. Lifang Hou, MD, Northwestern University, Chicago, Illinois.
6. Pamela Lein, Ph.D., University of California-Davis, Davis, California.
7. Charles Mitchell, Ph.D., University of North Carolina, Chapel Hill, North Carolina.
8. Richard Ostfeld, Ph.D., Carey Institute, Millbrook, New York.
9. Michael Parsons, Ph.D., Fordham University, Bronx, New York.
10. Lina Quesda-Ocampo, Ph.D., North Carolina State University, Raleigh, North Carolina.
11. Brian J. Reich, Ph.D., North Carolina State University, Raleigh, North Carolina.
12. Elaine Sunderland, Ph.D., Harvard University, Cambridge, Massachusetts.

* *Note:* FIFRA SAP charter members Drs. Hartung and Hoh cannot be considered further for the current membership cycle.

2. Nominees That Are Interested and Available

The following individuals are interested and available experts that the Agency is considering for membership on the FIFRA SAP (listed alphabetically). Selected biographical data for each nominee is available in the docket identified under **ADDRESSES** and through the FIFRA SAP website at *https://www.epa.gov/sap.* Following the completion of the required ethics reviews, the Agency anticipates selecting new members by October 2026 to fill upcoming vacancies occurring on the Panel.

1. Diana S. Aga, Ph.D., University of Buffalo, Buffalo, New York.

2. Antonio T. Baines, Ph.D., North Carolina Central University, Durham, North Carolina.

3. Michelle C. Cora, DVM, National Institute of Environmental Health Sciences, Research Triangle Park, Durham, North Carolina.

4. Megan M. Dewdney, Ph.D., University of Florida, Lake Alfred, Florida.

5. Lauren M. Diepenbrock, Ph.D., University of Florida, Lake Alfred, Florida.

6. Rebecca C. Fry, Ph.D., University of North Carolina, Chapel Hill, North Carolina.

7. James J. Galligan, Ph.D., University of Arizona, Tucson, Arizona.

8. Kurunthachalam Kannan, Ph.D., University at Albany, Albany, New York.

9. Bo Li, Ph.D., University of Illinois Urbana-Champaign, Illinois.

10. Carrie McDonough, Ph.D., Carnegie Mellon University, Pittsburg, Pennsylvania.

11. Irfan Rahma, Ph.D., University of Rochester Medical Center, Rochester, New York.

12. Nors F. Savage, Ph.D., United States National Science Foundation, Alexandria, Virginia.

13. Elizabeth J. Skellam, Ph.D., University of North Texas, Denton, Texas.

14. Marin Talbot Brewer, Ph.D., University of Georgia, Athens, Georgia.

15. Kyla Welch Taylor, Ph.D., National Institute of Environmental Health Sciences, Research Triangle Park, Durham, North Carolina.

16. Wei Zheng, Ph.D., University of Illinois at Urbana-Champaign, Champaign, Illinois.

Authority: 7 U.S.C. 136 *et. seq.;* 21 U.S.C. 301 *et seq.;* 5 U.S.C. 10.

Dated: August 14, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–16838 Filed 8–17–26; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: EIB–2026–0232]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 10–04, Notice of Claim and Proof of Loss, Working Capital Guarantee

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Comments must be received on or before October 19, 2026 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 10–04) or by email to *donna.schneider@exim.gov,* or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

The form can be reviewed at *https://img.exim.gov/s3fs-public/pub/pending/EIB%2010-04%20WCG%20Notice%20of%20Claim%20Proof%20of%20Loss_2026.pdf.*

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider <*Donna.Schneider@exim.gov*>, 202–565–3612.

SUPPLEMENTARY INFORMATION: By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Working Capital Guarantee Program, Ex-Im Bank provides repayment guarantees to lenders on secured, short-term working capital loans made to qualified exporters. The guarantee may be approved for a single loan or a revolving line of credit. In the event that a borrower defaults on a transaction guaranteed by Ex-Im Bank the guaranteed lender may seek payment by the submission of a claim.

Title and Form Number: EIB 10–04 Notice of Claim and Proof of Loss, Working Capital Guarantee.

OMB Number: 3048–0035.

Type of Review: Regular.

Need and Use: This collection of information is necessary, pursuant to12 U.S.C. 635 (a)(1), to determine if such claim complies with the terms and conditions of the relevant working capital guarantee. The Notice of Claim and Proof of Loss, Working Capital Guarantee is used to determine compliance with the terms of the guarantee and the appropriateness of paying a claim. Export-Import Bank customers are submitting this form electronically.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 10.

Estimated Time per Respondent: 6 hours.

Annual Burden Hours: 60 hours.

Frequency of Reporting of Use: As needed to request a working capital claim payment.

Dated: August 14, 2026.

Andrew Smith,

Records Officer.

[FR Doc. 2026–16845 Filed 8–17–26; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of General Counsel at (202)-523–5740 or *GeneralCounsel@fmc.gov.*

Agreement No.: 010761–002.

Agreement Name: Somers Isles Shipping Agreement.

Parties: Bermuda Container Line Ltd.; Bermuda International Shipping Limited; and Somers Isles Shipping Limited.

Filing Party: Bryant Gardner, Winston & Strawn LLP.

Synopsis: The Amendment updates corporate address of Somers Isles Shipping Limited and removes the authority set forth in Article 5(b)(6) to use common marshalling, terminal and other cargo-handling facilities, and other transportation facilities, which facilities may be owned, leased or licensed from the other parties or from third persons.

Proposed Effective Date: 8/12/2026.

Location: https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/1180.

Agreement No.: 201353–003.

Agreement Name: THE Alliance/Evergreen Vessel Sharing Agreement.

Parties: HMM Company Limited; Evergreen Marine Corporation (Taiwan) Ltd.; Ocean Network Express Pte. Ltd.; and Yang Ming Joint Service Agreement, FMC No. 201392.

Filing Party: Joshua Stein, Cozen O'Connor.

Synopsis: The Amendment updates the name of the Agreement to Premier Alliance/Evergreen Vessel Sharing Agreement and deletes Hapag-Lloyd AG as a party to the Agreement.

Proposed Effective Date: 8/13/2026.

Location: https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/39502.

Dated: August 14, 2026.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2026–16843 Filed 8–17–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: August 25, 2026 at 10:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 763 966 301#; or via web: *https://www.frtib.gov/.*

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION: Board Meeting Agenda.

Open Session

1. Approval of the July 28, 2026, Board Meeting Minutes
2. Monthly Reports
   (a) Participant Report
   (b) Investment Report
   (c) Legislative Report
3. Quarterly Report
   (d) Metrics
4. Internal Audit Update
5. Fiscal Year 2026 FISMA Report
6. OCFO Office Presentation
7. Annual Budget Approval

Closed Session

8. Information Covered under 5 U.S.C. 552b(c)(9)(B).

(Authority: 5 U.S.C. 552b (e)(1).)

Dated: August 13, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–16780 Filed 8–17–26; 8:45 am]

BILLING CODE 6760–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Trade Commission (FTC or Commission) requests that the Office of Management and Budget (OMB) extend for three years the current Paperwork Reduction Act (PRA) clearance for its Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising (Franchise Rule or Rule). The current clearance expires on August 31, 2026.

DATES: Comments must be received by September 17, 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 and its accompanying supporting statement by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. The *reginfo.gov* web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Christine M. Todaro, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–3711, *ctodaro@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Franchise Rule, 16 CFR part 436.

OMB Control Number: 3084–0107.

Type of Review: Extension of a currently approved collection.

Abstract: The Franchise Rule ensures that consumers who are considering a franchise investment have access to the material information they need to make an informed investment decision and compare different franchise offerings. The Rule requires franchisors to furnish prospective purchasers with a Franchise Disclosure Document (FDD) that provides information relating to the franchisor, its business, the nature of the proposed franchise, and any representations by the franchisor about financial performance regarding actual or potential sales, income, or profits. The Rule also requires that franchisors maintain records to facilitate enforcement of the Rule.[1] The franchisor must preserve materially different copies of its FDD for 3 years. Franchisors must also have written information that provides a reasonable basis for any financial performance representation they elect to make.

Affected Public: Private Sector: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 22,480.

Estimated Annual Labor Costs: $8,403,680.[2]

Estimated Annual Non-Labor Costs: $4,800,000.

Request for Comment: On May 5, 2026, the FTC sought comment on the information collection requirements associated with the Rule. 91 FR 24235. The FTC received no germane comments during the public comment period. Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. For more details about the Rule requirements and the basis for the calculations summarized above, see 91 FR 24235.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any

[1] The Rule was amended in 2007 to conform its disclosure requirements with the disclosure format accepted by states that have franchise registration or disclosure laws. *See* 72 FR 15444 (Mar. 30, 2007). The amended Rule has significantly minimized any compliance burden beyond what is required by state law.

[2] This estimate is updated from the prior estimate of $8,400,040 that was included in the 60-day **Federal Register** notice. The updated estimate is based on more current information released on May 15, 2026, from the Bureau of Labor Statistics, Occupational Employment and Wages—May 2025, Table 1: National Employment and Wage Data from the Occupational Employment and Wage Statistics Survey by Occupation, May 2025, available at *https://www.bls.gov/news.release/ocwage.htm.*

commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–16827 Filed 8–17–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0430]

Submission for Office of Management and Budget Review; ACF–700 Tribal Annual Report

AGENCY: Office of Child Care, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting to reinstate approval of the ACF–700: Tribal Annual Report (Office of Management and Budget (OMB) #: 0970–0430) with proposed revisions. ACF requests changes to the form that reduce annual burden hours.

DATES: Comments due September 17, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202608-0970-005.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Tribal Lead Agencies (TLA) for the Child Care and Development Fund (CCDF) are required on an annual basis to submit aggregate information on services provided via ACF–700 CCDF Tribal Annual Report. This report offers the Office of Child Care (OCC) insight into how CCDF program dollars are being spent. The ACF–700 report collects administrative data about the number of children and families served. The report also asks specific questions that collect programmatic information about tribal quality activities, coordination of activities with other early childhood programs, compliance with health and safety standards, and pursuit of accreditation. The information collected from this report allows OCC to generate and analyze aggregate information, thereby giving OCC a more comprehensive understanding of tribal program activities more easily. The data are essential for demonstrating the accomplishments of tribal child care programs. OCC has revised the previous version of the ACF–700 to reduce administrative burden for tribes. Specifically:

Part 2: Tribal Narrative on the form was reduced due to repetitive questions.

Part 3: American Rescue Plan (ARP) was deleted since OCC is no longer collecting ARP data.

Respondents: Tribal Grantees receiving CCDF funding. Tribes that operate child care under Public Law 102–477 Indian Employment, Training, and Related Services Plan are exempt from ACF–700.

Annual Burden Estimates: OCC has revised burden estimates based on the proposed revisions and to reflect the current number of TLAs. In prior years, burden was broken out by the size of the TLA, with small allocation tribes estimated to take less time to complete the request than medium/large allocation tribes. OCC is no longer differentiating between TLAs with small and medium/large allocations because most TLAs (74 percent) receive small allocations. Due to this and based on the revisions, OCC estimates an average time per response for all TLAs, regardless of size, of 13 hours. Overall, the proposed revisions result in a 40 percent decrease in burden compared to the currently approved information collection.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
ACF–700	210	1	13	2,730

Authority: 42 U.S.C. 9857, *et seq.*

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–16793 Filed 8–17–26; 8:45 am]

BILLING CODE 4184–87–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Tribal Consultation Meeting

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Head Start Act, notice is hereby given of one Tribal Consultation session to be held between HHS/ACF OHS leadership and the leadership of Tribal governments operating Head Start and Early Head Start programs. The purpose of this consultation session is to discuss ways to better meet the needs of American Indian and Alaska Native (AIAN) children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

DATES: Wednesday, September 16, 2026—1:00–4:00 p.m. ET.

ADDRESSES: Virtual: Registration information for the virtual event will be forthcoming.

FOR FURTHER INFORMATION CONTACT: Office of Head Start, email *AIANHeadStart@acf.hhs.gov.* Additional information and online meeting registration will be forthcoming.

SUPPLEMENTARY INFORMATION: In accordance with section 640(l)(4) of the Head Start Act, 42 U.S.C. 9835(1)(4), ACF announces OHS Tribal Consultation session for leaders of Tribal governments operating Head Start and Early Head Start programs.

The agenda for the scheduled OHS Tribal Consultation reflects the statutory purposes of Head Start Tribal Consultations related to meeting the needs of AIAN children and families. OHS will also highlight the progress made in addressing issues and concerns

raised in the previous OHS Tribal Consultations.

The consultation session includes elected or appointed Leaders of Tribal governments and their designated representatives. Designees must have a letter from the Tribal government authorizing them to represent the Tribe. Tribal governments must submit the designee letter at least 3 days before the consultation session to the Office of Head Start at *AIANHeadStart@acf.hhs.gov.* Other representatives of Tribal organizations and Native nonprofit organizations are welcome to attend as observers.

Within 45 days of the consultation process, a detailed report of the consultation session will be available for all Tribal governments receiving funds for Head Start and Early Head Start programs. Tribes can submit written testimony for the report to the Office of Head Start at *AIANHeadStart@acf.hhs.gov* prior to the consultation session or by October 6, 2026. OHS will summarize oral testimony and comments from the consultation session in the report, along with topics of concern and recommendations.

Roshelle M. Brooks,

Management Analyst and OFR Liaison.

[FR Doc. 2026–16826 Filed 8–17–26; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–5479]

Testosterone Use in Menopausal Women; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration's (FDA) Office of Women's Health and the Center for Drug Evaluation and Research are announcing a public workshop titled ''Testosterone Use in Menopausal Women.'' The purpose of the public workshop is to examine the current scientific evidence and critical knowledge gaps related to testosterone use in menopausal women to help inform future research and potential drug development of testosterone products for menopausal women. Researchers, educators, industry, clinicians, patients, and consumers may benefit from attending this scientific workshop. Presentations will examine the physiological roles of testosterone throughout a woman's life, including age-related decline, the menopausal transition, challenges associated with measuring and interpreting testosterone blood levels, and how these levels correlate with clinical symptoms and conditions. Speakers will review current and potential clinical uses of testosterone in menopausal women and examine the strengths and limitations of available data supporting those uses. Speakers will discuss regulatory considerations, including the development of robust efficacy and safety data, to support a marketing application for testosterone in menopausal women for the treatment of various clinical conditions, and study design considerations for evaluating long-term safety outcomes in women.

DATES: The public workshop will be held on September 17, 2026, from 9:00 a.m. to 4:30 p.m. Eastern Time. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held as a hybrid event via webcast and an in-person option at the FDA White Oak Campus, Great Room, Bldg. 31, 10903 New Hampshire Ave., Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/about-fda/visitor-information/public-meeting-information* and *https://www.fda.gov/about-fda/visitor-information/visitor-parking-and-campus-map.*

You may submit comments, data, and information as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 19, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include Docket No. FDA–2026–N–5479 for ''Testosterone Use in Menopausal Women; Public Workshop; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and

contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Lakshmi Kannan, Bldg. 32, Rm. 2333, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–9440, *OWHmeetings@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Menopause represents a significant biological transition for women, marked by cessation of ovarian function and decreased levels of all ovarian steroids, including estrogen and testosterone. Testosterone in women naturally declines with age. Levels in the late 40s are approximately half of those in the early 20s, reaching a nadir in the late 50s, followed by stabilization or modest increases starting in the 60s. The role of declining ovarian testosterone levels in menopausal women and its relationship to medical conditions, such as frailty, depressive symptoms, sleep, sexual function, cognition, and musculoskeletal health, are not well understood. Unlike estrogen-containing products, there are no FDA approved indications for testosterone therapy for menopausal women. Nevertheless, the off-label use of testosterone in women nearing or after menopause has increased over the past decade. Testosterone is currently approved for hypoactive sexual desire disorder (HSDD) in women in Australia, New Zealand, the UK, and South Africa. Beyond HSDD, there are limited data on the treatment effect of testosterone for other clinical uses. While short-term safety data exist for physiologic doses, long-term safety data beyond 24 months are limited, particularly regarding cardiovascular and breast cancer risks. Additionally, challenges exist in testosterone measurement and understanding the relationship between testosterone levels and various clinical outcomes. This public workshop will examine the current scientific evidence and knowledge gaps related to testosterone use in menopausal women to inform future research and potential drug development of testosterone products for menopausal women.

II. Topics for Discussion at the Public Workshop

This public workshop will include presentations and session discussions by experts in the fields of women's health, endocrinology, clinical pharmacology, clinical care, and regulators. The patient perspective will also be explored. Sessions will address testosterone physiology throughout a woman's life, navigating measurement challenges, clinical guidelines and practice perspectives, and regulatory considerations for drug approval, including the identification of clinically meaningful endpoints for various indications. Each session will include panel discussions to explore critical research gaps and chart a path forward for testosterone therapy in menopausal women.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: *https://fda.zoomgov.com/webinar/register/WN_vqCrP60TSOGU7fc9uAWUbQ#/registration.* Please provide complete contact information for each attendee, including name, title, affiliation, email, and select whether attendance will be virtual or in-person.

Registration is free and based on space availability, with priority given to early registrants. People interested in attending this public workshop in-person must register by September 10, 2026, 11:59 p.m. Eastern Time. Those planning to attend virtually may register up until the date of the meeting. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact the FDA Office of Women's Health at *OWHmeetings@fda.hhs.gov* no later than September 1, 2026.

Streaming Webcast of the Public Workshop: This public workshop will also be webcast, accessible at: *https://fda.zoomgov.com/webinar/register/WN_vqCrP60TSOGU7fc9uAWUbQ#/registration.*

Notice of this meeting is given pursuant to 21 CFR 10.65.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16829 Filed 8–17–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5974]

Determining Whether To Submit an ANDA or a 505(b)(2) Application; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry titled ''Determining Whether to Submit an ANDA or a 505(b)(2) Application.'' This draft guidance is intended to serve as a foundational guidance to assist applicants in determining which one of the abbreviated approval pathways under the Federal Food, Drug, and Cosmetic Act (FD&C Act) is appropriate for the submission of a marketing application to FDA. This draft guidance revises the guidance for industry titled ''Determining Whether to Submit an ANDA or a 505(b)(2) Application'' issued in May 2019 and, when finalized, will replace the 2019 guidance for industry.

DATES: Submit either electronic or written comments on the draft guidance by October 19, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or

anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–5974 for ''Determining Whether to Submit an ANDA or a 505(b)(2) Application.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: David Coppersmith, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1666, Silver Spring, MD 20993–0002, 301–796–9193.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry titled ''Determining Whether to Submit an ANDA or a 505(b)(2) Application.'' This draft guidance is intended to serve as a foundational guidance to assist applicants in determining which one of the abbreviated approval pathways under the FD&C Act is appropriate for the submission of a marketing application to FDA. This draft guidance highlights criteria for submitting applications under the abbreviated approval pathways described in sections 505(j) and 505(b)(2) of the FD&C Act (21 U.S.C. 355(j) and 21 U.S.C. 355(b)(2), respectively), identifies considerations to help potential applicants determine whether an application would be more appropriately submitted under section 505(j) or pursuant to section 505(b)(2) of the FD&C Act, and provides direction to potential applicants on requesting assistance from FDA in making this determination.

This draft guidance focuses on those applications that can be submitted as abbreviated new drug applications (ANDAs) under section 505(j) of the FD&C Act, petitioned ANDAs under section 505(j)(2)(C) of the FD&C Act, or new drug applications (NDAs) pursuant to section 505(b)(2) of the FD&C Act. This draft guidance does not discuss stand-alone NDAs.

This draft guidance revises the guidance for industry titled ''Determining Whether to Submit an ANDA or a 505(b)(2) Application,'' which was announced in the **Federal Register** on May 10, 2019 (84 FR 20637). When finalized, this draft guidance will replace the 2019 guidance. Changes from the 2019 version include providing additional information on duplicates and eligibility for approval under section 505(j) of the FD&C Act, as well as other updates that are intended to clarify FDA's recommendations to industry.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on ''Determining Whether to Submit an ANDA or a 505(b)(2) Application.'' 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 draft guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 314 for submission of 505(b)(2) or 505(j) applications have been approved under OMB Control number 0910–0001. The collections of information in 21 CFR part 201 for labeling of prescription drugs have been approved under OMB Control number 0910–0572. The collections of information for controlled correspondence and requests for communication with Office of Generic Drugs staff have been approved under OMB control number 0910–0727.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://*

www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, http://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. 2026–16837 Filed 8–17–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Allergy and Infectious Diseases Council, September 23, 2026, 8:00 a.m. to September 23, 2026, 5:00 p.m., National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20892 which was published in the **Federal Register** on August 3, 2026, 91 FR 48906.

Amendment to inform that the open sessions will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*). The meeting is partially open to the public.

Dated: August 13, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–16779 Filed 8–17–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Partially Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH National Advisory Neurological Disorders and Stroke Council.

The meeting will be held as a virtual meeting and will be partially open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast and Podcasting website (*https://videocast.nih.gov/*).

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 Neurological Disorders and Stroke Council.

Date: September 9–10, 2026.

Open: September 9, 2026, 4:00 p.m. to 5:30 p.m.

Agenda: Report by the Acting Director, NINDS; Report by the Director, Division of Extramural Activities; and Administrative and Program Developments; AD/ADRD Program Update; To discuss upcoming Concept Clearance Initiatives and other business of the Council.

Address: National Institutes of Health, Neuroscience Center, Room 1131, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Closed: September 10, 2026, 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Neuroscience Center, Room 1131, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Andrea Lynn Meredith, Ph.D., Director of Extramural Activities, National Institute of Neurological Disorders and Stroke, NIH, DHHS, Neuroscience Center, 6001 Executive Boulevard, Bethesda, MD 20892, (301) 496–9248, *andrea.meredith@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice at least 10 days in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Extramural Research Programs in the Neurosciences and Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 13, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–16778 Filed 8–17–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2026–0793]

Notice of Availability of Outer Continental Shelf Official Protraction Diagrams

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM), in accordance with its authority and responsibility under the Outer Continental Shelf Lands Act, is announcing the availability of new World Geodetic System 1984 (WGS84)-based Outer Continental Shelf (OCS) Official Protraction Diagrams (OPDs). These OPDs depict geographic areas located on the OCS offshore the Commonwealth of the Northern Mariana Islands (CNMI) covering the extent of the area identified for further consideration for potential OCS mineral leasing and environmental analysis in BOEM's CNMI Area Identification that was finalized on March 18, 2026. These diagrams may be used in the descriptions of potential OCS mineral lease sales off of CMNI. Additional OPDs for areas offshore CNMI that were not included in the March 2026 Area Identification are expected to be published in the future.

ADDRESSES: Copies of the OPDs are available for download in .pdf format from the Offshore Marine Cadastre (OMC) Navigator at *https://experience.arcgis.com/experience/eb21d5af8cf74c93b139c38c5b4163d1.*

FOR FURTHER INFORMATION CONTACT: Dr. Megan Carr, Associate Director for Strategic Resources, at (202) 294–3998 or via email at *megan.carr@boem.gov.*

SUPPLEMENTARY INFORMATION: The extent of the published diagram coverage is shown in Figure 1 below.

BILLING CODE 4340–98–P

CNMI Outer Continental Shelf OPDs

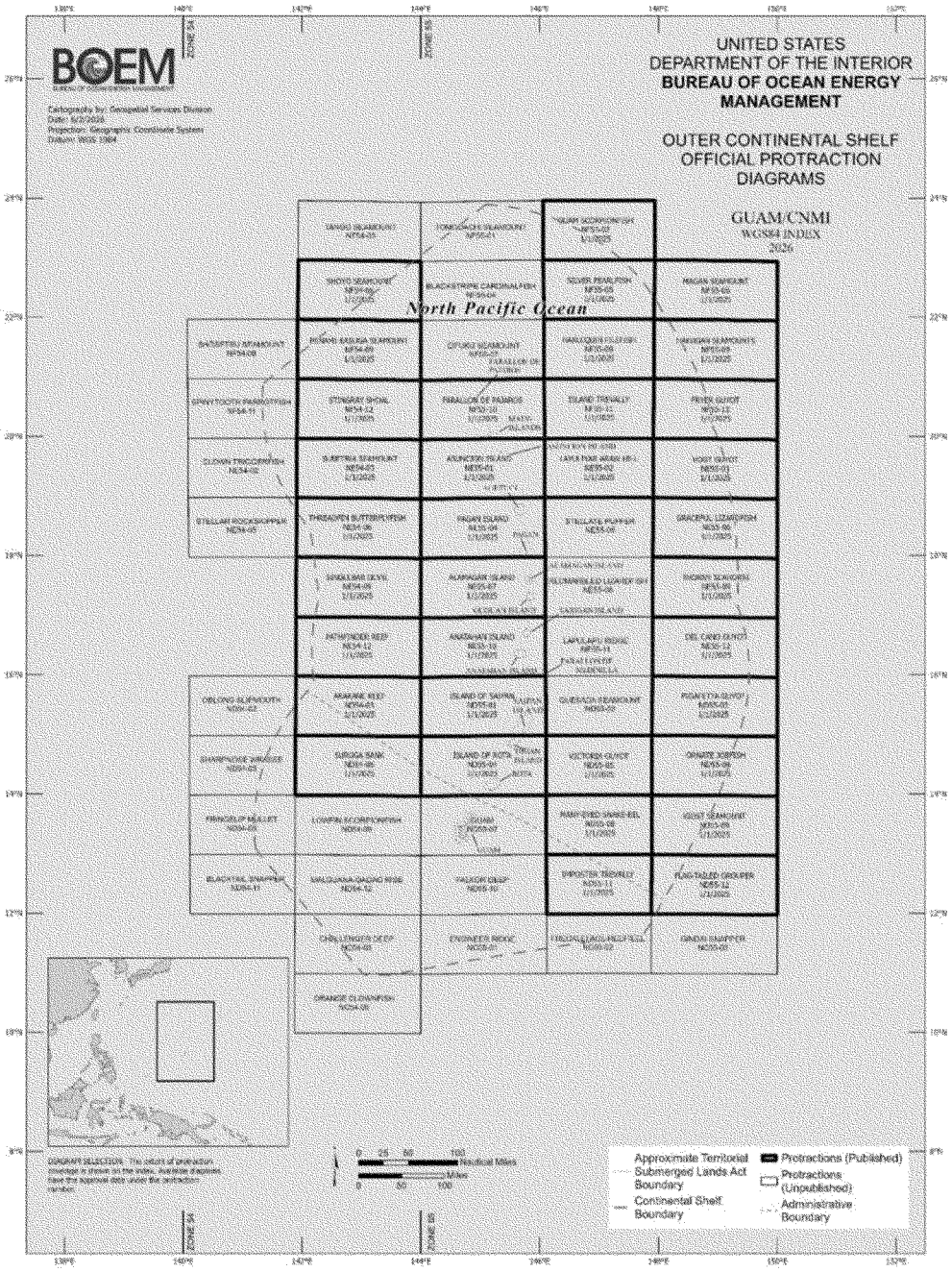

Figure 1

BILLING CODE 4340–98–C

BOEM is announcing the following OPDs for the OCS off of CNMI:

Description/Date

ND54–03 (Arakane Reef)—1/1/2025
ND54–06 (Suruga Bank)—1/1/2025
ND55–01 (Island of Saipan)—1/1/2025
ND55–03 (Pigafetta Guyot)—1/1/2025
ND55–04 (Island of Rota)—1/1/2025
ND55–05 (Victoria Guyot)—1/1/2025
ND55–06 (Ornate Jobfish)—1/1/2025
ND55–08 (Many-Eyed Snake-Eel)—1/1/2025
ND55–09 (KIOST Seamount)—1/1/2025
ND55–11 (Imposter Trevally)—1/1/2025
ND55–12 (Flag-Tailed Grouper)—1/1/2025
NE54–03 (Subetbia Seamount)—1/1/2025
NE54–06 (Threadfin Butterflyfish)—1/1/2025
NE54–09 (Singlebar Devil)—1/1/2025
NE54–12 (Pathfinder Reef)—1/1/2025
NE55–01 (Asuncion Island)—1/1/2025
NE55–02 (Layuliyar Araw Hill)—1/1/2025
NE55–03 (Vogt Guyot)—1/1/2025
NE55–04 (Pagan Island)—1/1/2025

NE55–06 (Graceful Lizardfish)—1/1/2025
NE55–07 (Alamagan Island)—1/1/2025
NE55–09 (Thorny Seahorse)—1/1/2025
NE55–10 (Anatahan Island)—1/1/2025
NE55–12 (Del Cano Guyot)—1/1/2025
NF54–06 (Shōyō Seamount)—1/1/2025
NF54–09 (Minami-kasuga Seamount)—1/1/2025
NF54–12 (Stingray Shoal)—1/1/2025
NF55–02 (Guam Scorpionfish)—1/1/2025
NF55–05 (Silver Pearlfish)—1/1/2025
NF55–06 (Magan Seamount)—1/1/2025
NF55–08 (Harlequin Filefish)—1/1/2025
NF55–09 (Hakugan Seamounts)—1/1/2025
NF55–10 (Farallon de Pajaros)—1/1/2025
NF55–11 (Island Trevally)—1/1/2025
NF55–12 (Fryer Guyot)—1/1/2025

Authority: 43 U.S.C. 1331 *et seq.* (Outer Continental Shelf Lands Act, as amended)

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–16840 Filed 8–17–26; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2026–0793]

Notice of Availability of the Proposed Leasing Notice for the Commonwealth of the Northern Mariana Islands Outer Continental Shelf Pacific Mineral Lease Sale 2 (PACM–2)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the Proposed Leasing Notice (PLN) for the Commonwealth of the Northern Mariana Islands (CNMI) Outer Continental Shelf (OCS) Pacific Mineral Lease Sale 2 (PACM–2). BOEM publishes this notice pursuant to its regulatory authority under 30 CFR part 581. Pursuant to 30 CFR 581.16, the Secretary of the Interior provides the Governor of the Commonwealth of the Northern Mariana Islands with the opportunity to review and comment on the PLN within 60 days of publication of this notice of availability. The PLN describes the proposed lease sale's size, timing, and location, along with information to lessees about clauses, lease stipulations, and terms and conditions, such as minimum bids, royalty rates, and rental rates.

DATES: Comments received from the Governor of the Commonwealth of the Northern Mariana Islands must be submitted to BOEM no later than October 19, 2026. BOEM will publish a Final Leasing Notice in the **Federal Register** at least 30 days prior to PACM–2 being held. BOEM proposes to hold PACM–2 sale on December 16, 2026.

ADDRESSES: The PLN for the proposed Lease Sale PACM–2 and other information essential to potential bidders may be obtained from the Office of Strategic Resources, Pacific Region, Bureau of Ocean Energy Management, 760 Paseo Camarillo, Suite 102, Camarillo, California, 93010; telephone: 805–384–6305. The PLN and other essential information are available for downloading or viewing on BOEM's website at *https://www.boem.gov/marine-minerals/commonwealth-northern-mariana-islands-cnmi-activities.*

FOR FURTHER INFORMATION CONTACT: Joshua Gange, Acting Supervisor for Leasing and Technical Review, Bureau of Ocean Energy Management, Pacific Region, 760 Paseo Camarillo (CM102), Camarillo, CA, 93010, at *pacific.region@boem.gov* or 805–384–6305.

Authority: This notice is published pursuant to 43 U.S.C. 1337(k) (Outer Continental Shelf Lands Act, as amended) and 30 CFR 581.16.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–16839 Filed 8–17–26; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–781–782 and 731–TA–1767–1769 (Final)]

Van-Type Trailers and Subassemblies From Canada, China, and Mexico; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Peter Stebbins (202–205–2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective June 5, 2026, the Commission established a schedule for the conduct of the final phase of the subject investigations (91 FR 36613, June 17, 2026). Subsequently, the announcement of road closures and parking restrictions in Washington, DC, indicated an impact to the Commission and surrounding area for a period between August 14, 2026, and August 26, 2026. The Commission, therefore, is revising its schedule to continue to hold an in-person hearing in these investigations.

The Commission's revised dates in the schedule are as follows: the prehearing conference will be held at the U.S. International Trade Commission Building on August 26, 2026, if deemed necessary; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on August 27, 2026; the deadline for filing posthearing briefs is 5:15 p.m. on September 3, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: August 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–16787 Filed 8–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1490]

Certain Off-Road Vehicles and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting an Unopposed Motion To Amend the Complaint and Notice of Investigation and Terminate the Investigation as to Certain Claims

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 10) of the presiding administrative law judge (''ALJ'') granting an unopposed motion to amend the complaint and Notice of Investigation and terminate the investigation as to certain claims.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3103. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 9, 2026, based on a complaint filed by Polaris Inc., Polaris Industries Inc., and Polaris Sales Inc. (collectively ''Polaris''), each of Medina, Minnesota. 91 FR 11336–37 (March 9, 2026). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain off-road vehicles and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,819,220 (''the '220 patent''); 7,950,486 (''the '486 patent''); 8,613,337; 9,217,501; and 12,187,127 (''the '127 patent''). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents: Zhejiang CFMOTO Power Co., Ltd. of Hangzhou, China and CFMOTO Powersports Inc. (collectively ''CFMOTO'') of Plymouth, Minnesota. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On June 26, 2026, Polaris filed a motion to amend the complaint and Notice of Investigation to assert claim 31 of the '486 patent and claims 9–15 and 22 of the '127 patent against the recently-launched ZFORCE® Z10 and Z10–4 vehicles, and to terminate the investigation in part as to claims 7 and 8 of the '220 patent. The motion certifies that CFMOTO does not oppose the motion and no opposition was filed.

On July 14, 2026, the ALJ issued the subject ID, amending the complaint and Notice of Investigation to assert claim 31 of the '486 patent and claims 9–15 and 22 of the '127 patent against the ZFORCE® Z10 and Z10–4 vehicles, and terminating the investigation in part as to claims 7 and 8 of the '220 patent. The ID finds that Polaris has shown good cause to amend the complaint and add allegations and the ''proposed amendments will not prejudice the public interest or the rights of the parties participating in this investigation.'' Order 10 at 5–6. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Claims 7 and 8 of the '220 patent are terminated from the investigation. Further, the complaint and Notice of Investigation are amended to assert claim 31 of the '486 patent and claims 9–15 and 22 of the '127 patent.

The Commission vote for this determination took place on August 13, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–16789 Filed 8–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1481]

Certain Video-Capable Electronic Devices; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety Due to an Arbitration Agreement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 18) granting a joint motion to terminate the investigation in its entirety due to an arbitration agreement.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 23, 2026, the Commission instituted this investigation based on a complaint filed by InterDigital, Inc. and InterDigial VC Holdings, Inc., both of Wilmington, Delaware (together, ''InterDigital''). 91 FR 2959–60 (Jan. 23, 2026). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video-capable electronic devices by reason of infringement of claims 1, 2, 12, and 14 of U.S. Patent No. 10,741,211; claims 39, 41, 43, 47, 48, 50, 53, 54, 56, 57, 59, 61, 65, 66, 68, 71, 72, and 74 of U.S. Patent No. 8,363,724; claims 13, 16, 19, and 22 of U.S. Patent No. 8,681,855; claims 1–3, 7–9, 13, 14, 17, and 18 of U.S. Patent No. 11,917,146; and claims 1, 4, 10, and 15

of U.S. Patent No. 9,747,674 (''the '674 patent''). *Id.* The Commission's notice of investigation named as respondents, Amazon.com, Inc. and Amazon.com Services, LLC, both of Seattle, Washington (together, ''Amazon''). The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On May 4, 2026, the Commission terminated the investigation as to claim 4 of the '674 patent. Order No. 8 (April 14, 2026), *unreviewed by* Comm'n Notice (May 4, 2026).

On July 13, 2026, InterDigital and Amazon filed a joint motion to terminate the investigation in its entirety based upon an arbitration agreement.

On July 17, 2026, the ALJ issued the subject ID (Order No. 18) granting the motion. The ID noted that Commission Rule 210.21 provides that ''[a]ny party may move at any time to terminate an investigation in whole or in part as to any or all respondents on the basis of a settlement, a licensing or other agreement, including an agreement to present the matter for arbitration.'' ID at 1 (citing 19 CFR 210.21(a)(2)). The ID found that in compliance with Commission Rule 210.21(d), the parties provided a copy of the arbitration agreement. *Id.* at 2. The ID further found that the motion includes a statement that apart from the arbitration agreement, ''there are no agreements, written or oral, express or implied, between the private parties concerning the subject matter of the Investigation.'' *Id.* The ID also found no evidence that termination of this investigation would have an adverse impact on the public interest. *Id.* No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on August 13, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–16788 Filed 8–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1452]

Certain Ink Cartridges and Components Thereof II; Notice of a Commission Determination Finding a Violation Under Section 337; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to find a violation under section 337 of the Tariff Act of 1930, as amended, and to issue a general exclusion order (''GEO'') prohibiting the importation of products that infringe claims 1 and 7 of each of the following patents: U.S. Patent Nos. 8,764,172 (''the '172 patent''); 9,370,934 (''the '934 patent''); 11,535,038 (''the '038 patent''); 12,240,248 (''the '248 patent''); and 12,240,249 (''the '249 patent''); and cease and desist orders (''CDOs'') against respondents Mountain Peak, Inc. and Straightouttaink, LP. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3459. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On June 17, 2025, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Epson America, Inc. of Los Alamitos, California; Epson Portland, Inc. of Hillsboro, Oregon; and Seiko Epson Corporation of Nagano, Japan (collectively ''Epson''). 90 FR 25644–45 (June 17, 2025). The complaint, as supplemented, alleged violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ink cartridges and components thereof by reason of the infringement of certain claims of the '172 patent, the '934 patent, the '038 patent, the '248 patent, and the '249 patent. *Id.* The complaint, as supplemented, further alleged that a domestic industry (''DI'') exists in the United States. *Id.*

The Commission's notice of investigation named the following entities as respondents: Shenzhen Hongxinyuan E-Commerce Co., Ltd. d/b/a Jianjai (''Shenzhen Hongxinyuan'') of Shenzhen, China; Shangrao Shixuan E-Commerce Co., Ltd. d/b/a Inkgo (''Shangrao Shixuan'') of Shangrao, China; Shen Zhen Sailing Technology Limited d/b/a Triple-Color (''Shen Zhen Sailing'') of Shenzhen, China; Qiong Wang d/b/a 7-Magic (''Qiong Wang'') of Leizhou City, China; Dongguan Ocbestjet Digital Technology Co., Ltd. d/b/a Ocbestjet (''Ocbestjet Dongguan'') of Dongguan City, China; Ocbestjet Printer Consumables (HK) Co., Ltd. d/b/a Ocbestjet (''Ocbestjet HK'') of Hong Kong, China; Shenzhen Kaizhen Technology Co., Ltd. d/b/a PayForLess (''Kaizhen'') of Shenzhen, China; ZhuHai MeiJiAn Trading Co., Ltd. d/b/a HaloFox (''ZhuHai MeiJiAn'') of Zhuhai, China; Zhuhai Shuofeng E-commerce Co., Ltd. d/b/a super-ink-club (''Shuofeng'') of Zhuhai, China; Tatrix International China Co., Ltd. (''Tatrix'') of Guangdong, China; Luozhi Trading Co., Ltd. (''Luozhi'') of Guanzhou, China; Zhuhai Zhenyang Electronics Co., Ltd. (''Zhenyang'') of Zhuhai, China; Zhuhai Hengyunda Electronics Co., Ltd. (''Hengyunda'') of Zhuhai, China; Zhuhai Rongtaida Electronics Co., Ltd. (''Rongtaida'') of Zhuhai, China; Zhuhai Shi Wei Tai Electronics Co., Ltd. (''Shi Wei Tai'') of Zhuhai, China; Zhuhai Yixing Electronics Co., Ltd. (''Yixing'') of Zhuhai, China; Zhuhai Bowang Technology Co., Ltd. (''Bowang'') of Zhuhai, China; Mei Jin Technology HK Co., Ltd. (''Mei Jin'') of Hong Kong, China; Mountain Peak, Inc. (''Mountain Peak'') of Industry, CA; and Straightouttaink, LP (''Straightouttaink'') of San Jose, CA. The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation. *Id.*

The Commission previously found respondents Tatrix, Luozhi, Zhenyang, Hengyunda, Rongtaida, Shi Wei Tai, Yixing, Bowang, Mei Jin, Mountain Peak, and Straightouttaink in default. *See* Order No. 8 (Sept. 15, 2025), *unreviewed by* Comm'n Notice (Nov. 17, 2025). The Commission also previously found respondents Ocbestjet Dongguan, Ocbestjet HK, Kaizhen, ZhuHai MeiJiAn, and Shuofeng in default. *See*

Order No. 10 (Dec. 3, 2025), *unreviewed by* Comm'n Notice (Dec. 22, 2025).

On January 8, 2026, the Commission terminated the following respondents from the investigation: Shenzhen Hongxinyuan, Shangrao Shixuan, Shen Zhen Sailing, and Qiong Wang. *See* Order No. 11 (Dec. 11, 2025), *unreviewed by* Comm'n Notice (Jan. 8, 2026).

On January 20, 2026, the Commission terminated the investigation as to claims 2, 3, 8, and 10 of the '172 patent; claims 8 and 10 of the '934 patent; claims 12, 17, 19–20, and 24 of the '038 patent; claims 13, 15, and 20–21 of the '248 patent; and claims 2, 8, 13–15, and 20–22 of the '249 patent. Order No. 12 (Dec. 18, 2025), *unreviewed by* Comm'n Notice (Jan. 20, 2026).

On March 24, 2026, the ALJ issued an initial determination (Order No. 16) (''ID'') granting Epson's motion for summary determination of a violation of section 337. The ID also includes a Recommended Determination (''RD'') recommending that the Commission issue a GEO barring entry of products that infringe the asserted claims, issue CDOs against respondents Mountain Peak and Straightouttaink, and set a bond in the amount of 100 percent of the entered value of the infringing articles imported during the period of Presidential review.

On April 6, 2026, the Commission issued its post-RD notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 91 FR 17307–08 (April 6, 2026). No responses were filed from the public. On April 21, 2026, Epson filed a statement on the public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4).

On May 8, 2026, the Commission issued a notice determining to review the ID in part with respect to the economic prong of the DI requirement and requesting written submissions on the issues under review as well as remedy, the public interest, and bonding. 91 FR 25921–23 (May 12, 2026) (''Review Notice''). The Commission determined not to review the remainder of the ID.

On May 22, 2026, Epson and OUII filed their written submissions in response to the Review Notice. No other written submissions were filed in response to the Review Notice. On May 29, 2026, Epson and OUII filed their replies to the other party's written submissions.

Having reviewed the record of the investigation, including Order No. 16 and the parties' written submissions, the Commission has determined to affirm with supplemental analysis the ID's findings that Epson has satisfied the economic prong of the DI requirement. The Commission has determined that the appropriate remedy is a GEO and CDOs against respondents Mountain Peak and Straightouttaink, as to claims 1 and 7 of each of the following patents: the '172 patent, the '934 patent, the '038 patent, the '248 patent, and the '249 patent.

The Commission has further determined that the public interest factors enumerated in subsections (d)(1), (f)(1), and (g)(1) (19 U.S.C. 1337(d)(1), (f)(1), and (g)(1)) do not preclude issuance of the above referenced remedial orders. Additionally, the Commission has determined to impose a bond in the amount of one hundred percent (100%) of the entered value of the covered products during the period of Presidential review. 19 U.S.C. 1337(j). The Commission issues its opinion herewith setting forth its determinations. The investigation is terminated.

The Commission vote for this determination took place on August 13, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: August 13, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–16811 Filed 8–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1059 (Fourth Review)]

Hand Trucks and Certain Parts Thereof From China; Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of antidumping duty order on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on February 2, 2026 (91 FR 4613) and determined on May 8, 2026 that it would conduct an expedited review (91 FR 34649, June 8, 2026).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on August 14, 2026. The views of the Commission are contained in USITC Publication 5777 (August 2026), entitled *Hand Trucks and Certain Parts Thereof from China: Investigation No. 731–TA–1059 (Fourth Review).*

By order of the Commission.

Issued: August 14, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–16816 Filed 8–17–26; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Peter-Anthony Pappas not participating.

DEPARTMENT OF JUSTICE

[OMB Number 1103–0116]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection: Title—Certification of Identity

AGENCY: Office of Information Policy, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Office of Information Policy, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 17, 2026.

FOR FURTHER INFORMATION CONTACT: To request additional information about this information collection request, please contact: Andrew Fiorillo, Acting Chief of Compliance, Office Information Policy, 441 G St. NW, 6th Floor, Washington, DC 20530, *andrew.Fiorillo@usdoj.gov,* (202) 598–5074.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on June 5, 2026, 2026 FR 11352, allowing a 60-day comment

period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB #1103–0016. This information collection request may be viewed at *www.reginfo.gov.* Please submit a copy of public comment along with OMB #1103–0016 to Andrew Fiorillo, Acting Chief of Compliance, Office Information Policy, 441 G St. NW, 6th Floor, Washington, DC 20530, *Andrew.Fiorillo@usdoj.gov,* (202) 598–5074.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Certification of Identity.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* DOJ 361.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Individuals or household.

Abstract: This form is used to identity individuals requesting records on self or another individual under the Privacy Act, 5 U.S.C. 552a(i)(3) and in accordance with the provisions of 28 CFR, Section 16.41(d).

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 69000.

7. *Estimated Time per Respondent:* 30 minutes.

8. *Frequency:* Once.

9. *Total Estimated Annual Time Burden:* Burden Hours—34500.

10. *Total Estimated Annual Other Costs Burden:*

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: August 14, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–16814 Filed 8–17–26; 8:45 am]

BILLING CODE 4410–BE–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 13, 2026, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of New Hampshire in the lawsuit entitled *United States* v. *Old Dutch Mustard Co., Inc.,* Civil Action No. 1: 26–cv–00655.

The United States alleges that the defendant made unpermitted discharges of pollutants and otherwise failed to comply with the conditions of its National Pollutant Discharge Elimination System (''NPDES'') permit for stormwater discharges by failing to eliminate its unauthorized non-stormwater discharges and by failing to comply with numerous other requirements included in that permit to prevent and minimize water pollution at its vinegar and mustard production facility in Greenville, New Hampshire. The United States' complaint alleges that the defendant violated the Clean Water Act in four specific ways: (1) unpermitted discharges of pollutants; (2) failure to evaluate for and eliminate unauthorized non-stormwater discharges; (3) failure to carry out stormwater management practices required by the defendant's NPDES permit; and (4) failure to timely provide to the Environmental Protection Agency information reasonably required to implement the Clean Water Act. In its complaint, the United States sought an order requiring the defendant to comply with all applicable requirements of the Clean Water Act and its implementing regulations, including the defendant's current and any future NPDES permits, along with civil penalties.

The proposed consent decree resolves the United States' claims. It requires the defendant to pay a civil penalty of $50,000 based on its limited financial ability to pay. The proposed consent decree also includes injunctive relief to bring the defendant into compliance with the Clean Water Act and applicable NPDES permit coverage, including requiring defendant to implement monitoring for water quality, acetic acid discharge, and stormwater discharge flow; retain a third party to conduct a facility engineering investigation and a facility environmental site assessment and investigation and use the results to implement a comprehensive environmental compliance program; evaluate for and eliminate non-stormwater discharges; implement control measures that minimize pollutant discharges in stormwater; to prepare and implement an updated Stormwater Pollution Prevention Plan. The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Old Dutch Mustard Co., Inc.,* D.J. Ref. No. 90–5–1–1–07145/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed consent decree you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026–16775 Filed 8–17–26; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the U.S. National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Astronomy and Astrophysics Advisory Committee (#13883) (Hybrid).

Date and Time: September 24–25, 2026; 9:30 a.m.–5 p.m. (eastern).

Place: National Aeronautics and Space Administration (NASA) HQ, 300 E Street Southwest, Washington, DC 20546 (Hybrid).

This is a hybrid meeting. Members and the public may attend this meeting virtually via Zoom. Attendance information for the meeting will be forthcoming on the AAAC website: *https://www.nsf.gov/mps/ast/aaac.jsp.*

Registration for the virtual meeting can be accessed via the following link: *https://nsf.zoomgov.com/webinar/register/WN_CwoffJzGTv2-Yv-q5VmHlg.*

Type of Meeting: Open.

Contact Persons: Dr. Louise Edwards, Program Director, Division of Astronomical Sciences, National Science Foundation, 401 Dulany Street, Alexandria, VA 22314; Telephone: 703–292–7597.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies. To prepare the annual report.

Agenda: To provide advice and recommendations to the NSF, NASA and DOE on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies. To prepare the annual report.

Dated: August 13, 2026.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2026–16794 Filed 8–17–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–3994]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by September 17, 2026. A request for a hearing or petitions for leave to intervene must be filed by October 19, 2026. This biweekly notice includes all amendments issued, or proposed to be issued, from July 21, 2026, to August 3, 2026. The last biweekly notice was published on August 4, 2026.

ADDRESSES: You may submit comments by any of the following; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–3994. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Karen Zeleznock, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1118; email: *Karen.Zeleznock@NRC.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–3994, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–3994.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–3994, facility name, unit number(s), docket

number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR) ''Notice for public comment; State consultation,'' are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other

adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://ehd.nrc.gov*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

License Amendment Requests

Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY

Docket Nos	50–461, 50–237, 50–249, 50–333, 50–373, 50–374, 50–277, 50–278, 50–254, 50–265.
Application date	July 22, 2026.
ADAMS Accession No	ML26203A078.
Location in Application of NSHC	Pages 4–6 of Attachment 1.
Brief Description of Amendments	The proposed license amendments would adopt Technical Specification Task Force (TSTF) Traveler 584 (TSTF–584), Revision 0, ''Eliminate Automatic RWCU [Reactor Water Cleanup] System Isolation on SLC [Standby Liquid Control] Initiation.'' TSTF–584 would revise Limiting Condition for Operation 3.3.6.1 to remove the requirement that the RWCU System automatically isolates on manual initiation of the SLC System.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC, 101 Constitution Ave NW, Suite 400 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Robert Kuntz, 301–415–3733.

LICENSE AMENDMENT REQUESTS—Continued

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA	
Docket Nos	50–275, 50–323.
Application date	April 29, 2026, as supplemented by letter dated June 15, 2026.
ADAMS Accession No	ML26120A108, ML26166A264.
Location in Application of NSHC	Pages 40–41 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would revise the Emergency Plan to reflect the updates contained in NUREG–0654/FEMA–REP–1, Revision 2, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,'' dated December 2019 (ML19347D139).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jennifer Post, Esq., Pacific Gas and Electric Co., 300 Lakeside Drive, Oakland, CA 94612.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.
Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA	
Docket Nos	52–025, 52–026.
Application date	July 10, 2026.
ADAMS Accession No	ML26191A286.
Location in Application of NSHC	Pages E–8 through E–10 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise the technical specifications (TSs) to adopt changes to the applicability requirements for the TS 3.7.6, ''Main Control Room Emergency Habitability System (VES),'' including the TS requirements for the supporting instrumentation and power for the VES.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	John Lamb, 301–415–3100.
Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA	
Docket Nos	52–025, 52–026.
Application date	June 25, 2026.
ADAMS Accession No	ML26176A344.
Location in Application of NSHC	Pages E–4 through E–5 of the Enclosure.
Brief Description of Amendment	The proposed amendments would update the Vogtle Electric Generating Plant, Units 3 and 4, Combined License and Technical Specifications (TSs) by revising the Ventilation Filter Testing Program test flow rate for pressure drop across the combined high efficiency particulate air (HEPA) filter, charcoal adsorber, and post-filter described in TS 5.5.13, ''Ventilation Filter Testing Program (VFTP).''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	Zachary Turner, 415–6303.
Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA	
Docket Nos	50–387, 50–388.
Application date	July 28, 2026.
ADAMS Accession No	ML26209A374.
Location in Application of NSHC	Pages 2–5 of the Enclosure.
Brief Description of Amendments	The proposed amendments would modify the Susquehanna Steam Electric Station, Units 1 and 2, technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–585, ''Revise [Limiting Condition for Operation] LCO 3.0.3 to Require Managing Risk,'' and TSTF–597, ''Eliminate LCO 3.0.3 Mode 2 Requirement.'' The amendments would revise the requirements and actions associated with LCO 3.0.3 to require a risk assessment and risk management actions when LCO 3.0.3 is entered and eliminate the requirement to enter Mode 2 within a specified time. The amendments would also update certain required actions to direct a plant shutdown instead of entry into LCO 3.0.3 and make corresponding changes to related TSs.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Usher, 600 Hamilton Street, Suite 600, Allentown, PA 18101.
NRC Project Manager, Telephone Number	Tony Sierra, 301–287–9531.

LICENSE AMENDMENT REQUESTS—Continued

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Docket Nos	50–259, 50–260, 50–296.
Application date	July 1, 2026.
ADAMS Accession No	ML26182A276.
Location in Application of NSHC	Pages E2 through E4 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise Surveillance Requirement (SR) 3.3.1.1.2 of Technical Specification (TS) 3.3.1.1, ''Reactor Protection System (RPS) Instrumentation,'' to verify that calculated power is no more than two percent greater than the average power range monitor (APRM) channel output. The request is based on Technical Specifications Task Force (TSTF) Traveler TSTF–546, ''Revise APRM Channel Adjustment Surveillance Requirement.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Edward C. Meade, (Interim) Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Michael Mahoney, 301–415–3867.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCES

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Constellation Energy Generation, LLC; Byron Station, Unit Nos. 1 and 2; Will County, IL; Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; and Independent Spent Fuel Storage Installation; Calvert County, MD; Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Constellation Energy Generation, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, New York; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY	
Docket Nos	50–456, 50–457, 50–454, 50–455, 50–317, 50–318, 50–461, 50–237, 50–249, 50–333, 50–373, 50–374, 50–410, 50–277, 50–278, 50–254, 50–265, 50–244.
Amendment Date	July 20, 2026.
ADAMS Accession No	ML26182A050.
Amendment Nos	Braidwood—250 (Unit 1) and 249 (Unit 2); Byron—246 (Unit1) and 246 (Unit 2); Calvert Cliffs—355 (Unit 1) and 334 (Unit 2); Clinton—260 (Unit 1); Dresden—290 (Unit 2) and 283 (Unit 3); FitzPatrick—364 (Unit 1); LaSalle—270 (Unit 1) and 254 (Unit 2); Nine Mile Point—204 (Unit 2); Peach Bottom—348 (Unit 2) and 351 (Unit 3); Quad Cities—306 (Unit 1) and 302 Unit 2); R. E. Ginna—162 (Unit 1).
Brief Description of Amendments	The amendments adopted Technical Specification Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

LICENSE AMENDMENT ISSUANCES—Continued

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC; Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Mecklenburg County, NC; Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC; Duke Energy Progress, LLC; H. B. Robinson Steam Electric Plant, Unit No. 2; Darlington County, SC; Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC	
Docket Nos	50–413, 50–414, 50–369, 50–370, 50–269, 50–270, 50–287, 50–400, 50–261.
Amendment Date	July 23, 2026.
ADAMS Accession No	ML26189A347.
Amendment Nos	Catawba—327 (Unit 1) and 323 (Unit 2); Shearon Harris—204 (Unit 1); McGuire—335 (Unit 1) and 314 (Unit 2); Oconee—435 (Unit 1) and 437 (Unit 2) and 436 (Unit 3); Robinson—283 (Unit 2).
Brief Description of Amendments	The amendments revised the Technical Specifications (TSs) for Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2; Oconee Nuclear Station, Units 1, 2, and 3; Shearon Harris Nuclear Power Plant, Unit 1; and H.B. Robinson Steam Electric Plant, Unit 2. The amendments revised Limiting Condition for Operation (LCO) 3.0.3 to require a risk assessment and implementation of appropriate risk management actions when LCO 3.0.3 is entered and revised or added certain required actions in plant-specific TSs to direct a plant shutdown instead of defaulting to LCO 3.0.3. Specifically, the amendments affected TSs related to main steam isolation valves, direct current sources, onsite power distribution, pressurizer code safety valves, and LCO Applicability requirements, as well as associated surveillance requirements and actions for inoperable components.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC	
Docket Nos	50–325, 50–324.
Amendment Date	July 20, 2026.
ADAMS Accession No	ML26190A206.
Amendment Nos	315 (Unit 1) and 343 (Unit 2).
Brief Description of Amendments	The license amendments revised the technical specifications (TSs) for Brunswick Steam Electric Plant, Units 1 and 2. The amendments modified Limiting Condition for Operation (LCO) 3.0.3, ''LCO Applicability,'' to require a risk assessment and implementation of risk management actions when LCO 3.0.3 is entered, consistent with the changes described in TS Task Force (TSTF) Traveler TSTF–585, Revision 5, and eliminated the requirement to enter Mode 2 within a specified time as described in TSTF–597, Revision 0. The amendments also revised or added Required Actions in TS 3.8.7, ''Distribution Systems—Operating,'' and TS 3.8.4, ''DC Sources—Operating,'' to direct a plant shutdown instead of entry into LCO 3.0.3 and included associated editorial and administrative changes throughout the affected specifications.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Energy Northwest; Columbia Generating Station; Benton County, WA	
Docket No	50–397.
Amendment Date	July 28, 2026.
ADAMS Accession No	ML26154A182.
Amendment No	282.
Brief Description of Amendment	The amendment adopted Technical Specifications Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk'' and TSTF–597, ''Eliminate LCO 3.0.3 Mode 2 Requirement.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA; Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS	
Docket Nos	50–416, 50–458.
Amendment Date	July 23, 2026.
ADAMS Accession No	ML26152A154.
Amendment Nos	Grand Gulf—242 (Unit 1); River Bend—222 (Unit 1).
Brief Description of Amendments	The amendments adopted Technical Specifications Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk'' and TSTF–597, ''Eliminate LCO 3.0.3 Mode 2 Requirement.''

LICENSE AMENDMENT ISSUANCES—Continued

Public Comments Received as to Proposed NSHC (Yes/No)	No.

Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR; Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket Nos	50–313, 50–368, 50–382.
Amendment Date	July 28, 2026.
ADAMS Accession No	ML26188A065.
Amendment Nos	Arkansas Nuclear One—287 (Unit 1) and 341 (Unit 2); Waterford Steam Electric Station—280 (Unit 3).
Brief Description of Amendments	The amendments adopted Technical Specifications Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Holtec Decommissioning International, LLC; Oyster Creek Nuclear Generating Station; Forked River, NJ

Docket No	50–219.
Amendment Date	July 30, 2026.
ADAMS Accession No	ML26176A056 (Package).
Amendment No	302.
Brief Description of Amendment	The amendment approved the Oyster Creek Nuclear Generating Station (OCNGS) License Termination Plan (LTP) and adds License Condition 2.C.(18) to include the LTP requirements and establish criteria for determining when changes to the LTP require prior NRC approval before implementation. The OCNGS LTP provides the details of the licensee's plan for characterizing, identifying, and remediating the remaining residual radioactivity at the OCNGS site to a level that will allow the site to be released for unrestricted use. The OCNGS LTP also describes how the licensee will confirm the extent and success of remediation through radiological surveys, provide financial assurance to complete decommissioning, and ensure that the environmental impacts of decommissioning activities are within the scope originally envisioned in documented environmental evaluations for the site.
Public Comments Received as to Proposed NSHC (Yes/No)	Yes.

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA

Docket Nos	50–275, 50–323.
Amendment Date	July 23, 2026.
ADAMS Accession No	ML26133A336.
Amendment Nos	259 (Unit 1) and 261 (Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–529, Revision 4, ''Clarify Use and Application Rules,'' by modifying TS requirements in Section 1.3 and Section 3.0 regarding limiting condition for operation and surveillance requirement usage. These changes are consistent with NRC-approved TSTF–529, Revision 4.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA

Docket Nos	50–275, 50–323.
Amendment Date	July 28, 2026.
ADAMS Accession No	ML26183A083.
Amendment Nos	260 (Unit 1) and 262 (Unit 2).
Brief Description of Amendments	The amendments revised technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–596, ''Expand the Applicability of the Surveillance Frequency Control Program (SFCP),'' which is an approved change to the standard technical specifications. TSTF–596 expands the applicability of the SFCP to include other periodic testing frequencies in TSs.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL; Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA; Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	50–348, 50–364, 50–424, 50–425, 52–025, 52–026.
Amendment Date	August 3, 2026.
ADAMS Accession No	ML26197A100.
Amendment Nos	Farley—260 (Unit 1) and 257 (Unit 2); Vogtle—231 (Unit 1), 213 (Unit 2), 217 (Unit 3), and 214 (Unit 4).

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendments	The amendments adopted Technical Specification Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA

Docket Nos	50–387, 50–388.
Amendment Date	July 30, 2026.
ADAMS Accession No	ML26195A262.
Amendment Nos	293 (Unit 1) and 277 (Unit 2).
Brief Description of Amendments	The license amendments revised the Susquehanna Steam Electric Station, Units 1 and 2, Technical Specification (TS) 3.1.7, ''Standby Liquid Control (SLC) System.'' Specifically, the amendments modified TS Figure 3.1.7–1, ''Sodium Pentaborate Solution Volume Versus Concentration Requirements,'' by increasing the minimum required boron solution storage tank volumes at specified sodium pentaborate concentrations. The amendments also updated the TS Bases for 3.1.7 to reflect an increased minimum post-injection boron concentration of 850 parts per million (ppm) equivalent of natural boron in the reactor coolant and revised the associated minimum tank volumes accordingly.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Vistra Operations Company LLC; Beaver Valley Power Station, Unit 1; Beaver County, PA

Docket No	50–334.
Amendment Date	July 22, 2026.
ADAMS Accession No	ML26175A273.
Amendment No	330.
Brief Description of Amendment	The amendment revised the Technical Specifications 3.5.2, ''ECCS Operating,'' Action A.1 to allow a one-time temporary change to the Completion Time from 72 hours to not to exceed 12 days to conduct seal repairs on the 1A Low Head Safety Injection pump (1SI–P–1A).
Public Comments Received as to Proposed NSHC (Yes/No)	Yes.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: August 14, 2026.

For the Nuclear Regulatory Commission.

David Wrona,

Chief, Operating Reactor Licensing and Data Branch 1, Division of Licensing Projects 1, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–16798 Filed 8–17–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail, and USPS Ground Advantage Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES:

Date of required notice: August 18, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and number	MC docket No.	K docket No.
08/04/26	PM–GA 1058	MC2026–332	K2026–327.
08/05/26	PM–GA 1059	MC2026–333	K2026–328.
08/06/26	PM–GA 1060	MC2026–334	K2026–329.
08/06/26	PM–GA 1061	MC2026–335	K2026–330.
08/06/26	PM–GA 1062	MC2026–337	K2026–331.
08/10/26	PM–GA 1063	MC2026–338	K2026–332.
08/10/26	PM–GA 1064	MC2026–339	K2026–333.
08/10/26	PM–GA 1065	MC2026–340	K2026–334.
08/10/26	PME–PM–GA 1505	MC2026–341	K2026–335.
08/10/26	PM–GA 1066	MC2026–342	K2026–336.
08/11/26	PME–PM–GA 1506	MC2026–343	K2026–337.
08/12/26	PM–GA 1067	MC2026–344	K2026–338.

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and number	MC docket No.	K docket No.
08/12/26	PM–GA 1068	MC2026–345	K2026–339.

Documents are available at *www.prc.gov.*

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–16777 Filed 8–17–26; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., August 26, 2026.

PLACE: Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to *SecretarytotheBoard@rrb.gov.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Office of Legislative Affairs Update.

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, (312) 751–4920.

Authority: 5 U.S.C. 552b.

Dated: August 14, 2026.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2026–16797 Filed 8–14–26; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0707]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form SF–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SF–1 (17 CFR 239.44) is a registration statement used by issuers of asset-backed securities to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure the adequacy of information available to investors in connection with the offering of asset-backed securities. The information required by Form SF–1 is mandatory, and Form SF–1 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form SF–1 takes approximately 1,381.33 hours per response and is filed once per year by approximately 7 respondents, for an estimate of 7 total responses annually. We estimate that 25% of the 1,381.33 hours per response (345.33 hours) is carried internally by the registrant for a total annual reporting burden of 2,417 hours (345.33 hours per response × 7 responses). We estimate that 75% of the 1,381.33 hours per response (1,036 hours) is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $4,351,200 ($600 per hour × 1,036 hours per response × 7 responses annually).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-019* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by September 18, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16819 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 91 FR 52392, August 13, 2026.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Friday, August 14, 2026, at 10:00 a.m.

CHANGES IN THE MEETING: The Open Meeting scheduled for Friday, August 14, 2026, at 10:00 a.m. has been cancelled.

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 13, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16802 Filed 8–14–26; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0690]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form SF–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SF–3 (17 CFR 239.45) is a registration statement used by issuers of asset-backed securities to register a public shelf offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure the adequacy of information available to investors in connection with the shelf offering of asset-backed securities. The

information required by Form SF–3 is mandatory, and Form SF–3 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form SF–3 takes approximately 1,380.50 hours per response and is filed once per year by approximately 19 issuers, for an estimate of 19 total responses annually. We estimate that 25% of the 1,380.50 hours per response (345.12 hours) is carried internally by the issuer for a total annual reporting burden of 6,557 hours (345.12 hours per response × 19 responses). We estimate that 75% of the 1,380.50 hours per response (1,035.38 hours) is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $11,803,332 ((75% × 1,380.50 hours per response) × $600 per hour × 19 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-020* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by September 18, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16820 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0625]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17g–1 and Form NRSRO

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. 350 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information. Rule 17g–1 and Form NRSRO set forth a process for registration as an NRSRO and ongoing disclosure. Rule 17g–1 requires the filing of an application on Form NRSRO to register as an NRSRO or to register for an additional class of credit ratings. Form NRSRO lists the information that must be included in the application.

Currently, there are 11 credit rating agencies registered as NRSROs with the Commission. Based on staff experience, the Commission estimates that the ongoing annual burden for respondents to comply with Rule 17g–1 and Form NRSRO would be 2,322 hours. In addition, the Commission estimates an industry-wide annual external cost to NRSROs of $4,840 [1] for postage and handling fees to comply with the requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-017* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by September 18, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Assistant Secretary.

[FR Doc. 2026–16824 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

[1] This cost has been increased by 10 percent since the last renewal of the collection of information to account for inflation.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106134; File No. SR–NYSEAMER–2025–72]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Amendment No. 4 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4, To Amend Section 1003 of the NYSE American Company Guide

August 14, 2026.

I. Introduction

On December 3, 2025, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 1003 of the NYSE American Company Guide (''Company Guide''). The proposed rule change was published in the **Federal Register** on December 17, 2025.[3] On January 22, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the original proposed rule change in its entirety.[4] On January 28, 2026, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to take action on the proposed rule change.[6] On February 25, 2026, the Exchange filed Amendment No. 2 to the proposed rule change, which superseded the proposed rule change, as modified by Amendment No. 1, in its entirety.[7] On March 6, 2026, the Exchange filed Amendment No. 3 to the proposed rule change, which superseded the proposed rule change, as modified by Amendment No. 2, in its entirety.[8] On March 17, 2026, the Commission published notice of Amendment No. 3 and instituted

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104386 (Dec. 12, 2025), 90 FR 58648 (''Notice'').

[4] In Amendment No. 1, the Exchange: clarified the Exchange's authority to suspend or delist a security; specified that an issuer subject to delisting under the proposal, and under Sections 1003(f)(vi) and (vii) of the Company Guide, would not be eligible to follow the procedures in Section 1009 of the Company Guide; provided additional description of certain aspects of the proposal; and made other technical and non-substantive changes to the proposal. The full text of Amendment No. 1 can be found on the Commission's website at *https://www.sec.gov/comments/sr-nyseamer-2025-72/srnyseamer202572-696287-2176995.pdf* (''Amendment No. 1'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 104704, 91 FR 4696 (Feb. 2, 2026). The Commission designated March 17, 2026, as the date by which the Commission shall approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change. *See id.*

[7] In Amendment No. 2, the Exchange: provided additional explanation of certain aspects of the proposal; and made other technical and non-substantive changes to the proposal. The full text of Amendment No. 2 can be found on the Commission's website at *https://www.sec.gov/comments/sr-nyseamer-2025-72/srnyseamer202572-715787-2239694.pdf* (''Amendment No. 2'').

[8] In Amendment No. 3, the Exchange: removed the proposed addition of Section 1003(b)(i)(D) of the Company Guide by which an issuer that is determined to have an average market capitalization over a consecutive 30 trading-day period of less than $5,000,000 would be subject to immediate suspension and delisting (''Minimum Market Capitalization''); removed a proposed modification to Section 1009 of the Company Guide with regard to the Minimum Market Capitalization criteria; and made other technical and non-substantive changes to the proposal. The full text of Amendment No. 3 can be found on the Commission's website at *https://www.sec.gov/comments/sr-nyseamer-2025-72/srnyseamer202572-719747-2253335.pdf* (''Amendment No. 3'').

proceedings pursuant to Section 19(b)(2)(B) of the Act [9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 3.[10] On June 11, 2026, the Commission issued a notice of designation of a longer period of time for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 3.[11] On July 15, 2026, the Exchange filed Amendment No. 4 to the proposed rule change, which superseded the proposed rule change, as modified by Amendment No. 3, in its entirety.[12] As of the date of publication of this order, the Commission received several comment letters, which are addressed below.[13]

The Commission is publishing this notice and order to solicit comments on Amendment No. 4 from interested persons and to approve the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 4 [14]

Section 1003 of the Company Guide sets forth minimum quantitative and qualitative continued listing standards for securities listed on the Exchange.[15] Currently, Section 1003(f)(v) of the Company Guide states that the Exchange will consider initiating suspension and delisting procedures when a class of common stock is selling for a substantial period of time at a low price per share and its issuer fails to effect a reverse stock split to raise the per share trading price.[16] The Exchange states that, in applying this rule, Exchange staff seeks to have proactive discussions with any issuer whose stock is trading below $1.00 to notify such issuer of the Exchange's policy to initiate suspension and delisting procedures when a stock trades below $0.10 per share.[17] The Exchange states that it has become aware of a recent increase in exchange trading of companies that have a very low trading price per share,[18] and that a stock that trades at a low price per share is potentially susceptible to manipulation and more likely to experience trading volatility in its shares.[19] According to the Exchange, at such low prices, less capital is required to undertake manipulative trading activity.[20] Therefore, the Exchange proposes to amend Section 1003 relating to the price criteria for continued listing to increase the price at which the Exchange will take immediate delisting action and codify such price and procedures in Exchange rules.[21]

The Exchange proposes to amend Section 1003(f)(v) of the Company Guide to specify that if a security's closing price per share is less than $0.25 (the ''Minimum Trading Price'') on any trading day, the Exchange shall immediately suspend trading and commence delisting proceedings with respect to such security in accordance with the provisions of Section 1009 of the Company Guide.[22] The Exchange states that it believes that securities that trade below the Minimum Trading Price are more susceptible to trading volatility and market manipulation and are unlikely to recover to any meaningful degree.[23] The Exchange also proposes to modify Section 1003(f)(v) of the Company Guide to state that such company will not be entitled to follow the procedures outlined in Section 1009 of the Company Guide with respect to the Minimum Trading Price criteria.[24]

The Exchange states that all issuers retain the right to appeal an Exchange delisting decision.[25]

The Exchange proposes that these changes will be effective on July 1, 2027.[26] The Exchange states that providing a transition period before the rule is effective will afford issuers time to implement reverse stock splits to increase their share price before the new requirement is in place.[27]

The Exchange also proposes to specify in Section 1003(f)(v) of the Company Guide that, consistent with its general authority under Section 1002(e) of the Company Guide to suspend trading in the event of any condition that makes further dealings on the Exchange unwarranted, it may suspend trading or delist a security where, in the Exchange's opinion, the trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover, even if such security has not fallen below the Minimum Trading Price.[28] The Exchange states that, in its experience, under those conditions a security's trading price is generally unable to recover.[29]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[30] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with Section 6(b)(5) of the Act,[31] which requires, among other things, that the rules of a national securities exchange be designed to

---

[9] 15 U.S.C. 78s(b)(2)(B).

[10] *See* Securities Exchange Act Release No. 105034, 91 FR 13648 (Mar. 20, 2026).

[11] *See* Securities Exchange Act Release No. 105666, 91 FR 36212 (June 16, 2026). The Commission designated August 14, 2026, as the date by which the Commission must issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 3. *See id.*

[12] Amendment No. 4 extends the effective date of the proposal from October 1, 2026 to July 1, 2027, and does not substantively alter the proposed rule from what was set forth in Amendment No. 3. The full text of Amendment No. 4 can be found on the Commission's website at *https://www.sec.gov/comments/SR-NYSEAMER-2025-72/srnyseamer202572-961599-2966327.pdf* (''Amendment No. 4'').

[13] Comments received on the proposed rule change are available at: *https://www.sec.gov/rules-regulations/public-comments/sr-nyseamer-2025-72.*

[14] All capitalized terms not otherwise defined in this order shall have the meanings set forth in the Company Guide.

[15] *See* Amendment No. 4, *supra* note 12, at 4. Specifically, Section 1003 of the Company Guide requires issuers of common stock to maintain certain quantitative minimum standards related to stockholders' equity, publicly held shares, public shareholders, and aggregate market value of publicly held shares. *See id.* In addition, Section 1003 of the Company Guide sets forth qualitative continued listing standards related to, among other things, operations contrary to public interest and reduction of operations. *See id.*

[16] *See id.* at 4–5.

[17] *See id.* at 5.

[18] *See id.*

[19] *See id.* at 4.

[20] *See id.*

[21] *See id.* at 5.

[22] *See id.*

[23] *See id.* at 6.

[24] *See id.* In addition, the Exchange proposes to amend Section 1009 of the Company Guide to specify that an issuer subject to delisting under Sections 1003(f)(vi) and 1003(f)(vii) of the Company Guide would not be eligible to follow the procedures in Section 1009. *See id.* Section 1003(f)(vi) prohibits one or more reverse stock splits with a cumulative ratio of 200 shares or more to one in a two-year period; and Section 1003(f)(vii) prohibits a reverse stock split that results in an issuer's security falling below any of the continued listing requirements of Section 1003. *See id.* at 5. Currently, an issuer subject to delisting under Section 1003(f)(vi) or Section 1003(f)(vii) of the Company Guide is not eligible to follow the procedures in Section 1009 of the Company Guide. *See id.* at 6.

[25] *See id.* at 5. The procedures for appealing an Exchange delisting decision are set forth in Part 12 of the Company Guide. *See id.* at 5, n.10.

[26] *See id.* at 5.

[27] *See id.* The Exchange also states that its rules prohibiting one or more reverse stock splits with a cumulative ratio of 200 shares or more to one in a two-year period and a reverse stock split that results in a company becoming non-compliant with any of the requirements of Section 1003 of the Company Guide will remain in place. *See id.*

[28] *See id. See also* proposed Section 1003(f)(v) of the Company Guide.

[29] *See* Amendment No. 4, *supra* note 12, at 5.

[30] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78f(b)(5).

prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change, as modified by Amendment No. 4, is consistent with Section 6(b)(7) of the Act,[32] which requires, among other things, that the rules of an exchange provide fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange. In addition, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with Section 6(b)(8) of the Act,[33] which requires that the rules of an exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission has consistently recognized that the development and enforcement of meaningful listing standards [34] by an exchange is of critical importance to financial markets and the investing public.[35] Among other things, the Commission has stated that listing standards provide the means for an exchange to screen issuers that seek to become listed, and to provide listed status only to bona fide companies that have or will have sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets.[36] Those listing standards are informed by an exchange's regulatory and commercial considerations and the Act provides exchanges with discretion, subject to the requirements of the Act, to set those standards as they see fit with the understanding that not all companies will meet those standards initially or over time. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[37] The imprimatur of listing on a particular exchange correlates to investors' expectations that the listed issuer meets the standards set by the exchange and that the exchange has used its judgment regarding the level at which to set those standards.[38]

Minimum Trading Price, Immediate Trading Suspension, and Delisting

The Exchange's proposal is reasonably designed to enhance the Exchange's continued listing standards. The proposal will accelerate the timeframe within which the Exchange will delist a security in instances where the security trades below the Minimum Trading Price and result in immediate suspension from trading on the Exchange. The Exchange states that securities that fall below the Minimum Trading Price are more susceptible to trading volatility and market manipulation and are unlikely to recover to a meaningful degree.[39]

While several commenters expressed general support for the Exchange's goal of enhancing market quality and maintaining appropriate continued listing standards,[40] commenters raised several concerns regarding the proposed rule change.[41] Specifically, one commenter stated that the Exchange fails to provide empirical analysis to support the Minimum Trading Price.[42] Another commenter stated that the Exchange has not demonstrated, through ''reasoned and evidence-based analysis,'' that its proposal is necessary to protect investors and promote fair and orderly markets.[43] This commenter also stated that the Exchange does not demonstrate that the Minimum Trading Price ''is a reliable predictor of sustained financial distress, manipulation risk, or future non-compliance with existing listing standards.'' [44]

This commenter attached a report by Professor Craig M. Lewis that presents an empirical study raising concerns that the proposal may prematurely delist companies that would otherwise regain compliance.[45] The Lewis Report analyzes approximately 323 companies that fell below $0.25 between January 1, 2006 and December 31, 2025, and concludes that ''a temporary decline below the threshold does not reliably predict permanent business failure or

[32] 15 U.S.C. 78f(b)(7).

[33] 15 U.S.C. 78f(b)(8).

[34] This reference to ''listing standards'' refers to both initial and continued listing standards.

[35] *See, e.g.,* Securities Exchange Act Release No. 57785 (May 6, 2008), 73 FR 27597 (May 13, 2008) (SR–NYSE–2008–17).

[36] *See, e.g.,* Securities Exchange Act Release Nos. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31); 81079 (July 5, 2017), 82 FR 32022, 32023 (July 11, 2017) (SR–NYSE–2017–11); 65708 (Nov. 8, 2011), 76 FR 70799, 70802 (Nov. 15, 2011) (SR–NASDAQ–2011–073); 63607 (Dec. 23, 2010); 75 FR 82420, 82422 (Dec. 30, 2010) (SR–NASDAQ–2010–137); and 57785 (May 6, 2008), 73 FR 27597, 27599 (May 13, 2008) (SR–NYSE–2008–17). The Commission has stated that adequate listing standards, by promoting fair and orderly markets, are consistent with Section 6(b)(5) of the Act, in that they are, among other things, designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest. *See, e.g.,* Securities Exchange Act Release Nos. 82627 (Feb. 2, 2018), 83 FR 5650, 5633, n.53 (Feb. 8, 2018) (SR–NYSE–2017–30); 87648 (Dec. 3, 2019), 84 FR 67308, 67314, n.42 (Dec. 9, 2019) (SR–NASDAQ–2019–059); and 88716 (Apr. 21, 2020), 85 FR 23393, 23395, n.22 (Apr. 27, 2020) (SR–NASDAQ–2020–001).

[37] *See, e.g.,* Securities Exchange Act Release Nos. 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR–NASDAQ–2020–001); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR–NASDAQ–2019–089). *See also* Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31) (stating that ''[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market'' and that ''[o]nce a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained'').

[38] *See* Securities Exchange Act Release No. 38961 (Aug. 22, 1997), 62 FR 45895, 45899 (Aug. 29, 1997) (SR–NASD–97–16) (finding Nasdaq's proposal to raise its listing standards consistent with the Act because the proposal ''reflects the NASD's judgment that it wants only higher quality companies to avail themselves of the Nasdaq marketplace, and the imprimatur that such inclusion confers'' and the increased standards ''are directly related to the NASD's intended goals of enhancing its listing standards'').

[39] *See supra* notes 18–20 and 23 accompanying text.

[40] *See* Letters from Power REIT, dated Jan. 28, 2026 (''Power REIT Letter''), at 1; Robert Powers, Chief Financial Officer, Ocean Power Technologies, Inc., dated May 13, 2026 (''OPT Letter''), at 1; Terence J. Cryan, Executive Chairman, Westwater Resources, Inc., dated May 14, 2026 (''WRI Letter''), at 4.

[41] *See* Letters from John M. Schaible, Executive Chairman, AtlasClear Holdings, Inc., dated Feb. 13, 2026 (''ATCH Letter I''); Marc Indeglia, Small Public Company Coalition, dated Mar. 12, 2026 (''SPCC Letter I''); John M. Schaible, Executive Chairman, AtlasClear Holdings, Inc., dated Mar. 18, 2026 (''ATCH Letter II''); Francisco Salva, President & CEO, Azitra, Inc. (''Azitra Letter''); Marc Indeglia, Small Public Company Coalition, dated Apr. 10, 2026 (''SPCC Letter II''); Marc Indeglia, Small Public Company Coalition, dated Apr. 24, 2026 (''SPCC Letter III''); OPT Letter; WRI Letter; Anonymous, dated July 27, 2026 (''Anonymous Letter'').

[42] *See* ATCH Letter I at 2.

[43] *See* SPCC Letter I at 2–5.

[44] *Id.* at 5. This commenter also stated that the proposal should be evaluated in the context of parallel rule proposals before the Commission that introduce new ''automatic delisting mechanisms'' and ''target the same perceived problem'' identified by the Exchange. *See* SPCC Letter I at 15–16; SPCC Letter II at 5 (citing to File Nos. SR–NYSEAMER–2026–17 and SR–NASDAQ–2026–004). The rule proposals identified by the commenter are not before the Commission in the Exchange's proposal being considered herein. In approving this proposal, the Commission is finding that the proposal before us is consistent with the Act.

[45] *See* SPCC Letter I at 5–6 (stating that an empirical analysis indicates that the proposal ''would have unnecessarily removed dozens of companies that ultimately stabilized, saw their share price increase, and continued operating successfully''). *See also* NYSE American's Proposed Amended Listing Requirements, Craig M. Lewis, Ph.D., dated Mar. 12, 2026 (attached as Exhibit 1 to the SPCC Letter) (''Lewis Report'').

eventual delisting.'' [46] The Lewis Report states that of the 323 companies that would have been delisted based on the proposal, 90% (283 companies) recovered at least once above the $0.25 threshold during the time period studied and 23% (74 companies) remain listed as of December 2025, representing over $20.1 billion in current market capitalization.[47]

In response to commenters, the Exchange states the Minimum Trading Price criteria is a ''measured approach to address concerns about volatility and potential manipulation in low-priced stocks.'' [48] According to the Exchange, ''low-priced stocks are more susceptible to manipulation because it necessarily requires a smaller capital investment to transact in such securities, thereby opening the door to a wider range of potential bad actors.'' [49] The Exchange states that, based on the Lewis Report, while 23% of the companies that fell below the Minimum Trading Price remain listed on the Exchange, 77% of such companies are no longer listed on the Exchange, and this data is consistent with the Exchange's historical observation that companies falling below the Minimum Trading Price are generally unlikely to recover to any meaningful degree.[50] The Exchange further states that its proposal is not premised on the notion that a security trading below the Minimum Trading Price is without value and instead is seeking to address problematic trading in low-priced stocks, which are frequently below other Exchange listing standards.[51]

The Exchange's proposal to immediately suspend trading and commence delisting proceedings for a security that falls below the Minimum Trading Price is consistent with the Act's requirement that rules be, among other things, designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not permit unfair discrimination between customers, issuers, brokers, or dealers.[52]

The Commission's data analysis supports the Exchange's proposal. Specifically, the Commission's analysis supports the Exchange's statement that there is an increasing trend of low-priced stocks and demonstrates that stocks trading below the Minimum Trading Price are likely to stay under this threshold for a significant period of time. As discussed further below, low priced securities may be more susceptible to manipulation. The continued listing of securities trading below the Minimum Trading Price raises concerns that these securities may have heightened susceptibility to manipulation while trading on the Exchange for an extended period. Accordingly, the immediate suspension and delisting of these securities is reasonably designed to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act.[53]

As part of the Commission's consideration of the proposed Minimum Trading Price, the Commission analyzed stock prices and delisting data for companies listed on NYSE American and New York Stock Exchange (''NYSE'').[54] The results of the Commission's analysis show that the number of securities that would have fallen below the Minimum Trading Price from 2006 to 2025 were at or above the average of 26 securities in 8 out of the 20 years, and were noticeably higher in 2008, 2009, 2015, and 2023, at 125 securities, 46 securities, 43 securities, and 40 securities, respectively.[55]

[46] *See* Lewis Report at paragraphs 6–8.

[47] *See* Lewis Report at paragraph 7–8.

[48] Letter from Patrick J. Troy, Senior Director, Associate General Counsel, New York Stock Exchange, dated July 15, 2026 (''NYSE Letter''), at 2.

[49] NYSE Letter at 2.

[50] *See id.* at 2–3.

[51] *See id.* at 3. The Exchange states that these identified concerns justify an increase in the trading price that will trigger immediate suspension of trading and commencement of delisting proceedings from $0.10 to $0.25, particularly given increased retail participation and overseas participation. *See id.* In addition, the Exchange states that the proposed $0.25 standard is ''appropriately correlated'' to the Exchange's initial price standard that requires a minimum $4.00 stock price at the time of initial listing, and that a company that lists at $4.00 would need to decline nearly 95% before the Exchange would initiate delisting procedures under the proposed standards. *See id.*

[52] 15 U.S.C. 78f(b)(5).

[53] 15 U.S.C. 78f(b)(5).

[54] The stock price data, which is at the security level, was sourced from Center for Research in Security Prices (''CRSP'') and accessed through Wharton Research Data Services (''WRDS''). This data covers the time period from 2006 to 2025. The database provides the closing price of the security. If a closing trade was not available, the closing price was calculated as the midpoint of the best bid and ask quotes at the end of the regular trading session. The Commission analyzed the stock price data at the stock level, excluded stocks from non-corporate issuers, and only kept securities of common equity (including American Depositary Receipts). The delistings data was sourced from CRSP. The delisting analysis included only cases where the listing exchange dropped the security (*i.e.,* it excluded cases where a security was delisted due to a merger, acquisition, exchange, or liquidation). If a company was delisted from an exchange, re-listed, and then was delisted again, only the first delisting event for the company was included in the analysis.

[55] Figure 1 and Figure 2 compare the number of securities listed on NYSE and NYSE American, and only NYSE American, respectively, that would have been delisted pursuant to the Minimum Trading Price criteria (number of securities) against the year such securities would have been delisted pursuant to the Minimum Trading Price criteria (trigger year). If a security fell below the Minimum Trading Price multiple times during the sample period, the analysis kept only the first of such dates.

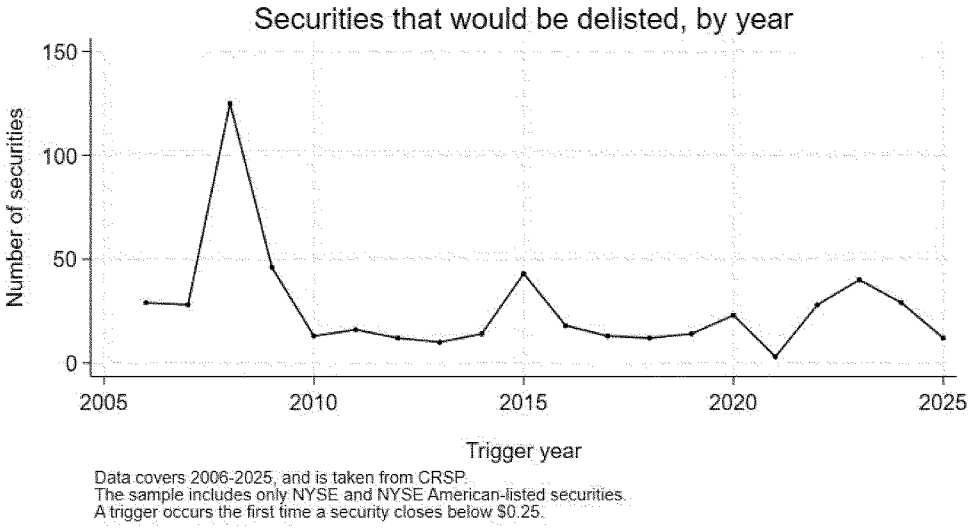

Figure 1. Number of Securities That Would Have Been Delisted Pursuant to the Proposed Minimum Trading Price Threshold From 2006 to 2025

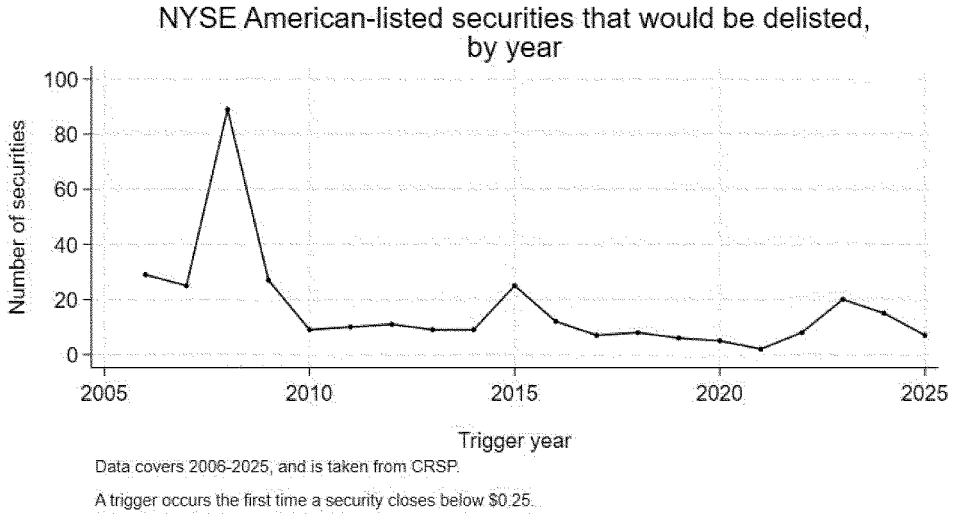

Figure 2. Number of NYSE American Securities That Would Have Been Delisted Pursuant to the Proposed Minimum Trading Price Threshold From 2006 to 2025

In addition, the Commission analyzed the relationship of securities that crossed specific closing price thresholds between $0.10 and $0.50, and their closing prices after 180 calendar days of first crossing a specific closing price threshold.[56] According to the analysis, regardless of the closing price threshold selected, the median closing price after 180 days is below the specific closing price threshold. This result generally holds true for the Minimum Trading Price (*i.e.,* $0.25) over the sample period.[57] 55% of the securities that fell below the Minimum Trading Price had a closing price under $0.25 after 180 days, with the median closing price at $0.23. The results also show significant volatility in securities after trading below the Minimum Trading Price. 25% of the securities closed below $0.15, representing a loss of at least 40% from the $0.25 threshold after 180 days, while 25% of the securities closed above $0.45, representing a gain of 80%.

[56] Table 1 analyzes the closing price thresholds ranging from $0.10 to $0.50. Table 1 shows the corresponding number of securities that would have been delisted based on the specific closing price threshold, number of securities that would have increased above the specific closing price threshold, and their average and percentile distribution of closing price after 180 calendar days. For example, the sample for the first row includes the 875 securities that would have been delisted under a rule with a closing price threshold of $0.50. The 180-day window reflects a cure period that may be available for many failures to satisfy continued listing requirements, including under Section 1007 (late SEC filings) of the Company Guide. If the closing price for a security is not available at the end of the 180-day window—either because the security ceased trading or because the security first crossed the threshold in the second half of 2025—then the last closing price in the window is used.

[57] Figure 3 shows the median closing price 180 days after securities first crossed the proposed Minimum Trading Price against the year such securities first crossed the Minimum Trading Price.

Price threshold	Securities that would be delisted	Securities above threshold after 180 days	Closing price of securities 180 calendar days after crossing the threshold Sample statistics: Average	P25	P50	P75	P90
$0.50	875	391	$1.38	$0.26	$0.46	$1.01	$3.05
$0.40	775	362	$1.32	$0.23	$0.38	$0.78	$3.03
$0.35	704	327	$1.14	$0.20	$0.33	$0.67	$2.65
$0.30	631	298	$1.03	$0.17	$0.29	$0.54	$2.13
$0.25	528	236	$0.88	$0.15	$0.23	$0.45	$1.64
$0.20	434	194	$0.65	$0.14	$0.19	$0.35	$1.25
$0.15	305	147	$0.67	$0.09	$0.15	$0.33	$1.46
$0.10	180	79	$0.53	$0.06	$0.10	$0.20	$0.95

Table 1. Closing price of securities 180 calendar days after crossing the various closing price thresholds.

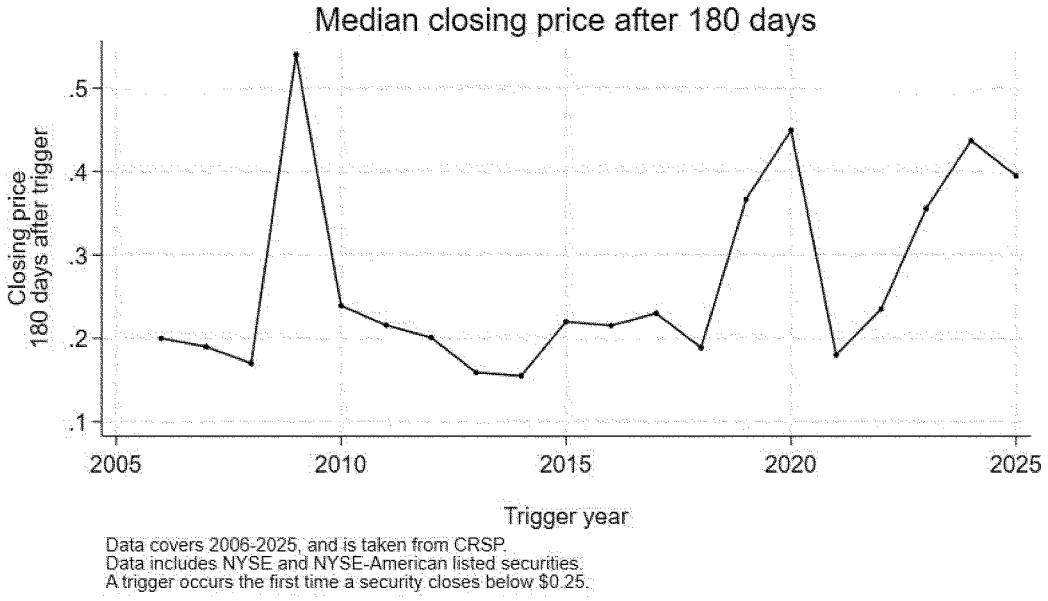

Figure 3. Median Closing Price 180 Days After Securities First Crossed the Minimum Trading Price

The Commission's analysis also shows that securities that would have fallen below the Minimum Trading Price had a high likelihood of being delisted for reasons that indicate a failure to comply with other quantitative continued listing requirements.[58] Historically, when a security fell under the Minimum Trading Price and was later delisted, such delisting, at the median, occurred 129 days later, and at the 75th percentile, 433 days later.[59]

[58] The analysis, as shown in Figure 4, compared the fraction of securities on NYSE and NYSE American who were subsequently delisted after failing to comply with the Minimum Trading Price criteria against the year such securities failed to comply with the Minimum Trading Price criteria. The analysis only took into account delistings by the Exchange, and excluded delistings by mergers and acquisitions, liquidations, and exchanges. *See* CRSP US DATABASES DATA DESCRIPTIONS GUIDE FOR CRSPACCESS (FIZ) (2026) at 247–250, available at *https://indexes.morningstar.com/docs/guide/crsp-us-stock-databases-data-descriptions-guide-for-crspaccess-fiz?isRdp=true* for the available delisting codes. In the sample described in note 53, *supra,* the following five codes represent over 78% of delistings that occurred after failing to comply with the Minimum Trading Price requirement: ''does not meet exchange's financial guidelines for continued listing,'' ''insufficient capital, surplus, and/or equity,'' ''price fell below acceptable level,'' ''bankruptcy, declared insolvent,'' and ''delinquent in filing, non-payment of fees.'' Approximately 16% of the delistings occurred at the request of the issuer—*e.g.,* the security moved to the OTC market voluntarily—and the delisting code does not indicate whether or not the issuer was in compliance with listing requirements at the time of delisting; however, over 90% of the delistings in the sample occurred when the stock price was below $1, indicating difficulty complying with minimum price standards.

[59] The relationship between a security crossing the Minimum Trading Price and subsequently being delisted weakened over time for securities listed on NYSE American. One reason for the weakened relationship may be the amount of time that the delisting and hearings process takes (*i.e.,* some securities that fell out of compliance with continued listing requirements in the later portion of the time period analyzed may ultimately be delisted based on these deficiencies, but remain listed at this time). *See, e.g.,* Section 1009 of the Company Guide (providing companies with an opportunity to submit a plan to come back into compliance with continued listing standards).

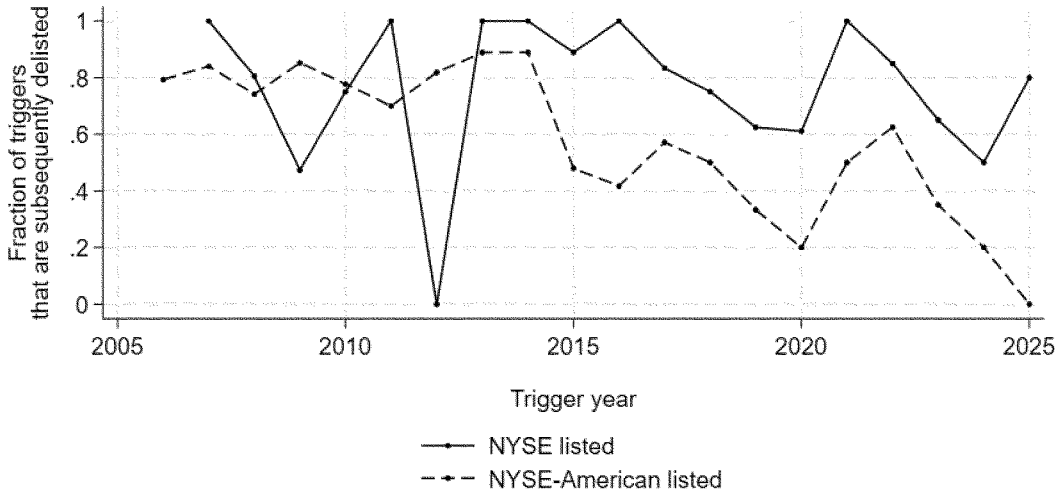

Figure 4. Fraction of NYSE and NYSE American Securities That Were Subsequently Delisted After First Crossing the Minimum Trading Price

Finally, the Commission's analysis indicates a fundamental tradeoff inherent in selecting a threshold for delisting: a more stringent threshold (*i.e.,* higher minimum trading price) would capture securities that will eventually be delisted for other reasons, but also implicate securities that otherwise would have remained above the threshold and stayed listed.[60]

Price threshold	Securities that would be delisted	Expedited delistings	False positives	False negatives	False positives as a fraction of securities that would have been delisted
$0.50	875	530	345	356	39%
$0.40	775	490	285	396	37%
$0.35	704	456	248	430	35%
$0.30	631	414	217	472	34%
$0.25	528	360	168	526	32%
$0.20	434	303	131	583	30%
$0.15	305	220	85	666	28%
$0.10	180	140	40	746	22%

Table 2. Delisting outcomes of securities crossing various closing price thresholds between 2006 and 2025.

The Exchange has identified risks pertaining to securities that trade below the Minimum Trading Price, including a heightened susceptibility to manipulation. The results of the Commission's analysis support the approval of the Exchange's proposal to impose the Minimum Trading Price requirement. The notable number of securities trading below the Minimum Trading Price in recent years, along with the significant likelihood that such securities will eventually be delisted, warrants the Exchange's consideration of the continued listing of securities with very low trading prices.[61] Moreover, when securities fall below the Minimum Trading Price, there is a significant likelihood that they will continue to have a closing price below

[60] The Commission conducted analysis on false positives (securities falling below the Minimum Trading Price, but were never delisted), and false negatives (securities never falling below the Minimum Trading Price, but were delisted), as shown in Table 2. Similar to Table 1, Table 2 analyzes a closing price threshold ranging from $0.10 to $0.50. Table 2 shows the corresponding number of securities that would have been delisted based on the specific closing prices, securities that would have fallen below the Minimum Trading Price and were subsequently delisted (*i.e.,* expedited delistings), false positives, and false negatives. Table 2 shows a mechanical inverse relationship between false positives and false negatives. As the thresholds become more stringent (*i.e.,* higher minimum trading price), the number of false positives generally increases.

[61] *See supra* note 18 and accompanying text. *See* Figures 1, 2 and 3.

$0.25 for another 180 calendar days, which is a significant period of time.[62]

The Commission agrees with the Exchange that securities with low trading prices may be more prone to manipulation.[63] When a security has a low trading price, the cost required to accumulate a position from the public float that is large enough to influence the price of the security is reduced. Accordingly, a would-be manipulator may find it less costly to manipulate the price of the security. Thus, the continued listing of companies with low trading prices raises concerns that these securities may have heightened susceptibility to manipulation. As such, the immediate suspension and delisting of these very low-priced securities is designed to prevent fraudulent and manipulative acts and practices, and more broadly, the rule is reasonably designed to protect investors and the public interest from potential harm.[64]

The proposal is reasonably designed to enhance the Exchange's listing standards by immediately suspending trading and commencing delisting proceedings for securities that fall below the Minimum Trading Price, which facilitates the continued listing of securities of a higher quality and that are financially sound. As noted above, the imprimatur of listing on a particular exchange correlates to investors' expectations that the listed issuer meets certain standards set by the exchange and that a listing exchange will use its judgment regarding the level at which to set those standards. Those standards are informed by an exchange's regulatory and commercial considerations and the Act provides exchanges with discretion, subject to the requirements of the Act, to set those standards as they see fit with the understanding that not all companies will meet those standards initially or over time.

Moreover, the addition of the Minimum Trading Price requirement is not unfairly discriminatory because the proposed standard is reasonably designed to the Exchange's goal of addressing the risks that it has identified with respect to very low-priced securities. The Minimum Trading Price will provide for a closing price level below which there may be a heightened susceptibility to manipulation and difficulties maintaining fair and orderly markets in these securities.

While the overall conclusion of the Lewis Report is that the Exchange's proposal to immediately suspend trading and commence delisting proceedings for securities that fall below the Minimum Trading Price may result in the delisting of companies that later recover and that some of these companies may otherwise have remained listed on the Exchange, the possibility of a meaningful recovery is not determinative of whether the Exchange may reasonably determine to delist a security. As discussed above, the Commission's analysis shows that 55% of the securities that fell below the Minimum Trading Price had a closing price under $0.25 after 180 days, with the median closing price at $0.23, and that securities that close below $0.25 experience significant volatility.[65] Even if many of the securities that remained below $0.25 after 180 days eventually recovered, this analysis indicates that such securities may persist with a closing price below $0.25 for an extended period of time. Given the risks that very low-priced securities may have heightened susceptibility to manipulative trading activity, it is not unfairly discriminatory for the Exchange to immediately suspend trading and commence delisting proceedings for securities that fall below the Minimum Trading Price. Accordingly, the Exchange's proposal is consistent with Section 6(b)(5) of the Act which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Several commenters stated that the Minimum Trading Price criteria would negatively impact capital formation for small public companies and increase risk to investors.[66] One commenter discussed the benefits of exchange listing for both smaller companies and investors in the context of cost of capital.[67] Specifically, this commenter stated that exchange listing provides smaller companies access to a larger set of investors and greater liquidity through access to secondary markets and allows investors to benefit from a set of Commission rules designed to enhance and organize the flow of information to investors.[68] The commenter concluded that this lowers the cost of capital because investors ''are willing to pay a premium for the ability to trade easily,'' and ''are more willing to make long-dated investments when they know their positions can be readily transferred to other investors.''[69] Another commenter stated that investors are less inclined to invest in, and lenders are less willing to extend financing, to companies trading close to the bright-line threshold, which intensifies the downward price pressure.[70] This commenter explained that the issuers trading close to the Minimum Trading Price threshold ''will face persistent delisting risk based on ordinary market volatility,'' which creates uncertainty, and ''constrains capital formation and increases financing costs.''[71] Two commenters stated that the proposal may disproportionately affect issuers that operate in capital-intensive sectors.[72]

The Commission acknowledges that there are many benefits to companies and their shareholders related to being listed on a national securities exchange, including increased access to capital formation and promotion of market efficiency. Commenters have raised concerns that delisting companies that fall below the Minimum Trading Price may lead to several negative consequences, including, but not limited to, making capital raising and obtaining financing more difficult for small companies.[73] However, the benefits of listing and possible consequences of delisting for issuers and their shareholders do not override the need for an exchange to maintain and enforce continued listing standards such as the proposed rule, which is consistent with Section 6(b)(5). As discussed above, the immediate suspension of trading and commencement of delisting proceedings for securities that fall below the Minimum Trading Price addresses identified risks of heightened

[62] *See* Table 1. In addition, the Commission's analysis demonstrates that there is an inherent tradeoff to be made when selecting a numerical threshold for continued listing between eliminating those companies that are the intended target and providing increased flexibility for listed issuers. *See* Table 2 and Figure 3.

[63] *See supra* note 50 and accompanying text.

[64] 15 U.S.C. 78f(b)(5).

[65] *See* Table 1 and surrounding discussion.

[66] *See* ATCH Letter II at 11; OPT Letter at 1; SPCC Letter I at 1, 6–9; WRI Letter at 2. *See also* Azitra Letter at 1. One commenter stated that investors would ''likewise bear substantial costs'' as ''delisting shifts trading from a national securities exchange to less transparent and liquid venues,[ ] increasing volatility and reducing oversight.'' SPCC Letter I at 11.

[67] *See* Nasdaq's Proposed Amended Listing Requirements, Craig M. Lewis, Ph.D., dated Feb. 19, 2026 (attached as Exhibit A to the Lewis Report, which was attached as Exhibit 1 to SPCC Letter I), at paragraphs 6–15.

[68] *See id.* at 6.

[69] *Id.* at 8–9. This commenter also stated that ''[f]irms with more liquid equity rely more heavily on equity financing and incur lower issuance costs, which in turn facilities greater investments in physical assets and R&D.'' *Id.* at 10.

[70] *See* SPCC Letter I at 5.

[71] *See id.* at 7, 9.

[72] *See* OPT Letter at 1; WRI Letter at 2.

[73] *See supra* notes 65–71, and accompanying text.

susceptibility to manipulative trading activity, and it is not unfairly discriminatory to impose a standard that is reasonably designed to address those risks. Moreover, securities that fall below the Minimum Trading Price and are subsequently delisted will continue to be able to trade in the over-the-counter market, which provides a viable alternative for the trading of companies' securities that do not meet the requirements for Exchange listing. These companies may also apply for Exchange listing in the future.

The Exchange's proposal to immediately suspend trading and commence delisting proceedings for securities that fall below the Minimum Trading Price, as set forth in Amendment No. 4, is reasonably designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act. The Exchange's proposal is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, consistent with Section 6(b)(5) of the Act; and will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, consistent with Section 6(b)(8) of the Act.

Several commenters stated that the Minimum Trading Price criteria is susceptible to short-term market dislocations (*e.g.,* macroeconomic conditions, sector-wide developments, or short-term trading dynamics) and could increase market manipulation risk of coordinated short-selling activity that could result in automatic suspension and delisting.[74] Commenters also stated that the resulting downward pressure on the stock price may not arise from operational weakness, but from the proposed Minimum Trading Price requirement, where the existence of such threshold can intensify investor caution, increasing financing cost.[75] Another commenter stated that such downward pressure increases stress on single-market-maker issuers.[76] One commenter nevertheless stated that the impact may not be pronounced because issuers may be able to mitigate the effects through performing reverse stock splits.[77]

In response, the Exchange states that it has a long standing practice of immediately suspending trading in a security when it trades below $0.10 that is publicly known.[78] The Exchange further states that it is not aware that bad actors have exploited the Exchange's current practice to manipulate trading for the purpose of getting a stock delisted.[79]

A security's closing price is a reasonable measure to be used in a quantitative listing standard to determine whether a company should continue to be listed on the Exchange,[80] notwithstanding that stock prices may be subject to short-term market dynamics or that the proximity of a stock price to listing thresholds may in turn affect pricing. In addition, the commenters' concern that the Minimum Trading Price criteria will encourage short-selling activities due to non-compliance with continued listing standards is not unique to the Exchange's proposal and, indeed, exists today with the Exchange's policy to initiate suspension of trading and delisting procedures when a stock trades below $0.10 per share. The Commission and FINRA have established rules to regulate short selling in order to maintain market integrity and protect investors from manipulative or abusive short selling practices.[81] Further, manipulative short selling, including ''naked'' short selling as part of a manipulative scheme, is always illegal under the general antifraud provisions of the federal securities laws, including Section 9(a) [82] and Section 10(b) of the Act,[83] and Rule 10b-5 [84] and Rule 10b-21 thereunder.[85] As discussed above, the immediate suspension of trading and commencement of delisting proceedings for securities that fall below the Minimum Trading Price would prevent the continued listing of securities that may have a heightened susceptibility to manipulative trading activity.

Several commenters raised concerns about the lack of a cure or compliance period for issuers that fall below the Minimum Trading Price and stated that immediate suspension of trading and commencement of delisting proceedings under the proposal without a plan of compliance or cure period for issuers raises fair procedure concerns under Section 6(b)(7) of the Act.[86] One of these commenters stated that immediately suspending trading and commencing delisting proceedings for a security based on a single-day closing price, ''without any cure period or meaningful pre-deprivation process, . . . risks reducing any subsequent appeal to a ministerial exercise.'' [87]

In response, the Exchange states that it disagrees with the approach of incorporating a compliance period (or measuring the Minimum Trading Price over 30 trading days) due to the propensity for problematic trading at very low price levels and that allowing for a compliance period would facilitate the exchange trading of low-priced stocks for a longer period.[88] The Exchange states that the Exchange staff engage with listed issuers as soon as a security's 30-trading day average closing

[74] *See, e.g.,* ATCH Letter II at 13–14; Azitra Letter at 1; SPCC Letter I at 8–9; WRI Letter at 2. *See also* ATCH Letter II, Supplemental Analysis (Exhibit A), The Proposed Rule as a Catalyst for Market Manipulation: How Vague Standards and a Mechanical Trigger Create a Roadmap for Predatory Short Selling (''ATCH Supplemental Analysis'').

[75] *See* SPCC Letter I at 9; Lewis Report at paragraph 3.

[76] *See* ATCH Supplemental Analysis, at 4.

[77] *See* Lewis Report at paragraph 3.

[78] *See* NYSE Letter at 3.

[79] *See id.* at 3–4.

[80] Existing Exchange rules include stock price as an initial listing requirement and consider a low selling price as a consideration in whether to suspend trading of and commence delisting proceedings for a security. *See* Sections 101(a)(5), 101(b)(5), 101(c)(5), 101(d)(4), and 1003(f)(v) of the Company Guide.

[81] *See, e.g.,* 17 CFR 242.200–204 (Regulation SHO); FINRA Rules 4210 (Margin Requirements), 4320 (Short Sale Delivery Requirements), and 4560 (Short-Interest Reporting). *See also, e.g.,* Exchange Rule 4560—Equities (Short-Interest Reporting).

[82] 15 U.S.C. 78i(a).

[83] 15 U.S.C. 78j(b).

[84] 17 CFR 240.10b–5.

[85] 17 CFR 240.10b–21 (making it unlawful for any person ''to submit an order to sell an equity security if such person deceives a broker or dealer, a participant of a registered clearing agency, or a purchaser about its intention or ability to deliver the security'' on or before the date delivery is due, and fails to deliver such security). *See generally* ''Naked'' Short Selling Antifraud, Securities Exchange Act Release No. 58774, 73 FR 61666, 61667 (Oct. 17, 2008) (''Although abusive ''naked'' short selling as part of a manipulative scheme is always illegal under the general antifraud provisions of the federal securities laws, including Rule 10b–5 of the Exchange Act, Rule 10b–21 will further evidence the liability of persons that deceive others about their intention or ability to deliver securities in time for settlement, including persons that deceive their broker-dealer about their locate source or ownership of shares. We believe that a rule further evidencing the illegality of these activities will focus the attention of market participants on such activities. Rule 10b–21 will also further evidence that the Commission believes such deceptive activities are detrimental to the markets and will provide a measure of predictability for market participants.'').

[86] *See* ATCH Letter I at 4; ATCH Letter II at 9–10; OPT Letter at 1; SPCC Letter II at 4. One commenter stated that issuers are unable to reliably forecast when their securities will become noncompliant and that while issuers retain the right to appeal delisting decisions under Part 12 of the Company Guide, an appeal cannot cure the harm that could be caused by immediate suspension of trading and commencement of delisting proceedings and there is a lack of transparency regarding historical outcomes of appeals for minimum price delistings. *See* ATCH Letter I at 4–5.

[87] SPCC Letter II at 4.

[88] *See* NYSE Letter at 4. *See also infra* note 97 and accompanying text for additional discussion of suggested alternatives to the Minimum Trading Price threshold, as proposed.

price falls below $1.00, and companies are informed of the Exchange's policy regarding minimum trading price and encouraged to consider remedial action.[89] The Exchange also states that the proposal provides issuers added transparency to the Minimum Trading Price criteria, and it believes that issuers will have adequate time and fair notice in which to take corrective action if they choose to do so.[90]

While the Exchange rules provide for an opportunity to submit a plan to come back into compliance with certain other continued listing standards,[91] the Exchange has proposed to immediately suspend trading and commence delisting proceedings for securities that fall below the Minimum Trading Price based on concerns that such companies may have a heightened susceptibility to manipulation.[92] The Exchange's practice of engaging with listed issuers as soon as a security's 30-trading day average closing price falls below $1.00 generally provides listed issuers with a period of time within which to raise their stock price.[93] However, a company's failure to comply with the Minimum Trading Price requirement (*i.e.,* $0.25) is likely indicative of serious difficulties within such company and a likelihood that the company would not regain compliance within a compliance period. As discussed above, and according to the Commission's analysis, 55% of the securities that failed to meet the Minimum Trading Price had a closing price under $0.25 after 180 days, with the median closing price under $0.23. The Commission's analysis supports a conclusion that the ability of companies to regain compliance with the Minimum Trading Price within 180 days is limited.[94] Companies that fall below the Minimum Trading Price may have heightened susceptibility to manipulative trading activity, contrary to the goal of protecting investors and the public interest. Thus, the Exchange's proposal is reasonably designed to protect investors by preventing the prolonged trading of very low-priced securities and seeks to provide meaningful assurance that only financially sound and quality issuers remain listed on the Exchange. Therefore, the Commission finds that the Exchange's proposal, as set forth in Amendment No. 4, to immediately suspend trading and commence delisting proceedings for securities that fail to comply with the Minimum Trading Price requirement is reasonably designed and consistent with the requirements of Section 6(b)(5) of the Act that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, protect investors and public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal is also consistent with Section 6(b)(7) of the Act in that it provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered. A listed company whose security is subject to immediate suspension of trading and the commencement of delisting proceedings under the proposal after failing to comply with the Minimum Trading Price requirement will be able to appeal the delisting decision in accordance with the provisions in Part 12 of the Company Guide.[95] Depending on the level of proceeding under Part 12 of the Company Guide, a Listing Qualifications Panel, the Committee for Review, or the Exchange Board of Directors, will continue to have the authority to consider any failure to meet any quantitative standard for continued listing, including the issuer's stock price, and the company will be given a written notice of such determination, and an opportunity to respond.[96] The company will also be able to appeal a Listing Qualifications Panel decision to the Committee for Review.[97]

Several commenters suggested alternatives to the proposal. Commenters recommended replacing the proposal's single-day price trigger with a multi-day average price test.[98] One commenter recommended, among other things, that the proposal ''define objective, quantitative criteria for 'precipitous decline' and 'abnormally low level,' including specified look back periods and percentage thresholds.'' [99] Another commenter recommended a tiered response for different minimum price deficiency triggers, whereby a single close below $0.25 would trigger a deficiency notice and short grace period, but a sustained period below a lower price level would result in immediate delisting.[100] Another commenter suggested employing enhanced monitoring or watch-list status for issuers near the minimum trading price trigger.[101] Several commenters recommended a mandatory cure or compliance period.[102] Finally, two commenters recommended ''consideration of holistic issuer compliance, including market capitalization, operational progress, and adherence to other listing requirements.'' [103] These suggestions are not part of the Exchange's proposal and, as required by the Act, the Commission must approve the proposal if it finds that the proposal is consistent with the Act and rules thereunder. For the reasons discussed herein, the proposal is consistent with the Act.

As originally filed, the Exchange had proposed that the Minimum Trade Price requirement would become effective on October 1, 2026.[104] The Exchange states that providing a transition period before the rule is effective will provide issuers with time to implement reverse stock splits to increase their share price.[105] Several commenters recommended a delayed effective date.[106] In response,

[89] *See id.*

[90] *See id.*

[91] *See* Section 1009(b) of the Company Guide.

[92] *See* Amendment No. 4, *supra* note 12, at 4. *See also supra* note 40 and accompanying text.

[93] *See supra* notes 17 and 88 and accompanying text.

[94] *See supra* notes 55–56 and accompanying text.

[95] *See supra* note 25 and accompanying text. Under existing Exchange rules, a request for a hearing will ordinarily stay a delisting action pursuant to a Staff Determination to prohibit the continued listing of an issuer's securities in accordance with Section 1204(d) of the Company Guide, but the Exchange staff may immediately suspend trading in any security or securities pending review should it determine that such immediate suspension is necessary or appropriate in the public interest, for the protection of investors, or to promote just and equitable principles of trade. *See* Section 1203(c) of the Company Guide. The Exchange has not proposed any changes to these provisions.

[96] *See* Section 1201(b) and (c), Section 1202(a), and Section 1204 of the Company Guide.

[97] *See* Section 1205 of the Company Guide.

[98] *See* ATCH Letter I at 4; ATCH Letter II at 10; Azitra Letter at 2; OPT Letter at 2; WRI Letter at 3. Two commenters recommended a lower minimum price threshold rather than $0.25. *See* OPT Letter at 2; WRI Letter at 3.

[99] ATCH I Letter at 5. *See also* Azitra Letter at 2; ATCH Letter II at 10.

[100] *See* ATCH Letter II at 10.

[101] *See* SPCC Letter I at 15. This commenter also suggested that the Exchange could rely on liquidity-based metrics (*e.g.,* publicly held shares, trading volume, or bid-ask spreads) rather than a fixed minimum price. *See id.* at 14.

[102] *See* Power REIT Letter at 2; ATCH I Letter at 4; Azitra Letter at 2; SPCC Letter I at 15; OPT Letter at 2; WRI Letter at 3.

[103] OPT Letter at 2; WRI Letter at 3.

[104] *See* Notice, *supra* note 3, at 58649.

[105] *See id. See also supra* note 27 and accompanying text.

[106] *See* Power REIT Letter at 1 (''Absent a meaningful implementation period, affected companies could face the risk of immediate or near-term delisting without sufficient time to evaluate alternatives, access capital markets, or otherwise address the new standard in an orderly manner.''); ATCH Letter II at 9–10; SPCC I Letter at 18–20 (suggesting a delayed effective date of no less than twelve months ''to allow issuers, investors, and lenders to adjust their capital structures, contract arrangements, and risk assessments in an orderly manner); SPCC Letter II at 7. *See also* OPT Letter at 2 (recommending the Commission delay the implementation date to preserve shareholder participation because the next annual shareholder meeting would occur after the proposed October

Continued

the Exchange filed Amendment No. 4 to delay the effective date of the proposal from October 1, 2026 to July 1, 2027, and stated that any impacted issuer will have the benefit of its 2027 annual meeting to take proactive action.[107] The Commission finds that the proposed effective date of July 1, 2027 is appropriate and consistent with the requirements of the Act and should provide a sufficient transition period before the rule is effective for affected issuers to take steps to bring their trading price above $0.25, including by implementing reverse stock splits to increase share prices, while helping to ensure the timely implementation of the Minimum Trading Price to address the risks of very low-priced securities.

Discretionary Authority

As discussed above, the Exchange proposes to specify that, consistent with its general authority under Section 1002(e) of the Company Guide to suspend trading in the event of any condition that makes further dealings on the Exchange unwarranted, it may suspend trading or delist a security where, in the Exchange's opinion, the trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover, even if such security has not fallen below the Minimum Trading Price.[108] The Exchange states that, in its experience, under those conditions, a security's trading price is generally unable to recover and it is appropriate for the Exchange to take action.[109]

Several commenters stated that the proposed revision to Section 1003(f)(v) of the Company Guide, which allows the Exchange to suspend trading or delist a security where the trading price has experienced a precipitous decline and is at an abnormally low level, provides the Exchange with ''broad'' and ''amorphous'' discretion.[110] These commenters stated that the standards are not objective, and the proposed revision is not supported by empirical evidence.[111] One of these commenters stated that it is ''internally inconsistent'' for the Exchange to establish the Minimum Trading Price, ''while simultaneously reserving the right to disregard that threshold,'' and that the Exchange does not articulate any objective, quantitative criteria under which the Exchange will consider trading price to have experienced a ''precipitous decline'' and be at ''an abnormally low level from which it is unlikely to recover.'' [112] This commenter also stated that the ''absence of clear guardrails around the Exchange's discretion raises serious fair process concerns under Exchange Act Section 6(b)(7).'' [113]

In response, the Exchange states that the rules of the Exchange permit regulatory staff of the Exchange to delist a company when they have determined, in their sole discretion, that continued trading is inadvisable.[114] The proposed revision to Section 1003(f)(v) of the Company Guide simply applies that principle to the trading of low-priced stocks.[115] The Exchange also states that it ''would be counter to the protection of investors if the Exchange were required to stand by while a securities trading price was in free fall simply waiting for it to close below $0.25.'' [116]

The proposed change is consistent with Section 6(b)(5) of the Act because it is reasonably designed to promote just and equitable principles of trade and to protect investors and the public interest.[117] The Exchange has the authority under existing Section 1002(e) of the Company Guide to suspend trading in securities when, in the Exchange's opinion, an event occurred or condition existed which made further dealings on the Exchange unwarranted, including where a security's trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover.[118] The proposal provides transparency in the application of such authority and avoids any confusion about how the Exchange's general discretionary authority intersects with the Minimum Trading Price requirement. Thus, the proposal is reasonably designed to promote just and equitable principles of trade and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act, because it will maintain the Exchange's authority to exercise its discretion and delist a security that has experienced a precipitous price decline, without being required to wait until the security's trading price falls below $0.25.

The proposed change is also consistent with Section 6(b)(7) of the Act in that it provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered. Pursuant to the Exchange's proposal, the Exchange may exercise discretion to determine if a listed company's security is experiencing a precipitous decline and is at an abnormally low level from which it is unlikely to recover, and accordingly suspend trading and commence delisting proceedings for the security. Such company will be able to appeal the delisting decision in accordance with the provisions in Part 12 of the Company Guide, as described above.[119]

Based on the foregoing, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with the Act.

IV. Solicitation of Comments on Amendment No. 4 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether the proposed rule change, as modified by Amendment No. 4, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2025–72 on the subject line.

implementation date); WRI Letter at 3 (recommending that the Commission delay the implementation date to align more closely with annual shareholder meeting cycles to allow compliance actions to be addressed in the ordinary course of annual governance processes); ATCH Supplemental Analysis at 11 (recommending that the proposal provide for a ''cure period'' to give issuers time to implement a reverse stock split); Anonymous Letter (requesting a 24–26 month transitional delay).

[107] *See supra* note 12. *See also* NYSE Letter at 5.

[108] *See* proposed Section 1003(f)(v) of the Company Guide. Section 1002(e) of the Company Guide (Policies with Respect to Continued Listing) provides that the Exchange will consider the suspension of trading in, or removal from listing or unlisted trading of any security when, in the opinion of the Exchange, any event occur or any condition shall exist which makes further dealings on the Exchange unwarranted.

[109] *See* Amendment No. 4, *supra* note 12, at 5–6.

[110] *See, e.g.,* ATCH Letter I at 2, ATCH Letter II at 2–3, SPCC Letter II at 5.

[111] *See id.*

[112] ATCH Letter I at 2. This commenter stated that while the Minimum Trading Price would be ''a nominal anchor, [ ] suspension and delisting remain fundamentally discretionary and unbounded by articulated, objective standards.'' *Id.* at 3. *See also* SPCC Letter II at 5.

[113] ATCH Letter I at 4.

[114] *See* NYSE Letter at 4.

[115] *See id.*

[116] *Id.* at 5.

[117] 15 U.S.C. 78f(b)(5).

[118] In addition, the preamble to Section 1003 of the Company Guide provides that the Exchange may at any time, in view of the circumstances in each case, suspend dealings in, or remove, a security from listing or unlisted trading when in its opinion such security is unsuitable for continued trading on the Exchange. Such action will be taken regardless of whether the issuer meets or fails to meet any or all of the standards set forth in Section 1003 of the Company Guide. *See* Section 1003 of the Company Guide.

[119] *See supra* notes 94–96 and accompanying text.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2025–72. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2025–72 and should be submitted on or before September 8, 2026.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 4

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 4, prior to the thirtieth day after the date of publication of Amendment No. 4 in the **Federal Register**. Amendment No. 4 does not alter any substantive provisions of the proposed rule change or raise any regulatory issues substantially different from what is set forth in the Notice and Amendment No. 3, which were subject to public comment. Amendment No. 4 extends the effective date from October 1, 2026 to July 1, 2027. This limited change is responsive to comment letters requesting a delay in the transition period. The 9-month delay addresses potential administrative and governance burdens on listed issuers and is consistent with the original proposal's intent to provide sufficient time to implement reverse stocks splits to increase share prices. For these reasons, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[120] to approve the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[121] that the proposed rule change (SR–NYSEAMER–2025–72), as modified by Amendment No. 4, be and hereby is, approved on an accelerated basis.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16830 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

[120] 15 U.S.C. 78s(b)(2).

[121] *Id.*

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0116]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form 6–K—Exchange Act Rules 13a–16 and 15d–16

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 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') this request for an extension of the previously approved collection of information discussed below.

Form 6–K (17 CFR 249.306) is a disclosure document under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) that must be filed by a foreign private issuer to report material information promptly after the occurrence of specified or other important corporate events that are disclosed in the foreign private issuer's home country. The purpose of Form 6–K is to ensure that U.S. investors have access to the same information that foreign investors do when making investment decisions. The information required by Form 6–K is mandatory, and Form 6–K filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form 6–K takes approximately 8.7 total hours per response to comply with the form's information collection requirements and is filed approximately 21.29 times per year by approximately 1,261 respondents, for a total of approximately 26,848 responses per year. We estimate that 75% of the 8.7 hours per response is carried internally by the issuer for a total annual reporting burden of 175,183 hours (8.7 total hours per response × 75% × 26,848 responses annually). We estimate that 25% of the 8.7 hours per response is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $35,036,640 (8.7 total hours per response × 25% × $600 per hour × 26,848 responses annually).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202605-3235-006* send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by September 18, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16818 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0628]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17g–2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information. Rule 17g–2 requires NRSROs to make and retain certain records relating to their business and to retain certain other business records if made. The rule also prescribes the time periods and manner in which the records must be retained.

Currently, there are 11 credit rating agencies registered as NRSROs with the Commission. Based on staff experience, the Commission estimates that the ongoing annual burden for respondents to comply with Rule 17g– 2 is 3,883 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request

at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-016* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by September 18, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16823 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106128; File No. SR–NYSE–2026–37]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of a Proposed Rule Change To Amend Sections 303A.00 and 303A.07 of the NYSE Listed Company Manual

August 13, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 31, 2026, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Sections 303A.00 and 303A.07 of the NYSE Listed Company Manual (the ''Manual'') to extend the transition period in which a listed company must establish an internal audit function. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 303A.07(c) of the Manual states that each company listed on the Exchange must have an internal audit function. The purpose of the internal audit function is to provide an issuer's management and audit committee with ongoing assessments of the issuer's risk management processes and system of internal controls. The function may be outsourced to a third-party service provider other than an issuer's independent auditor.

Like other elements of the Exchange's corporate governance rules, Sections 303A.00 and 303A.07 provide a transition period for certain issuers to become compliant with the internal audit function.[4] Pursuant to Section 303A.07 issuers must have an internal audit function in place no later than the first anniversary of their listing date. Over time, issuers have expressed concern that developing a capable internal audit function within the first year of listing presents challenges as issuers adjust to life as a newly public company. Accordingly, the Exchange is proposing to extend the transition period to implement an internal audit function from one year to five years.

In expressing concern over the current one-year compliance period, issuers often cite competing business and regulatory obligations requiring management's attention and the challenges of building an internal audit function to assess a company's internal control environment while a company is still in its early stages and continuing to grow. The Exchange continues to believe that having a robust internal audit function is a key component of sound corporate governance, but agrees that providing issuers with additional time to develop such function will result in a more effective function. In this regard, the Exchange notes that newly-public companies are typically in the process of upgrading their accounting systems and internal controls and hiring additional staff to meet the greater demands placed on public companies. Given the oversight role of directors—and members of the Audit Committee, in particular—with respect to risk management and internal controls, the Exchange believes it is appropriate to extend the transition period for compliance in order to provide a new slate of directors with sufficient time to assess an issuer's operations to help design a valuable internal audit function.

During the proposed five-year transition period, the Exchange believes that other requirements will continue to provide sufficient assurance that issuers listed on the Exchange are appropriately managing risk. All issuers listed on the Exchange are required to have an Audit Committee comprised of at least three independent directors.[5] The Audit Committee of an issuer listed on the Exchange must have a written charter that requires it to ''at least annually, obtain and review a report by the [company's] independent auditor describing: the firm's internal quality-control procedures; any material issues raised by the most recent internal quality-control review.'' [6] In addition, Section 404(a) of the Sarbanes-Oxley Act [7] obligates management to maintain an adequate internal control structure for financial reporting and annually assess its effectiveness. Section 404(b) of the Sarbanes-Oxley Act [8] requires a company's independent auditor to provide an attestation on management's internal control assessment. In addition, the CEO and CFO certifications required by Sections 302 and 906 of the Sarbanes-Oxley Act require an additional level of management responsibility for internal control oversight. The Exchange notes that the Sarbanes-Oxley Act and its provisions discussed herein was enacted after the Exchange first adopted its internal audit requirement. In this regard, the internal audit function may be viewed as a supplement for the statutory protections embodied in the Sarbanes-Oxley Act. Given this supplemental nature, the Exchange believes that providing an extended transition period will not raise any investor protection concerns.

Similarly, the Exchange notes that Nasdaq Stock Market (''Nasdaq'') does not require companies listed on that exchange to maintain an internal audit function. Given that a company could list on Nasdaq without any internal

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Section 303A.00 of the Manual provides a one-year transition period for companies listing in connection with an initial public offering, carve-out or spin-off transaction. Section 303A.07 states that all listed companies must have an internal audit function within one year of listing.

[5] *See* Section 303A.06 of the Manual.

[6] *See* Section 303A.07 of the Manual.

[7] *See* 15 U.S.C. 7262(a).

[8] *See* 15 U.S.C. 7262(b).

audit function at all, the Exchange does not believe that providing an extended transition period for its internal audit function should raise concern.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') generally [9] and furthers the objectives of Section 6(b)(5) of the Act [10] 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 believes that the proposed amendment is consistent with the investor protection objectives of Section 6(b)(5) of the Act in that the proposed amendment would provide an extended transition period to comply with the internal audit requirement, thus enabling issuers to design a comprehensive and effective internal audit function. As discussed above, the Exchange views the internal audit function as a supplement to the statutory protections contained in Section 404(a) and 404(b) of the Sarbanes-Oxley Act which require that management annually assess an issuer's internal control environment and the external auditor provide an attestation on such assessment. In addition, Exchange rules require all listed issuers to have a fully independent Audit Committee responsible for, among other things, oversight of risk mitigation and internal controls. Finally, the Exchange notes that Nasdaq rules do not require listed companies to maintain an internal audit function. Therefore, even with an extended transition period, the Exchange's rules in this regard will be more stringent than its peer exchange.

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 proposal simply extends the transition period for compliance with the Exchange's internal audit requirement. The Exchange does not believe that extending the transition period in this manner presents any burden on competition as Nasdaq does not have an internal audit requirement.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2026–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–37 and should be submitted on or before September 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16781 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106129; File No. SR–OCC–2026–802]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Advance Notice Relating to The Options Clearing Corporation's Proposal To Amend the Evergreen Provisions Relating to Its Revolving Credit Facility

August 13, 2026.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[3] notice is hereby given that on July 31, 2026, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') an advance notice as described in Items I, II and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice is submitted by OCC in connection with a prosed change to its operations to amend the circumstances under which OCC may renew its revolving credit facility that OCC maintains for a 364-day term and that it may use: (i) to meet obligations arising out of the default or suspension of a Clearing Member or any action taken by OCC to address such a default or suspension; (ii) to reimburse OCC for bankruptcy losses, subject to the conditions set forth in the By-Laws and Rules; (iii) to the extent permitted by the By-Laws and Rules, (a) to obtain funds

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

projected to be required by OCC in anticipation of a potential default by, or suspension of, a Clearing Member; or (b) to address liquidity needs for daily settlement obligations as the result of the failure of any bank, securities or commodities clearing organization, or investment counterparty to perform any obligation to OCC when due (''Revolving Credit Facility'' or ''Facility''). OCC proposes to remove the requirement that OCC submit an advance notice prior to any future decision to replace the lead or backup administrative agent of the Facility, update the current commitment amount of the Facility, and make other non-substantive changes. OCC does not presently have any plan to replace the lead or backup administrative agents of its Facility, but it may wish to do so in the future. The proposed change is described in detail in Item 10 below. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[4]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, Uthe Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received.

(B) Advance Notice Filed Pursuant to Section 806(e) of the Payment, Clearing, and Settlement Supervision Act

Description of Change

OCC maintains a Revolving Credit Facility to ensure access to needed liquidity in time to satisfy settlement obligations, even in the event of a default by a Clearing Member or another market disruption. A prior advance notice filing relating to the Facility, to which the Commission did not object, set forth the circumstances under which OCC may renew the Facility without filing an additional advance notice (the ''Evergreen Provisions'').[5] OCC now seeks to change the Evergreen Provisions to eliminate OCC's need to file an advance notice in order to change the lead administrative agent in future renewals of the Facility. OCC believes that removing this requirement will allow OCC the operational freedom to quickly and efficiently ensure that the proper lead administrative agent is in place if and when circumstances change. OCC also seeks to update the current commitment amount of the Facility and make other non-substantive changes to the language of the Evergreen Provisions.

Background

OCC proposes amending the Evergreen Provisions, to which the Commission has not objected, to permit OCC to replace the lead or backup administrative agent of its Revolving Credit Facility without first submitting an advance notice.

The Revolving Credit Facility provides short-term secured borrowings in an aggregate principal amount of $2.5 billion but may be increased to $3.5 billion if OCC so requests and sufficient commitments from lenders are received and accepted. To obtain a loan under the Revolving Credit Facility, OCC would pledge as collateral: (i) U.S. dollars; (ii) securities issued or guaranteed by the U.S. Government or the Government of Canada; (iii) equities included in the S&P 500 Market Index, the NASDAQ exchange, or any United States or Canadian national securities exchange; (iv) Exchange-Traded Funds (''ETFs''); or (v) American Depositary Receipts (''ADRs''). The Facility is renewed annually for a 364-day term.

Presently, OCC must submit an advance notice prior to renewing the Revolving Credit Facility if it intends to make changes to: (a) the financial institution acting as lead administrative agent; [6] or (b) the commitment period (which would continue to be 364 calendar days unless changes are necessary to avoid the expiration of the term falling on a weekend or other day that is not a business day).[7] However, without submitting an advance notice, OCC may change: (1) the aggregate and potential additional commitment amounts that it may seek, so long as such amounts considered: (i) increase by no more than $500 million in total (whether in the initial commitment amount, additional commitment amount, or both) as compared to the 2020 Bank Syndicate Revolving Credit Facility, which authorized a $2 billion initial commitment that could be increased to $3 billion if OCC so requests and sufficient commitments from lenders are received and accepted, or (ii) decrease by no more than $500 million, provided that any decrease in the initial commitment amount is replaced by other qualifying liquid resources (as defined in Exchange Act Rule 17ad–22(a)(14)) [8] of an equal amount; [9] (2) the syndicate so long as all lenders party to future facilities are subject to the same credit review as those lenders that were party to the 2020 Revolving Credit Facility; (3) pricing and collateral haircuts,[10] so long as such terms are consistent with the then current market practice; and (4) representations, warranties, covenants, and terms of events of default,[11] so long as any modifications are immaterial to OCC as a borrower and do not impair materially OCC's ability to borrow under the line of credit consistent with these provisions. OCC proposes to remove the requirement that it file an advance notice in order to change the financial institution acting as lead administrative agent without submitting an advance notice.

OCC seeks this change in order to be able to more quickly replace the lead administrative agent if doubts arise as to the agent's ability to meet OCC's expectations in the event that OCC might need to draw on the Facility, given that any new agent is subject to the requirements for selecting providers of core services as set forth in Rule 17ad–25(i).[12] OCC renews the Facility annually in June. To meet the June renewal, OCC needs to identify a lead

[4] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[5] *See* Securities Exchange Act Release No. 88971 (May 28, 2020), 85 FR 34257 (June 3, 2020) (SR–OCC–2020–804) (Notice of Filing of Advance Notice of and No Objection to Revolving Credit Facility).

[6] As discussed in detail below, OCC proposes removing this condition and permitting a change in the lead and/or backup administrative agent without an advance notice.

[7] *See* Securities Exchange Act Release No. 88971 (May 28, 2020), 85 FR 34257 (June 3, 2020) (SR–OCC–2020–804) (Notice of Filing of Advance Notice of and No Objection to Revolving Credit Facility).

[8] 17 CFR 240.17ad–22(a)(14).

[9] For example, this may include an increase in OCC's Cash Clearing Fund Requirement as required under Rule 1002(a) or other committed liquidity resources for which the Commission has issued a Notice of No Objection. *See, e.g.,* Securities Exchange Act Release No. 88317 (March 4, 2020), 85 FR 13681 (March 9, 2020) (SR–OCC–2020–801).

[10] ''Collateral haircuts'' with respect to the collateral for any borrowing under the Facility refers to the schedule of percentages of market value by type of collateral, determining the collateral value of that type of collateral, for purposes of securing a borrowing.

[11] ''Events of default'' refers to those events or conditions which trigger or constitute a default of OCC under the credit agreement.

[12] 17 CFR 240.17ad–25(i).

administrative agency with certainty by March so that OCC and its chosen agent can arrange the syndicate. If OCC wanted to replace the administrative agent, an advance notice would need to be filed by January to meet that timeline, meaning that a decision to replace the administrative agent would need to be made in the fourth quarter of the preceding year and would be based on events, including performance in OCC's periodic testing of the Facility, that occurred even earlier. OCC seeks to remove the administrative notice requirement from this process to minimize the delay between the time in which OCC may recognize the need to replace its lead administrative agent and the time in which OCC is actually able to replace the agent. The change would also reduce the possibility that the Facility renewal may fall in an interim period in which OCC recognizes the need to replace a lead administrative agent but has not yet been able to do so. As such, OCC believes this change would better enable it to ensure that the Facility has an appropriate lead administrative agent, and would thereby reduce OCC's liquidity risk.

To be clear, OCC is satisfied with the current lead administrative agent of the Facility, and does not presently intend to replace the agent. However, OCC seeks the ability to more quickly replace the lead administrative agent if at some point in the future it develops concerns with the then-current lead administrative agent's ability to meet OCC's expectations.

Proposed Change

OCC proposes to remove the Evergreen Provision currently applicable to renewals of its Revolving Credit Facility requiring an advance notice to change the lead administrative agent of the Facility. In its place, OCC requests a new Evergreen Provision permitting it to change its lead administrative agent, its backup administrative agent, or both, so long as any new agents are subject to the requirements for selecting providers of core services as set forth in OCC's policies and procedures as required by Rule 17ad–25(i).[13] OCC wishes to be able to, in the future, replace its lead and/or backup administrative agent with another suitable agent without filing an advance notice. This change would provide OCC with the flexibility to quickly replace its lead administrative agent with another institution that has been vetted under the exacting process for providers of core services set forth in Rule 17ad–25(i)[14] and in OCC's written policies and procedures implementing that Rule.

After the Commission promulgated Rule 17ad–25(i), OCC filed a proposed rule change to establish its framework for complying with the new obligations.[15] Specifically, OCC amended several documents including its Board of Directors Charter and Corporate Governance Principles (''Board Charter''), Risk Committee Charter, and Third-Party Risk Management Framework to ensure compliance with Rule 17ad–25(i). Among other things, the changes require OCC's Management Committee, as part of the process of onboarding a service provider for core services, to evaluate and document risks related to the service agreement with the service provider, assess the risks, and submit its findings to the Board for review and approval prior to onboarding. OCC's Management Committee must also monitor service provider performance and report any actions taken by senior management to the Board to: (i) remedy significant deterioration in services; (ii) address changing risks or material issues; or (iii) assess and document weaknesses or deficiencies if the risks or material issues cannot be remedied.

The lead and backup administrative agents of the Revolving Credit Facility constitute service providers for core services under the governance framework that OCC established to comply with SEC Rule 17ad–25(i).[16] As such, OCC's potential replacement of an administrative agent would be subject to the enhanced governance process required by that rule. This enhanced governance process provides appropriate oversight for administrative agent selections without requiring advance notice filings for what are fundamentally routine operational decisions. The Board-level review ensures that a proposed change to the administrative agent would receive appropriate scrutiny regarding operational risk, institutional quality, and service capabilities.

Moreover, SEC Rule 17ad–25(i)[17] carries with it the expectation that a clearing agency will take steps to address deficiencies in performance of a service provider for core services. OCC may in the future seek to substitute an administrative agent if OCC determines such action was necessary to address performance concerns. Its ability to quickly and efficiently make this change, if necessary, would enhance OCC's ability to manage liquidity risk. Accordingly, the risks that may have motivated requiring an advance notice for a lead administrative agent change have since been mitigated through other Commission regulation and OCC rulemaking.

Because changes to the regulatory landscape, namely the enhanced processes for onboarding a provider of core services such as a lead or backup administrative agent, ensure that any replacement administrative agent will be safe and capable, and because OCC seeks the ability to quickly and efficiently change administrative agents in the event that problems are identified with the current administrative agent, the proposed change is consistent with Rule 17ad–22(e)(7).[18]

The role of lead administrative agent in OCC's Revolving Credit Facility includes acting as the central coordinator and manager, serving as the primary contact between OCC and syndicate lenders, and handling daily operations such as payment distribution, notice distribution, and other administrative functions. This role is designed to provide OCC with convenience and efficiency by creating a streamlined, single point of contact for the Facility—a complex, multi-lender transaction. In addition to the lead administrative agent, the Facility is also supported by a backup administrative agent to ensure redundancy and operational continuity in the event that the lead administrative agent was unavailable. OCC regularly tests the Facility using hypothetical drawdowns to assess operational readiness and identify process improvement opportunities, and it wishes to be able to quickly substitute the lead and/or backup administrative agent if the testing reveals concerns with the agent's performance, among other potential reasons for a change.

OCC also proposes that the Evergreen Provision relating to its ability to increase commitment amounts be updated to reflect the size of the current Bank Syndicate Revolving Committee, which is $2.5 billion. OCC seeks to retain the ability to increase or decrease the size of the Facility by an additional $500 million without submitting an advance notice. And OCC proposes other non-substantive revisions to the language of certain Evergreen Provisions for consistency and clarity.

OCC proposes that the Evergreen Provisions applicable to its Bank

[13] 17 CFR 240.17ad–25(i).

[14] 17 CFR 240.17ad–25(i).

[15] *See* Exchange Act Release No. 101792 (Dec. 2, 2024), 89 FR 97127 (Dec. 6, 2024) (SR–OCC–2024–015).

[16] 17 CFR 240.17ad–25(i).

[17] 17 CFR 240.17ad–25(i).

[18] 17 CFR 240.17ad–22(e)(7).

Syndicate Revolving Credit Facility be revised as follows:

i. An advance notice filing is required if OCC seeks to change the commitment period (which would continue to be 364 calendar days unless changes are necessary to avoid the expiration of the term falling on a weekend or other day that is not a business day) in connection with future renewals;

ii. OCC may increase the commitment amounts without an advance notice filing so long as the increase (whether in the initial commitment amount, additional commitment amount, or both) is by no more than $500 million in total as compared to the 2025 Bank Syndicate Revolving Credit Facility, which authorized a $2.5 billion initial commitment that could be increased to $3.5 billion if OCC so requests and sufficient commitments from lenders are received and accepted;

iii. OCC may decrease the commitment amounts by up to $500 million without an advance notice filing so long as any decrease in the initial commitment amount is replaced by other qualifying liquid resources (as defined in Exchange Act Rule 17ad–22(a)(14)) of an equal amount;

iv. OCC may add new lenders or remove existing lenders without an advance notice filing so long as all lenders to future renewals are subject to the same credit review as those lenders that were party to its 2020 Bank Syndicate Revolving Credit Facility;

v. OCC may change the lead administrative agent and/or backup administrative agent so long as the new agent in future renewals is subject to the requirements for selecting providers of core services set forth in OCC's policies and procedures;

vi. OCC may change pricing and collateral haircuts without an advance notice filing so long as such terms are consistent with the then-current market practice; and

vii. OCC may otherwise change the terms and conditions of the agreement without an advance notice filing so long as the changes do not materially affect the nature or level of risk presented to OCC.

Anticipated Effect on and Management of Risk

As a covered clearing agency and DCO, OCC's ability to meet settlement demands in the event of a Clearing Member default, or the failure of another participant to meet its obligations to OCC, is critical to the markets that OCC serves. OCC believes that the overall effect of this proposed change on the risk profile at OCC would be to reduce liquidity risk associated with OCC's function as a covered clearing agency and DCO by providing it with the flexibility to more quickly replace its lead administrative agent in the event that testing reveals doubt about the agent's ability to meet OCC's expectations with respect to the Revolving Credit Facility. At worst, the proposed change is neutral with respect to OCC's risk profile, because any replacement lead administrative agent would vetted under the exacting process for providers of core services set forth in OCC's policies and procedures established to comply with Rule 17ad–25(i).[19]

Consistency With the Payment, Clearing and Settlement Supervision Act

The stated purpose of the Clearing Supervision Act is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[20] Section 805(a)(2) of the Clearing Supervision Act[21] also authorizes the Commission to prescribe risk management standards for the payment, clearing and settlement activities of designated clearing entities, like OCC, for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act[22] states that the objectives and principles for risk management standards prescribed under Section 805(a) shall be to:

- promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and the Exchange Act in furtherance of these objectives and principles.[23] Rule 17ad–22 requires registered clearing agencies, like OCC, to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[24] Therefore, the Commission has stated[25] that it believes it is appropriate to review changes proposed in advance notices against Rule 17ad–22 and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act.[26]

OCC believes that the proposed change is consistent with Section 805(b)(1) of the Clearing Supervision Act[27] because it promotes robust risk management and promotes safety and soundness. Allowing OCC to replace the lead or backup administrative agent without first filing an advance notice provides OCC with the ability to swiftly replace the administrative agent if it determines that incumbent agent may not be able to meet OCC's expectations with respect to the speed and reliability of the execution of the Facility. Any replacement administrative agent would be selected through the process for selection of service providers for core services, ensuring an appropriate replacement administrative agent. Allowing OCC to promptly replace the lead or backup administrative agent without first submitting an advance notice reduces the risk that OCC would be unable to change its administrative agent, if necessary, prior to the annual renewal of its annual Revolving Credit Facility, and therefore reduce the risk that OCC might need to rely on potentially deficient administrative agent in the event that OCC needed to draw on the Facility. In this way, the proposed change is designed to promote robust risk management; promote safety and soundness; reduce systemic risks; and support the stability of the broader financial system.

OCC believes the proposed change is reasonably designed to comply with Rule 17ad–22(e)(7).[28] Rule 17ad–22(e)(7)[29] requires OCC to, in part, establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency. OCC's proposed change is consistent with Rule 17ad–22(e)(7)[30] because it would safely provide OCC with operational flexibility to quickly address any issues that may arise with its administrative agent.

For the foregoing reasons, OCC believes that the proposed change is

[19] 17 CFR 240.17ad–25(i).

[20] 12 U.S.C. 5461(b).

[21] 12 U.S.C. 5464(a)(2).

[22] 12 U.S.C. 5464(b).

[23] 17 CFR 240.17ad–22. *See* Exchange Act Release Nos. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11) (''Clearing Agency Standards''); 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Standards for Covered Clearing Agencies'').

[24] 17 CFR 240.17ad–22.

[25] *See, e.g.,* Exchange Act Release No. 86182 (June 24, 2019), 84 FR 31128, 31129 (June 28, 2019) (SR–OCC–2019–803).

[26] 12 U.S.C. 5464(b).

[27] 12 U.S.C. 5464(b)(1).

[28] 17 CFR 240.17ad–22(e)(7).

[29] 17 CFR 240.17ad–22(e)(7).

[30] 17 CFR 240.17ad–22(e)(7).

consistent with Section 805(b)(1) of the Clearing Supervision Act [31] and Rule 17ad–22(e) [32] under the Exchange Act.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date that the proposed change was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission or the Board of Governors of the Federal Reserve System providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission. The clearing agency shall post notice on its website of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–OCC–2026–802 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–OCC–2026–802. 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 of submission. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of this filing will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–OCC–2026–802 and should be submitted on or before September 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16782 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0473]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17Ad–3(b)

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 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is soliciting comments on the proposed collection of information provided for in Rule 17Ad–3(b) (17 CFR 240.17Ad–3(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Section 17A(d)(1)(A) of the Exchange Act generally prohibits any registered transfer agent from engaging in any transfer agent activity in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Exchange Act. In addition, Sections 17(a)(1) and (3) of the Exchange Act require every registered transfer agent to make reports as the Commission or other appropriate regulatory agency (''ARA''), as defined in Section 3(a)(34)(B) of the Exchange Act, prescribe by rule as necessary or appropriate in furtherance of the purposes of Section 17A of the Exchange Act.

On June 16, 1977, the Commission adopted Rules 17Ad–2(c) and (d), pursuant to Sections 2, 17, 17A, and 23(a) of the Exchange Act [1] in order to provide an early warning system to ARAs when a registered transfer agent is not meeting the performance standards set forth in the Commission's rules.[2] Rules 17Ad–2(c) and (d) enable an ARA to take timely, preventive, and remedial measures to protect the public interest and investors. Similarly, the Commission also adopted Rule 17Ad–3(b) to alert issuers when their transfer agents fail to meet the minimum performance standards set forth in Rule 17Ad–3(b).[3]

Rule 17Ad–3(b) requires a registered transfer agent to send a copy of the written notice required pursuant to Rules 17Ad–2(c) and (d) to all the issuers for which that transfer agent acts when for two consecutive months the transfer agent has failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a) or to process at least 75% of all items in accordance with the requirements of Rule 17Ad–2(b). The transfer agent is required to send the notice within twenty business days after the close of the second month to the chief executive officer (''CEO'') of each issuer for which such registered transfer agent acts.

The Commission estimates that each year approximately two registered transfer agents send a notice of non-compliance to the Commission and their ARA pursuant to Rule 17Ad–2(c) and (d). Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a notice of non-compliance with the Commission and its ARA pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers it

[31] 12 U.S.C. 5464(b)(1).

[32] 17 CFR 240.17ad–22(e).

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78b, § 78q, § 78q–1, and § 78w(a), respectively.

[2] *See* Exchange Act Release No. 13636 (Jun. 16, 1977), 42 FR 32404 (Jun. 24, 1977).

[3] *Id.*

services when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items for two consecutive months. The Commission estimates that each year approximately one of the two registered transfer agents that file a notice of non-compliance with the Commission and ARA will meet the requirements of Rule 17Ad–3(b), and such transfer agent will send its issuer-clients a copy of the notice that has already been filed under Rule 17Ad–2(c) or (d). The Commission estimates that the time burden of doing so will be approximately 4 hours per year. The total estimated time burden associated with Rule 17Ad–3(b) is thus approximately 4 hours per year (1 notice per year x 4 hours per notice). The Commission estimates that the total annual internal labor cost for a transfer agent to comply with this third-party disclosure requirement is approximately $1,320 per year (4 hours × $330 per hour for Accountants and Auditors = $1,320).[4]

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 19, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16821 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

[4] For purposes of calculating the dollar cost burdens associated with respondents, the Commission relies on the Occupational Employment and Wage Statistics (''OEWS'') from the U.S. Bureau of Labor Statistics (''BLS''). *See Occupational Employment and Wage Classification,* 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 Industrial Classification System (2022), *available at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf* (describing the industry 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 the North American Industry Classification System (''NAICS) number to total annual wages across all occupations for the NAICS number in the OEWS data.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106130; File No. SR–NSCC–2026–009]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving of Proposed Rule Change To Enhance the Supplemental Liquidity Deposit Rules, Methodology and Processes

August 13, 2026.

I. Introduction

On June 18, 2026, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] proposed rule change SR–NSCC–2026–009 (''Proposed Rule Change'') to modify the NSCC Rules & Procedures (''Rules'') regarding NSCC's Supplemental Liquidity Deposit (''SLD''). The Proposed Rule Change was published for comment in the **Federal Register** on July 6, 2026.[3] The Commission has received no comments on the Proposed Rule Change.

For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

NSCC is a central counterparty (''CCP''), which means that it interposes itself as the buyer to every seller and the seller to every buyer for the financial transactions it clears. NSCC provides CCP services for the U.S. equity market. As such, NSCC is exposed to the risk that one or more of its Members may fail to make a payment or to deliver securities.[4]

NSCC's liquidity risk management plays an integral part in NSCC's ability to perform its role as a CCP. If a Member defaults, NSCC, as a CCP, would need to complete settlement of guaranteed transactions on the failing Member's behalf from the date of default through the remainder of the settlement cycle (currently one day for securities that settle on a regular way basis in the U.S. markets). To do so, and to meet its related regulatory requirements, NSCC seeks to maintain sufficient liquid resources in order to meet the potential funding required to settle outstanding transactions of a defaulting Member in a timely manner, as well as to hold qualifying liquid resources sufficient to meet its minimum liquidity resource requirement in each relevant currency for which it has payment obligations owed to its Members.[5]

NSCC has a number of default liquidity resources that it considers to be qualifying liquid resources for the purposes of Rule 17Ad–22(a).[6] These resources include: (1) cash deposits to the NSCC Clearing Fund;[7] (2) the proceeds of the issuance and private placement of (a) short-term, unsecured notes in the form of commercial paper and extendable notes (''Commercial Paper Program''),[8] and (b) term debt (''Term Debt Issuance'');[9] (3) cash that would be obtained by drawing on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105817 (June 30, 2026), 91 FR 41128 (July 6, 2026) (File No. SR–NSCC–2026–009) (''Notice of Filing'').

[4] Capitalized terms not defined herein shall have the meanings ascribed to them in the Rules, *available at https://www.dtcc.com/legal/rules-and-procedures.aspx.*

[5] *See* Securities Exchange Act Release No. 82377 (Dec. 21, 2017), 82 FR 61617 (Dec. 28, 2017) (File Nos. SR–DTC–2017–004; SR–FICC–2017–008; SR–NSCC–2017–005) (approving NSCC's Liquidity Risk Management Framework).

[6] *See* Notice of Filing, *supra* note 3, at 41130 n.8. Qualifying liquid resources include, among other things: cash held either at the central bank of issue or at creditworthy commercial banks, and assets that are readily available and convertible into cash through prearranged funding arrangements, such as committed arrangements without material adverse change provisions, including lines of credit, foreign exchange swaps, and repurchase agreements. 17 CFR 240.17Ad–22(a).

[7] NSCC's Clearing Fund is comprised of the aggregate of all NSCC's Members' Required Fund Deposits. NSCC would access the Clearing Fund should a defaulting Member's own Required Fund Deposit be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio. *See* Rule 4 (Clearing Fund) and Procedure XV (Clearing Fund Formula and Other Matters), *supra* note 4.

[8] *See* Securities Exchange Act Release Nos. 75730 (Aug. 19, 2015), 80 FR 51638 (Aug. 25, 2015) (File No. SR–NSCC–2015–802); 82676 (Feb. 9, 2018), 83 FR 6912 (Feb. 15, 2018) (File No. SR–NSCC–2017–807).

[9] *See* Securities Exchange Act Release No. 88146 (Feb. 7, 2020), 85 FR 8046 (Feb. 12, 2020) (File No. SR–NSCC–2019–802).

NSCC's committed 364-day credit facility with a consortium of banks (''Line of Credit''); [10] and (4) SLD, collected pursuant to NSCC Rule 4(A), as discussed further below.[11]

NSCC collects SLD, which are additional cash deposits to its Clearing Fund, both at the Start of Day (''SOD'') and on an intraday basis, to cover the liquidity exposures presented by Members (whether individually or as part of an affiliated Member family) whose activity generates liquidity needs in excess of NSCC's then available qualifying liquid resources.[12] SLD is typically collected during times of increased trading activity, particularly those that arise around Options Expiration Activity Periods.[13]

Each Business Day, NSCC determines the peak liquidity need of each Member over a 24-month lookback period, and the 30 or fewer Members/Affiliated Families with the largest peak liquidity need during the lookback period may be designated ''Supplemental Liquidity Providers'' for that Business Day.[14] Each Supplemental Liquidity Provider may then have a Supplemental Liquidity Obligation to NSCC, with such obligation being equal to the Daily Liquidity Need of the Supplemental Liquidity Provider calculated for that Business Day minus the Qualifying Liquid Resources available to NSCC on that date.[15] This Supplemental Liquidity Obligation is collected at the start of each Business Day, as applicable. If two or more Supplemental Liquidity Providers have a Supplemental Liquidity Obligation of more than $2 billion, NSCC may allocate the Supplemental Liquidity Obligation of each Supplemental Liquidity Provider as its pro rata share of the largest Supplemental Liquidity Obligation calculated for that Business Day.[16]

In addition to SOD Supplemental Liquidity Obligations, NSCC may also issue Intraday Supplemental Liquidity Calls to Supplemental Liquidity Providers during Options Expiration Activity Periods, calculated and collected, when applicable, on the first Business Day of an options expiry period.[17] A Supplemental Liquidity Provider's Intraday Supplemental Liquidity Call is equal to the difference between NSCC's qualifying liquid resources and NSCC's Daily Liquidity Need based on the Supplemental Liquidity Provider's settlement activity at the start of the Business Day, adjusted to account for both the Supplemental Liquidity Provider's increased settlement activity submitted to NSCC over the course of the day and its projected settlement activity with respect to the monthly expiration of stock options. NSCC adjusts this recalculated Daily Liquidity Need using an estimated netting percentage that is based on that Supplemental Liquidity Provider's average percentage of netting observed over the prior 24 months.[18]

On the remaining days of any Options Expiration Activity Period, NSCC may issue an intraday call on Supplemental Liquidity Providers whose increase in activity levels caused, or was the primary cause of, an observed increase in NSCC's Daily Liquidity Need. These discretionary Intraday Supplemental Liquidity Calls are issued in an amount equal to the difference between the Daily Liquidity Need associated with the Supplemental Liquidity Provider on such Business Day, adjusted to account for such increased activity levels, and the sum of NSCC's Qualifying Liquid Resources.[19]

III. Description of the Proposed Rule Change

NSCC is proposing to amend the Rule 4A, which applies to SLD, to (i) standardize the netting methodology and processes for determining intraday SLD Obligations [20] and provide additional details regarding the factors considered by NSCC when projecting liquidity needs to determine intraday SLD Obligations; (ii) clarify NSCC's methodology and processes for determining SLD Obligations on an SOD and intraday basis, including adjustments to SLD Obligations in consideration of liquidity risk tolerance; (iii) modify the rules for determining the pro rata allocation of SLD Obligations and the process for returning excess SLD amounts to Members; and (vi) clarify existing obligations for Members to provide reporting and information to NSCC regarding anticipated trading and settlement activity that would impact NSCC's liquidity needs, and make other clarifying changes.

First, the Proposed Rule Change would standardize the methodology and process for calculating intraday SLD Obligations to more closely align with the netting methodology used for SOD SLD Obligations.[21] Instead of using an estimated netting percentage based on a 24-month lookback period for the first business day of every options expiry period, NSCC would adopt one standard netting methodology for all intraday SLD Obligations that is based on current open positions, regardless of timing within or outside of any options expiration cycle (eliminating the concept of the Options Expiration Activity Period from the Rules). NSCC states that the proposed netting approach would more closely reflect the actual netting against open NSCC positions that is done during the overnight process used for SOD liquidity need calculations and result in a more accurate representation of the actual liquidity exposures of each Member.[22]

The Proposed Rule Change would also provide additional details regarding the factors that NSCC takes into consideration when projecting its Daily Liquidity Needs for determining intraday SLD Obligations, as discussed below. A new Section 5 of Rule 4A would provide that NSCC may take into consideration factors including, but not limited to: (a) a Member's projected or anticipated trading or settlement activity as communicated by the Member, The Options Clearing Corporation, a Qualified Clearing Agency or Registered Clearing Agency offering trade matching services, an Index Receipt Agent, or any other person authorized to submit transaction information for such Member; (b) projected netting activity using open positions for that Member; and (c) anticipated deliveries from a Member's free inventory at the Member's Designated Depository into the next CNS [23] night cycle, after consideration of applicable long allocation projection offsets and cross-account netting. The Proposed Rule Change would also provide that NSCC will assume the completeness and accuracy of all

[10] *See* Securities Exchange Act Release No. 80605 (May 5, 2017), 82 FR 21850 (May 10, 2017) (File Nos. SR–DTC–2017–802; SR–NSCC–2017–802).

[11] *See* Rule 4A (Supplemental Liquidity Deposits), *supra* note 4. *See also* Securities Exchange Act Release Nos. 70999 (Dec. 5, 2013), 78 FR 75413 (Dec. 11, 2013) (File No. SR–NSCC–2013–02); 71000 (Dec. 5, 2013), 78 FR 75400 (Dec. 11, 2013) (File No. SR–NSCC–2013–802).

[12] *See* Rule 4A, *supra* note 4.

[13] An Options Expiration Activity Period is generally the period beginning at the opening of business on the monthly expiration date and ending at the close of business on the Settlement Date following such date. *See* Rule 4A, Section 2, *supra* note 4; Notice of Filing, *supra* note 3, 91 FR at 41130 n.9.

[14] *See* Rule 4A, Section 3, *supra* note 4.

[15] *See* Rule 4A, Section 4, *supra* note 4.

[16] *Id.*

[17] *See* Rule 4A, Section 7, *supra* note 4.

[18] *Id.*

[19] *Id.*

[20] The Proposed Rule Change will add new term ''SLD Obligation'' to apply in reference to both SOD Supplemental Liquidity Obligations and Intraday Supplemental Liquidity Calls. *See* Notice of Filing, *supra* note 3, 91 FR at 41134.

[21] *Id.* at 41129.

[22] *Id.*

[23] CNS is NSCC's core netting, allotting, and fail-control engine for securities transactions. *See* Rule 11 (CNS System) and Procedure VII (CNS Accounting Operation), *supra* note 4.

information provided, and that NSCC may directly incorporate such information into its Daily Liquidity Need calculations via automated processes.

As to the anticipated deliveries from a Member's free inventory, the Proposed Rule Change would provide that, in order for NSCC to appropriately consider these anticipated deliveries into its Daily Liquidity Need projections, the Member shall identify to NSCC an aggregate value of its existing free inventory that is recorded in the subaccounts of the Member with delivery obligations into the CNS night cycle scheduled to run on that Business Day. The Member would also commit to make best efforts to manage such inventory so it continues to be recorded within the Member's subaccount through the start of the immediate next CNS night cycle and not take any action that would prohibit the delivery of such inventory into the immediate next CNS night cycle. The Proposed Rule Change would also clarify that NSCC may consider all or part of the identified inventory in its Daily Liquidity Need projections. NSCC states that these changes would provide additional clarity and transparency in NSCC's rules regarding the inventory projection process and result in more accurate projections of its Daily Liquidity Needs and resulting intraday SLD Obligations for its Members.[24] NSCC also states that these clarifications would improve understanding of SLD processes by NSCC's Members, market participants, and the public, which, in turn, would help Members understand their potential SLD Obligations so they are better equipped and able to satisfy such obligations when due.[25]

Second, the Proposed Rule Change would consolidate and streamline the description of how NSCC determines SLD Obligations on both an SOD and intraday basis. The Proposed Rule Change would modify Section 4 of Rule 4A to clarify that SOD SLD Obligations are determined based on observed Daily Liquidity Needs, and that intraday SLD Obligations are determined based on projected Daily Liquidity Needs. The Proposed Change would also delete Section 7 of Rule 4A, which currently describes intraday SLD determination, and replace it with the new Section 5, discussed above, that describes the methodology and process for projecting NSCC Daily Liquidity Needs when determining intraday SLD Obligations.[26] NSCC states that this change will provide a clear and concise explanation of how NSCC calculates its Daily Liquidity Needs for both SOD and intraday purposes, without changes to the substance of the Daily Liquidity Need formula.[27] The Proposed Rule Change would also provide that NSCC may make additional adjustments when determining SLD Obligations to ensure sufficient coverage of its liquidity risk tolerance, which is designed to account for potential variations between NSCC's intraday liquidity projections and its final simulated liquidity needs on Settlement Date.[28] The Proposed Rule Change would provide that NSCC would assess this liquidity risk tolerance threshold on at least an annual basis and communicate any changes to such thresholds in advance to potential Supplemental Liquidity Providers.

Third, the Proposed Rule Change would standardize the NSCC Rules for determining the pro rata allocation of SOD and intraday SLD Obligations and eliminate the $2 billion threshold for pro rata allocations. Specifically, Section 6 of Rule 4A would provide that, if two or more Supplemental Liquidity Providers present a Daily Liquidity Need resulting in an SLD Obligation, NSCC would determine the SLD Obligation amount of each Supplemental Liquidity Provider as its pro rata share of the largest SLD Obligation calculated for the Business Day.[29] NSCC would still be allowed to collect the total amount of each Supplemental Liquidity Provider's individual SLD Obligations if NSCC determines that such action is necessary for the protection of NSCC, participants, investors, or creditors. NSCC states that this standardized approach would limit excess liquidity and funding burdens on NSCC's Members while still allowing NSCC to collect sufficient funds to meet its regulatory requirements by collecting on a pro rata basis the largest SLD Obligation.[30]

Additionally, the Proposed Rule Change would modify the process for returning excess SLD to Members in Section 9 of Rule 4A, to provide that NSCC will return a Member's SLD upon the request of that Member, provided that NSCC may retain any amount of such SLD that NSCC deems necessary to cover observed or projected liquidity obligations of that Member.[31] NSCC states that this change would more clearly reflect NSCC's right to retain all or part of a Member's SLD if a liquidity need remains beyond the initial day of deposit, and that making Members responsible for requesting the return of excess SLD will encourage Members to more actively monitor and manage their liquidity obligations at NSCC.[32]

Finally, the Proposed Rule Change would clarify obligations for Members to inform NSCC regarding anticipated trading and settlement activity that would impact NSCC's liquidity needs. Specifically, in a new Section 14, the Proposed Rule Change would require that Members manage their liquidity needs to NSCC and notify NSCC of anticipated significant changes in their settlement activity, and that Members identify contact persons responsible for responding to NSCC's inquiries concerning settlement activity and liquidity management and confirm or update such contacts on at least an annual basis. The Proposed Rule Change would also adopt certain obligations for Members to provide regular reporting and information to NSCC that is specific to anticipated trading and settlement activity to more accurately project its Daily Liquidity Needs, as NSCC may deem necessary.[33] The Proposed Rule Change would also include a requirement for Index Receipt Agents to provide daily reporting, including daily automated reporting of anticipated creation and redemption activity between such Index Receipt Agent and Authorized Participants.[34] NSCC states that such information concerning anticipated trading and settlement activity is necessary for NSCC to accurately and appropriately project its Daily Liquidity Needs and intraday SLD

[24] *See* Notice of Filing, *supra* note 3, 91 FR at 41133.

[25] *Id.* at 41136.

[26] *Id.*

[27] *Id.* at 41131. Section 4.a. of Rule 4A currently sets forth the Daily Liquidity Need formula for calculating Supplemental Liquidity Obligations, while Section 7.a sets forth the Daily Liquidity Need formula for calculating Intraday Supplemental Liquidity Calls. Both are calculated as the difference between the Daily Liquidity Need on that Business Day and the sum of all Qualifying Liquid Resources on that Business Day assuming stressed market conditions. *See* Rule 4A, Section 4.a. and 7.a., *supra* note 4.

[28] *See* Notice of Filing, *supra* note 3, 91 FR at 41129.

[29] *Id.* at 41133.

[30] *Id.* at 41134.

[31] *Id.*

[32] *Id.*

[33] Pursuant to authority under existing NSCC Rules, NSCC periodically requires Members to provide information and reporting on anticipated trading and settlement activity to inform NSCC's liquidity risk management. *See* Notice of Filing, *supra* note 3, 91 FR at 41134; *see also* Rule 2B (Ongoing Membership Requirements and Monitoring), Section 2.A, and Rule 15 (Assurances of Financial Responsibility and Operational Capability), Section 2, *supra* note 4.

[34] NCSS states that in order to project its Daily Liquidity Needs, it currently reaches out to Index Receipt Agents concerning their anticipated ETF activity, and that it has worked with Index Receipt Agents to develop an automated reporting process through which Index Receipt Agents can provide daily projected ETF activity reporting. *See* Notice of Filing, *supra* note 3, 91 FR at 41132.

Obligations to cover the liquidity risks presented by its Members, and codifying such obligations will provide additional clarity and transparency to Members and the public.[35]

The Proposed Rule Change would also make other clarifying and clean up revisions to Rule 4A to conform with the above-mentioned changes, including new, revised, and removed definitions, relocation or removal of certain language in the SLD rules, clarification of notices provided to Supplemental Liquidity Providers, and consolidation of rules concerning the satisfaction of SOD and intraday SLD Obligations.[36]

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [37] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful review of the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to NSCC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act [38] and Rules 17ad–22(e)(7) thereunder.[39]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions, and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[40] The Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

NSCC collects SOD and intraday SLD to cover liquidity exposures presented by Members whose activity generates liquidity needs in excess of NSCC's available liquid resources. As discussed in Part III, the Proposed Rule Change would more closely align the determination of intraday SLD Obligations with that of SOD SLD Obligations so that, similar to SOD liquidity need calculations, intraday SLD determinations are based on Members' open NSCC positions, rather than a netting percentage, and regardless of the timing of any options expiry period. The Proposed Rule Change would also remove the $2 billion threshold for the pro rata allocation of SLD obligations and standardize the pro rata allocation of SOD and intraday SLD Obligations when more than one Member is driving NSCC's liquidity needs so that NSCC would collect the largest SLD on a pro rata basis. These changes to SLD netting methodology and pro rata allocation would result in more accurate estimations of the actual liquidity exposures of each Member, and thus, should allow NSCC to more accurately calculate SLD Obligations for Members. In turn, with these more accurate calculations, the Proposed Rule Change should allow NSCC to collect additional funds to cover liquidity exposures presented by Members that would help mitigate potential liquidity shortfalls arising out of the liquidation of a defaulting Member's portfolio.

Additionally, the Proposed Rule Change would clarify the methodology and considerations for determining SLD Obligations to explain that determination of SOD SLD Obligations are based on observed Daily Liquidity Needs while intraday ones are based on projected Daily Liquidity Needs and such determinations include adjustments in consideration of NSCC's liquidity risk tolerance. The Proposed Rule Change would also describe the factors considered when projecting Daily Liquidity Needs and determining intraday SLD Obligations as well as the new process for requesting return of excess SLD, and lastly, adopt specific obligations to provide reporting and information on anticipated activity that would impact NSCC's liquidity needs that are in addition to Members' broader existing obligations to provide reporting and information. With these clarifications and additional details, the Proposed Rule Change would make the SLD rules, methodology, and process clearer and more transparent to Members, and as such, inform Members' ability to understand and plan for SLD Obligations and funding such obligations.

Because the revisions to the SLD methodology should generally provide NSCC with resources more precisely tailored to address liquidity needs to manage potential losses arising out of a member default and the clarifications to the SLD rules should allow members to better anticipate their obligations to NSCC, the Proposed Rule Change should better ensure that, in the event of a Member default, NSCC's operation of its critical clearance and settlement services would not be disrupted because of insufficient financial resources. Accordingly, the Proposed Rule Change should support NSCC's ability to provide prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[41]

Additionally, the Proposed Rule Change would standardize both the SLD methodology that would provide NSCC with more accurate estimations of actual liquidity exposures and resulting SLD Obligations from Members, as well as the allocation of such SLD Obligations on a pro rata basis sufficient to cover NSCC's liquidity requirements. These standardizations should help NSCC collect sufficient liquidity resources to cover potential losses in the event of a Member default while also limiting liquidity and funding burdens on Members and reducing the possibility that Members would be unable to fund such obligations. By helping to ensure that NSCC has collected sufficient qualifying liquid resources to complete end of day settlement in the event that the Member with the largest aggregate payment obligations defaults, the Proposed Rule Change should help manage and cover NSCC's liquidity exposures, thereby limiting non-defaulting Members' exposure to mutualized losses. Accordingly, the Proposed Rule Change should help NSCC assure the safeguarding of securities and funds which are in its custody or control, consistent with Section 17A(b)(3)(F) of the Act.[42]

B. Consistency With Rule 17ad–22(e)(7)

Rule 17Ad–22(e)(7) under the Act requires a covered clearing agency, such as NSCC, to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity.[43]

As discussed above, through the standardization and clarification of the SLD rules, methodology, and processes, the Proposed Rule Change should help NSCC more accurately determine the actual liquidity exposures presented by

[35] *Id.* at 41134.

[36] *Id.* at 41134–35.

[37] 15 U.S.C. 78s(b)(2)(C).

[38] 15 U.S.C. 78q–1(b)(3)(F).

[39] 17 CFR 240.17Ad–22(e)(7).

[40] 15 U.S.C. 78q–1(b)(3)(F).

[41] 15 U.S.C. 78q–1(b)(3)(F).

[42] *Id.*

[43] 17 CFR 240.17ad–22(e)(7).

each Member and collect SLD sufficient to cover such exposures. While standardizing the netting methodology for determining intraday SLD, the Proposed Rule Change would also detail factors considered when making this intraday determination, including a Member's projected trading or settlement activity as communicated to NSCC by various sources, projected netting activity using open positions for that Member, and anticipated deliveries from a Member's free inventory at DTC into the next CNS night cycle.

Moreover, for both SOD and intraday SLD Obligations, the Proposed Rule Change would also provide for adjustments to SLD Obligations in consideration of liquidity risk tolerance. These changes, along with the clarification of Member obligations to provide reporting and information to NSCC regarding anticipated trading and settlement activity that would impact NSCC's liquidity needs, would help NSCC determine with more accuracy its liquidity needs and should help provide NSCC with sufficient resources to cover its regulatory liquidity requirements. Additionally, while limiting liquidity and funding burdens on its Members, the modifications to the pro rata allocation of SLD Obligations and to the process for returning excess SLD amounts to Members should also enable NSCC to collect and retain sufficient funds to cover its liquidity needs and meet its Cover 1 regulatory requirements.

As a result, the Proposed Rule Change should support NSCC's ability to measure, monitor, and manage the liquidity risk borne by NSCC as it relates to SLD Obligations, consistent with Rule 17ad–22(e)(7) under the Act.[44]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act[45] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[46] that proposed rule change SR–NSCC–2026–009, be, and hereby is, *approved*.[47]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16786 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106133; File No. SR–NYSE–2025–43]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Section 802.01C of the NYSE Listed Company Manual

August 14, 2026.

I. Introduction

On December 3, 2025, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 802.01C of the NYSE Listed Company Manual (''Manual''). The proposed rule change was published for comment in the **Federal Register** on December 17, 2025.[3] On January 22, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the original proposed rule change in its entirety.[4] On January 28, 2026, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to take action on the proposed rule change.[6] On March 17, 2026, the Commission published notice of Amendment No. 1 and instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[8] On June 11, 2026, the Commission issued a notice of designation of a longer period of time for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[9] On July 15, 2026, the Exchange filed Amendment No. 2 to the proposed rule change, which superseded the proposed rule change, as modified by Amendment No. 1, in its entirety.[10] As of the date of publication of this order, the Commission has not received any comments on the initial rule filing or Amendment No. 1.

The Commission is publishing this notice and order to solicit comments on Amendment No. 2 from interested persons and to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 2[11]

Section 802.01 of the Manual sets forth minimum quantitative and qualitative continued listing standards for securities listed on the Exchange.[12] Currently, Section 802.01C of the Manual provides that a company will be considered to be below compliance standards if the average closing price of a security as reported on the consolidated tape is less than $1.00 over

[44] *Id.*

[45] 15 U.S.C. 78q–1.

[46] 15 U.S.C. 78s(b)(2).

[47] In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[48] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104385 (Dec. 12, 2025), 90 FR 58669 (''Notice'').

[4] In Amendment No. 1, the Exchange: clarified that a company subject to delisting under the proposal would not be eligible to follow the procedures in Section 802.01C of the Manual; clarified the Exchange's authority to suspend trading in or delist a security; provided additional description of certain aspects of the proposal; and made other technical and non-substantive changes to the proposal. The full text of Amendment No. 1 can be found on the Commission's website at *https://www.sec.gov/comments/sr-nyse-2025-47/srnyse202543-696267-2177015.pdf* (''Amendment No. 1'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 104708, 91 FR 4763 (Feb. 2, 2026). The Commission designated March 17, 2026, as the date by which the Commission shall approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change. *See id.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 105035, 91 FR 13683 (Mar. 20, 2026).

[9] *See* Securities Exchange Act Release No. 105665, 91 FR 36178 (June 16, 2026). The Commission designated August 14, 2026, as the date by which the Commission must issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 1. *See id.*

[10] In Amendment No. 2, the Exchange extends the effective date of the proposed rule from October 1, 2026 to July 1, 2027, and does not substantively alter the proposed rule from what was set forth in Amendment No. 1. The full text of Amendment No. 2 can be found on the Commission's website at *https://www.sec.gov/comments/SR-NYSE-2025-43/srnyse202543-961839-2968211.pdf* (''Amendment No. 2'').

[11] All capitalized terms not otherwise defined in this order shall have the meanings set forth in the Manual.

[12] *See* Amendment No. 2, *supra* note 10, at 4. Specifically, Sections 802.01A and B of the Manual require issuers of common stock to maintain certain quantitative minimum standards related to stockholders, stockholders' equity, and global market capitalization. In addition, Section 802.01D of the Manual sets forth qualitative listing standards, related to, among other things, reduction in operating assets, change in primary business focus, and conduct not in keeping with sound public policy. *See id.*

a consecutive 30 trading-day period (''Price Criteria'').[13] Pursuant to Section 802.01C, once notified of its noncompliance with the Price Criteria, a company must bring its share price and average share price back above $1.00 by six months following receipt of the notification.[14] A company must notify the Exchange of its intent to cure the Price Criteria deficiency or will be subject to suspension and delisting procedures.[15] The company can regain compliance at any time during the six-month cure period if on the last trading day of any calendar month during the cure period the company has a closing share price of at least $1.00 and an average closing share price of at least $1.00 over the 30 trading-day period ending on the last trading day of that month.[16] In the event that at the expiration of the six-month cure period, both of these criteria for regaining compliance are not attained, the Exchange will commence suspension and delisting procedures.[17]

The Exchange states that it maintains ongoing dialogue with companies approaching noncompliance with the Price Criteria as well as companies working through a cure period.[18] The Exchange further states that, regardless of where an issuer stands in the Price Criteria cure period, in the event that a stock trades below $0.10 per share, the Exchange promptly initiates suspension and delisting procedures.[19] The Exchange states that it has become aware of a recent increase in exchange trading of companies that have a very low trading price per share,[20] and that a stock that trades at a low price per share is potentially more susceptible to manipulation and more likely to experience trading volatility in its shares.[21] According to the Exchange, at such low prices, less capital is required to undertake manipulative trading activity.[22] Therefore, the Exchange proposes to amend Section 802.01C of the Manual relating to the price criteria for continued listing to increase the price at which the Exchange will take immediate delisting action and codify such price and procedures in Exchange rules.[23]

The Exchange proposes to amend Section 802.01C of the Manual to specify that if a security's closing price per share is less than $0.25 (the ''Minimum Trading Price'') on any trading day, the Exchange shall immediately suspend trading and commence delisting proceedings with respect to such security in accordance with the provisions of Section 804.00 of the Manual.[24] The Exchange states that it believes that securities that trade below the Minimum Trading Price are more susceptible to trading volatility and market manipulation and are unlikely to recover to any meaningful degree.[25] The Exchange also proposes to modify Section 802.01C of the Manual to state that such company will not be entitled to follow the procedures outlined in Sections 802.01C, 802.02, and 802.03 of the Manual with respect to the Minimum Trading Price criteria.[26] The Exchange states that all issuers retain the right to appeal an Exchange delisting decision.[27]

The Exchange proposes that this change will be effective on July 1, 2027.[28] The Exchange states that providing a transition period before the rule is effective will afford issuers time to implement reverse stock splits to increase their share price before the new requirement is in place.[29]

The Exchange also proposes to specify in Section 802.01C of the Manual that, consistent with its general authority under Section 802.01D of the Manual to suspend trading in the event of any condition that makes further dealings on the Exchange unwarranted, it may suspend trading or delist a security where, in the Exchange's opinion, the trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover, even if such security has not fallen below the Minimum Trading Price.[30] The Exchange states that, in its experience, under those conditions a security's trading price is generally unable to recover.[31]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[32] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act,[33] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(7) of the Act,[34] which requires, among other things, that the rules of an exchange provide fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange. In addition, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(8) of the Act,[35] which requires that the rules of an exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission has consistently recognized that the development and enforcement of meaningful listing standards [36] by an exchange is of critical importance to financial markets and the investing public.[37] Among other things, the Commission has stated that listing standards provide the means for an exchange to screen issuers that seek to become listed, and to provide listed

[13] *See id.*

[14] *See id.* A company is not eligible to follow the procedures outlined in Sections 802.02 and 802.03 of the Manual, including the opportunity to submit a plan to regain compliance, with respect to the Price Criteria. *See* Section 802.01C of the Manual.

[15] *See* Amendment No. 2, *supra* note 10, at 4.

[16] *See id.*

[17] *See id.*

[18] *See id.* at 5.

[19] *See id.*

[20] *See id.*

[21] *See id.*

[22] *See id.*

[23] *See id.*

[24] *See id. See also* proposed Section 802.01C of the Manual.

[25] *See* Amendment No. 2, *supra* note 10, at 6.

[26] *See id.* at 5. *See also* proposed Section 802.01C of the Manual.

[27] *See* Amendment No. 2, *supra* note 10, at 5. The procedures for appealing an Exchange delisting decision are set forth in Section 804.00 of the Manual. *See id.* at 5 n.7.

[28] *See id.* at 5.

[29] *See id.* The Exchange also states that its rules prohibiting one or more reverse stock splits with a cumulative ratio of 200 shares or more to one in a two-year period and a reverse stock split that results in a company becoming non-compliant with any of the requirements of Section 802.01A of the Manual will remain in place. *See id.*

[30] *See id.*

[31] *See id.*

[32] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[33] 15 U.S.C. 78f(b)(5).

[34] 15 U.S.C. 78f(b)(7).

[35] 15 U.S.C. 78f(b)(8).

[36] This reference to ''listing standards'' refers to both initial and continued listing standards.

[37] *See, e.g.,* Securities Exchange Act Release No. 57785 (May 6, 2008), 73 FR 27597 (May 13, 2008) (SR–NYSE–2008–17).

status only to bona fide companies that have or will have sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets.[38] Those listing standards are informed by an exchange's regulatory and commercial considerations and the Act provides exchanges with discretion, subject to the requirements of the Act, to set those standards as they see fit with the understanding that not all companies will be able to meet those standards initially or over time. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[39] The imprimatur of listing on a particular exchange correlates to investors' expectations that the listed issuer meets the standards set by the exchange and that the exchange has used its judgment regarding the level at which to set those standards.[40]

Minimum Trading Price, Immediate Trading Suspension, and Delisting

The Exchange's proposal is reasonably designed to enhance the Exchange's continued listing standards. The Exchange states that it has increased the price at which it will take immediate delisting action in response to its observations that there is an industry-wide trend of low-priced stocks trading on national securities exchanges.[41] The Exchange also states that shares with a very low trading price are potentially susceptible to manipulation and more likely to experience trading volatility, and securities that fall below the Minimum Trading Price are generally unlikely to recover to any meaningful degree.[42]

The Commission agrees that securities with low trading prices may be more prone to manipulation because when a security has a low trading price, the cost required to accumulate a position from the public float that is large enough to influence the price of the security is reduced. Accordingly, a would-be manipulator would find it less costly to manipulate the price of the low-priced security. Thus, the continued listing of companies with low trading price raises concerns that these securities may have heightened susceptibility to manipulation. As such, the immediate suspension and delisting of these very low-priced securities is designed to prevent fraudulent and manipulative acts and practices, and more broadly, the rule is reasonably designed to protect investors and the public interest from potential harm. Moreover, the Minimum Trading Price requirement is not unfairly discriminatory because the proposed standard is reasonably designed to the Exchange's goal of addressing the risks with respect to very low-priced securities, including a heightened susceptibility to manipulation and difficulties maintaining fair and orderly markets in these securities.[43]

The Exchange's proposal to immediately suspend trading and commence delisting proceedings for a security that falls below the Minimum Trading Price is consistent with the Act's requirement that rules be, among other things, designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not permit unfair discrimination between customers, issuers, brokers, or dealers.[44]

The Commission's data analysis supports the Exchange's proposal. Specifically, the Commission's analysis supports the Exchange's statement that there is an increasing trend of low-priced stocks and demonstrates that stocks trading below the Minimum Trading Price are likely to stay under this threshold for a significant period of time. As discussed further below, low priced securities may be more susceptible to manipulation. The continued listing of securities trading below the Minimum Trading Price raises concerns that these securities may have heightened susceptibility to manipulation while trading on the Exchange for an extended period. Accordingly, the immediate suspension and delisting of these securities is reasonably designed to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act.[45]

As part of the Commission's consideration of the proposed Minimum Trading Price, the Commission analyzed stock prices and delisting data for companies listed on NYSE and NYSE American.[46] The results of the Commission's analysis show that the number of securities that would have fallen below the Minimum Trading Price from 2006 to 2025 were at or above the average of 26 securities in 8 out of the 20 years, and were noticeably higher in 2008, 2009, 2015, and 2023, at 125 securities, 46 securities, 43 securities and 40 securities, respectively.[47]

[38] *See, e.g.,* Securities Exchange Act Release Nos. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31); 81079 (July 5, 2017), 82 FR 32022, 32023 (July 11, 2017) (SR–NYSE–2017–11); 65708 (Nov. 8, 2011), 76 FR 70799, 70802 (Nov. 15, 2011) (SR–NASDAQ–2011–073); 63607 (Dec. 23, 2010); 75 FR 82420, 82422 (Dec. 30, 2010) (SR–NASDAQ–2010–137); and 57785 (May 6, 2008), 73 FR 27597, 27599 (May 13, 2008) (SR–NYSE–2008–17). The Commission has stated that adequate listing standards, by promoting fair and orderly markets, are consistent with Section 6(b)(5) of the Act, in that they are, among other things, designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest. *See, e.g.,* Securities Exchange Act Release Nos. 82627 (Feb. 2, 2018), 83 FR 5650, 5633, n.53 (Feb. 8, 2018) (SR–NYSE–2017–30); 87648 (Dec. 3, 2019), 84 FR 67308, 67314, n.42 (Dec. 9, 2019) (SR–NASDAQ–2019–059); and 88716 (Apr. 21, 2020), 85 FR 23393, 23395, n.22 (Apr. 27, 2020) (SR–NASDAQ–2020–001).

[39] *See, e.g.,* Securities Exchange Act Release Nos. 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR–NASDAQ–2020–001); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR–NASDAQ–2019–089). *See also* Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31) (stating that ''[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market'' and that ''[o]nce a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained'').

[40] *See* Securities Exchange Act Release No. 38961 (Aug. 22, 1997), 62 FR 45895, 45899 (Aug. 29, 1997) (SR–NASD–97–16) (finding Nasdaq's proposal to raise its listing standards consistent with the Act because the proposal ''reflects the NASD's judgment that it wants only higher quality companies to avail themselves of the Nasdaq marketplace, and the imprimatur that such inclusion confers'' and the increased standards ''are directly related to the NASD's intended goals of enhancing its listing standards'').

[41] *See* Amendment No. 2, *supra* note 10, at 5.

[42] *See supra* notes 20–22 and 25 and accompanying text.

[43] 15 U.S.C. 78f(b)(5).

[44] *Id.*

[45] *Id.*

[46] The stock price data, which is at the security level, was sourced from Center for Research in Security Prices (''CRSP'') and accessed through Wharton Research Data Services (''WRDS''). This data covers the time period from 2006 to 2025. The database provides the closing price of the security. If a closing trade was not available, the closing price was calculated as the midpoint of the best bid and ask quotes at the end of the regular trading session. The Commission analyzed the stock price data at the stock level, excluded stocks from non-corporate issuers, and only kept securities of common equity (including American Depositary Receipts). The delistings data was sourced from CRSP. The delisting analysis included only cases where the listing exchange dropped the security (*i.e.,* it excluded cases where a security was delisted due to a merger, acquisition, exchange, or liquidation). If a company was delisted from an exchange, re-listed, and then was delisted again, only the first delisting event for the company was included in the analysis.

[47] Figure 1 and Figure 2 compare the number of securities listed on NYSE and NYSE American, and only NYSE, respectively, that would have been delisted pursuant to the Minimum Trading Price

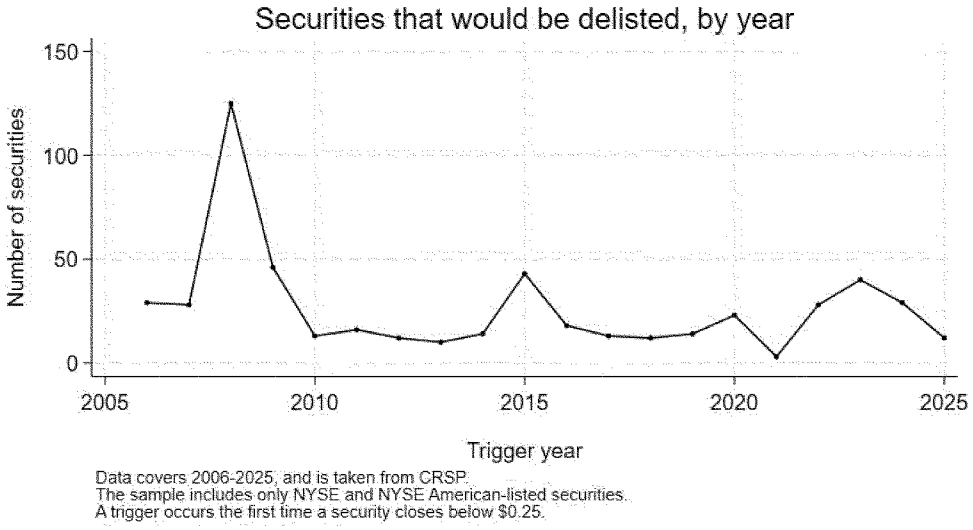

Figure 1. Number of Securities That Would Have Been Delisted Pursuant to the Proposed Minimum Trading Price Threshold From 2006 to 2025

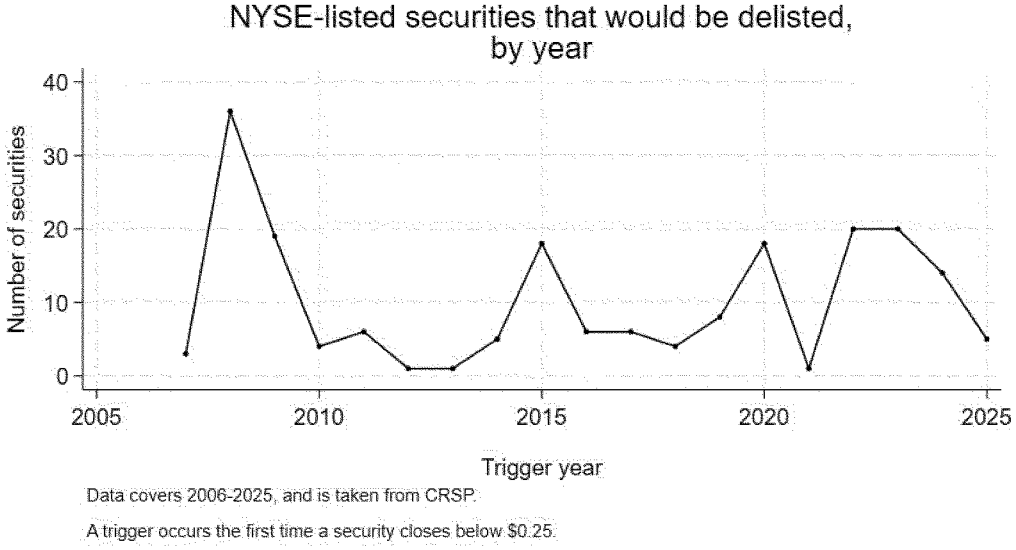

Figure 2. Number of NYSE Securities That Would Have Been Delisted Pursuant to the Proposed Minimum Trading Price Threshold From 2006 to 2025

In addition, the Commission analyzed the relationship of securities that crossed specific closing price thresholds between $0.10 and $0.50, and their closing prices after 180 calendar days of first crossing a specific closing price threshold.[48] According to the analysis, regardless of the closing price threshold selected, the median closing price after 180 days is below the specific closing price threshold. This result generally holds true for the Minimum Trading Price (*i.e.,* $0.25) over the sample period.[49] 55% of the securities that fell below the Minimum Trading Price had a closing price under $0.25 after 180 days, with the median closing price at $0.23. The results also show significant volatility in securities after trading below the Minimum Trading Price. 25% of the securities closed below $0.15, representing a loss of at least 40% from

criteria (number of securities) against the year such securities would have been delisted pursuant to the Minimum Trading Price criteria (trigger year). If a security fell below the Minimum Trading Price multiple times during the sample period, the analysis kept only the first of such dates.

[48] Table 1 analyzes the closing price thresholds ranging from $0.10 to $0.50. Table 1 shows the corresponding number of securities that would have been delisted based on the specific closing price threshold, number of securities that would have increased above the specific closing price threshold, and their average and percentile distribution of closing price after 180 calendar days. For example, the sample for the first row includes the 875 securities that would have been delisted under a rule with a closing price threshold of $0.50. The 180-day window reflects the approximate length of a cure period that may be available for many failures to satisfy continued listing requirements, including under Section 802.01C of the Manual. If the closing price for a security is not available at the end of the 180-day window—either because the security ceased trading or because the security first crossed the threshold in the second half of 2025—then the last closing price in the window is used.

[49] Figure 3 shows the median closing price 180 days after securities first crossed the proposed Minimum Trading Price against the year such securities first crossed the Minimum Trading Price.

the $0.25 threshold after 180 days, while 25% of the securities closed above $0.45, representing a gain of 80%.

Price threshold	Securities that would be delisted	Securities above threshold after 180 days	Closing price of securities 180 calendar days after crossing the threshold Sample statistics: Average	P25	P50	P75	P90
$0.50	875	391	$1.38	$0.26	$0.46	$1.01	$3.05
$0.40	775	362	$1.32	$0.23	$0.38	$0.78	$3.03
$0.35	704	327	$1.14	$0.20	$0.33	$0.67	$2.65
$0.30	631	298	$1.03	$0.17	$0.29	$0.54	$2.13
$0.25	528	236	$0.88	$0.15	$0.23	$0.45	$1.64
$0.20	434	194	$0.65	$0.14	$0.19	$0.35	$1.25
$0.15	305	147	$ 0.67	$0.09	$0.15	$0.33	$1.46
$0.10	180	79	$0.53	$0.06	$0.10	$0.20	$0.95

Table 1. Closing price of securities 180 calendar days after crossing the various closing price thresholds.

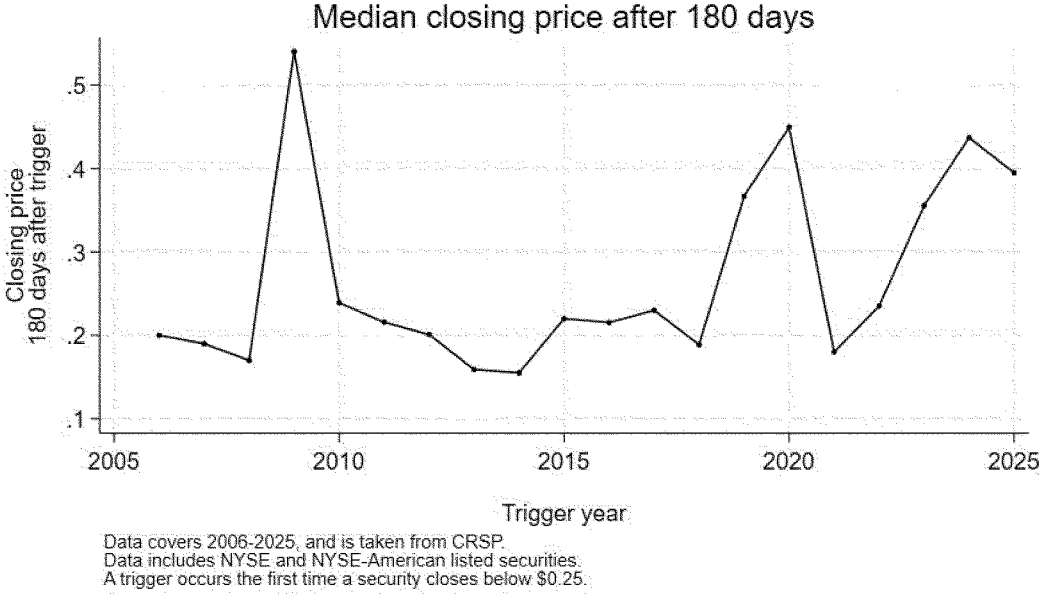

Figure 3. Median Closing Price 180 Days After Securities First Crossed the Minimum Trading Price

The Commission's analysis also shows that securities that would have fallen below the Minimum Trading Price had a high likelihood of being delisted for reasons that indicate a failure to comply with other quantitative continued listing requirements.[50] Historically, when a security fell under the Minimum Trading Price and was later delisted, such delisting, at the median, occurred 129 days later, and at the 75th percentile, 433 days later.

[50] The analysis, as shown in Figure 4, compared the fraction of securities on NYSE and NYSE American that were subsequently delisted after failing to comply with the Minimum Trading Price criteria against the year such securities failed to comply with the Minimum Trading Price criteria. The analysis only took into account delistings by the Exchange, and excluded delistings by mergers and acquisitions, liquidations, and exchanges. *See* CRSP US DATABASES DATA DESCRIPTIONS GUIDE FOR CRSPACCESS (FIZ) (2026) at 247–250, available at *https://indexes.morningstar.com/docs/guide/crsp-us-stock-databases-data-descriptions-guide-for-crspaccess-fiz?isRdp=true* for the available delisting codes. In the sample described in note 45, *supra,* the following five codes represent over 78% of delistings that occurred after failing to comply with the Minimum Trading Price requirement: ''does not meet exchange's financial guidelines for continued listing,'' ''insufficient capital, surplus, and/or equity,'' ''price fell below acceptable level,'' ''bankruptcy, declared insolvent,'' and ''delinquent in filing, non-payment of fees.'' Approximately 16% of the delistings occurred at the request of the issuer—*e.g.,* the issue moved to the OTC market voluntarily—and the delisting code does not indicate whether or not the issuer was in compliance with listing requirements at the time of delisting; however, over 90% of the delistings in the sample occurred when the stock price was below $1, indicating difficulty complying with minimum price standards.

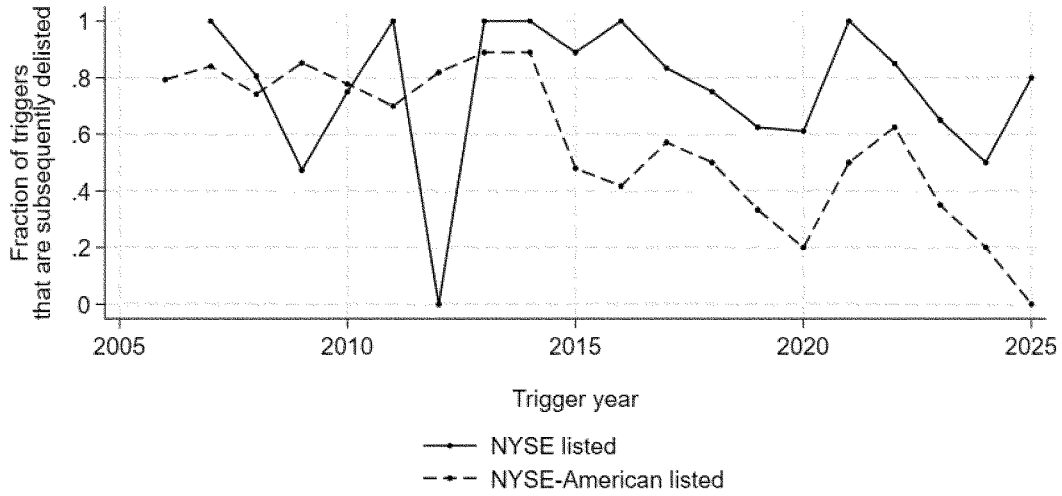

Figure 4. Fraction of NYSE and NYSE American securities that were subsequently delisted after first crossing the Minimum Trading Price.

Finally, the Commission's analysis indicates a fundamental tradeoff inherent in selecting a threshold for delisting: a more stringent threshold (*i.e.,* higher minimum trading price) would capture stocks that will eventually be delisted for other reasons, but also implicate stocks that otherwise would have remained above the threshold and stayed listed.[51]

Price threshold	Securities that would be delisted	Expedited delistings	False positives	False negatives	False positives as a fraction of securities that would have been delisted
$0.50	875	530	345	356	39%
$0.40	775	490	285	396	37%
$0.35	704	456	248	430	35%
$0.30	631	414	217	472	34%
$0.25	528	360	168	526	32%
$0.20	434	303	131	583	30%
$0.15	305	220	85	666	28%
$0.10	180	140	40	746	22%

Table 2. Delisting outcomes of securities crossing various closing price thresholds between 2006 and 2025.

The Exchange has identified risks pertaining to securities that trade below the Minimum Trading Price, including a heightened susceptibility to manipulation. The results of the Commission's analysis support the approval of the Exchange's proposal to impose the Minimum Trading Price requirement. The notable number of securities trading below the Minimum Trading Price in recent years, along with the significant likelihood that such securities will eventually be delisted, warrants the Exchange's consideration of the continued listing of securities with very low trading prices.[52] Moreover, when securities fall below the Minimum Trading Price, there is a significant likelihood that they will continue to have a closing price below

[51] The Commission conducted analysis on false positives (securities falling below the Minimum Trading Price, but were never delisted), and false negatives (securities never falling below the Minimum Trading Price, but were delisted), as shown in Table 2. Similar to Table 1, Table 2 analyzes a closing price threshold ranging from $0.10 to $0.50. Table 2 shows the corresponding number of securities that would have been delisted based on the specific closing prices, securities that would have fallen below the Minimum Trading Price and were subsequently delisted (*i.e.,* expedited delistings), false positives, and false negatives. Table 2 shows a mechanical inverse relationship between false positives and false negatives. As the thresholds become more stringent (*i.e.,* higher minimum trading price), the number of false positives generally increases.

[52] *See supra* note 20 and accompanying text. *See* Figures 1, 2 and 3.

$0.25 for another 180 calendar days, which is a significant period of time.[53]

While the Exchange rules provide for an opportunity to submit a plan to come back into compliance with certain other continued listing standards,[54] no such opportunity will be afforded for a company's failure to comply with the Minimum Trading Price. This approach is reasonably designed to be consistent with the protection of investors and the public interest because trading below this threshold is likely indicative of serious difficulties within such company and a likelihood that the company would not regain compliance within a compliance period. As discussed above, and according to the Commission's analysis, 55% of the securities that failed to meet the Minimum Trading Price had a closing price under $0.25 after 180 days, with the median closing price under $0.23. The Commission's analysis supports a conclusion that the ability of companies to regain compliance with the Minimum Trading Price within 180 days is limited.[55] Securities that fall below the Minimum Trading Price may have heightened susceptibility to manipulative trading activity, contrary to the goal of protecting investors and the public interest. Thus, the Exchange's proposal is reasonably designed to protect investors by preventing the prolonged trading of very low-priced securities and seeks to provide meaningful assurance that only financially sound and quality issuers remain listed on the Exchange.

In conclusion, the Commission finds that the Exchange's proposal, as set forth in Amendment No. 2, to immediately suspend trading and commence delisting proceedings for securities that fail to comply with the Minimum Trading Price requirement is reasonably designed and consistent with the requirements of Section 6(b)(5) of the Act that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and public interest. The Exchange's proposal is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, consistent with Section 6(b)(5) of the Act; and will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, consistent with Section 6(b)(8) of the Act.

The proposal is also consistent with Section 6(b)(7) of the Act in that it provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered. A listed company whose security is subject to immediate suspension of trading and the commencement of delisting proceedings under the proposal after failing to comply with the Minimum Trading Price requirement will be able to appeal the delisting decision in accordance with Section 804.00 of the Manual.[56]

Further, the Commission finds that the proposed effective date of July 1, 2027 is appropriate and consistent with the requirements of the Act and should provide a sufficient transition period before the rule is effective for affected issuers to take steps to bring their trading price above $0.25, including by implementing reverse stock splits to increase share prices, while helping ensure the timely implementation of the Minimum Trading Price to address the risks of very low-priced securities.

Discretionary Authority

As discussed above, the Exchange proposes to specify that, consistent with its general authority under Section 802.01D of the Manual to suspend trading in the event of any condition that makes further dealings on the Exchange unwarranted, it may suspend trading or delist a security where, in the Exchange's opinion, the trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover, even if such security has not fallen below the Minimum Trading Price.[57] The Exchange states that, in its experience, under those conditions, a security's trading price is generally unable to recover and it is appropriate for the Exchange to take action.[58]

The proposal is consistent with Section 6(b)(5) of the Act because it is reasonably designed to promote just and equitable principles of trade and to protect investors and the public interest.[59] The Exchange has the authority under existing Section 802.01D of the Manual to suspend trading in securities when an event or condition exists or occurs that makes further dealings or listing of the securities on the Exchange unwarranted in the opinion of the Exchange, including where a security's trading price has experienced a precipitous decline and is at an abnormally low level from which it is unlikely to recover. The proposal provides transparency in the application of such authority and avoids any confusion about how the Exchange's general discretionary authority intersects with the Minimum Trading Price requirement. Thus, the proposal is reasonably designed to promote just and equitable principles of trade and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act, because it will maintain the Exchange's authority to exercise its discretion and delist a security that has experienced a precipitous price decline, without being required to wait until the security's trading price falls below $0.25.

The proposal is also consistent with Section 6(b)(7) of the Act in that it provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered. Pursuant to the Exchange's proposal, the Exchange may exercise discretion to determine if a listed company's security is experiencing a precipitous decline and is at an abnormally low level from which it is unlikely to recover, and accordingly suspend trading and commence delisting proceedings for the security. Such company will be able to appeal the delisting decision in accordance with the provisions in Section 804.00 of the Manual, as described above.[60]

Based on the foregoing, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the Act.

[53] *See* Table 1. In addition, the Commission's analysis demonstrates that there is an inherent tradeoff to be made when selecting a numerical threshold for continued listing between eliminating those companies that are the intended target and providing increased flexibility for listed issuers. *See* Table 2 and Figure 3.

[54] *See* Section 802.02 of the Manual.

[55] *See supra* notes 47–48 and accompanying text.

[56] *See supra* note 27 and accompanying text. Under existing Exchange rules, a request for a review will ordinarily stay the suspension of an issuer's securities in accordance with Section 804.00 of the Manual, but the Exchange staff may immediately suspend trading in any security or securities pending review should it determine that such immediate suspension of trading is necessary or appropriate in the public interest, for the protection of investors, or to promote just and equitable principles of trade. *See* Section 804.00 of the Manual. The Exchange has not proposed any changes to these provisions.

[57] *See* proposed Section 802.01C of the Manual. Section 802.01D of the Manual provides that the Exchange may make an appraisal of, and determine on an individual basis, the suitability for continued listing of an issue in light of all pertinent facts whenever it deems such action appropriate, including if any event or condition exists or occurs that makes further dealings or listing of the securities on the Exchange unwarranted in the opinion of the Exchange.

[58] *See* Amendment No. 2, *supra* note 10, at 5.

[59] 15 U.S.C. 78f(b)(5).

[60] *See supra* note 27 and accompanying text.

IV. Solicitation of Comments on Amendment No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether the proposed rule change, as modified by Amendment No. 2, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2025–43 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–NYSE–2025–43. 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–NYSE–2025–43 and should be submitted on or before September 8, 2026.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 2, prior to the thirtieth day after the date of publication of Amendment No. 2 in the **Federal Register**. Amendment No. 2 does not alter any substantive provisions of the proposed rule change or raise any regulatory issues substantially different from what is set forth in the Notice, which was subject to public comment. Amendment No. 2 extends the effective date of the proposed rule to July 1, 2027. This limited change is consistent with the original proposal's intent to provide additional time to implement reverse stocks splits to increase share prices. For these reasons, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[61] to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[62] that the proposed rule change (SR–NYSE–2025–43), as modified by Amendment No. 2, be and hereby is, approved on an accelerated basis.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16831 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106126; File No. SR–NYSE–2026–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments to Rules 7.31, 7.35, and 7.35B

August 13, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 31, 2026, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to Rules 7.31, 7.35, and 7.35B regarding Discretionary Orders and the Closing Auction. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

[61] 15 U.S.C. 78s(b)(2).

[62] *Id.*

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 7.31 (Orders and Modifiers), 7.35 (General), and 7.35B (DMM-Facilitated Closing Auctions) to (1) enhance auction imbalance information disseminated in connection with Closing Auctions and (2) make associated changes reflecting Exchange processing of Discretionary Orders (''D Orders'') in UTP Securities.

Background

Rule 7.31(c) describes the Auction-Only Orders offered by the Exchange. An Auction-Only Order is a Limit or Market Order that is to be traded only in an auction pursuant to the Rule 7.35 Series (for Auction-Eligible Securities) or routed pursuant to Rule 7.34 (for UTP Securities). Rule 7.31(c)(1) and the paragraphs thereunder describe the types of Auction-Only Orders that the Exchange accepts for participation in an opening or reopening auction: Limit-on Open (''LOO'') Orders, Market-on-Open (''MOO'') Orders, and Opening D Orders. Rule 7.31(c)(2) and the paragraphs thereunder describe the types of Auction-Only Orders that the Exchange accepts for participation in the closing auction: Limit-on-Close (''LOC'') Orders, Market-on-Close (''MOC'') Orders and Closing D Orders.

The Rule 7.35 Series sets forth rules for Exchange auctions. Rule 7.35 sets forth general rules governing auctions on the Exchange, including definitions for terms used in the Rule 7.35 Series.

Rule 7.35B sets forth the process for Closing Auctions facilitated by a Designated Market Maker (''DMM''). Rule 7.35B(a) sets forth both the DMM and Floor broker responsibilities for the closing of securities, and specifically provides that it is the responsibility of each DMM to ensure that registered

securities close as soon after the end of Core Trading Hours as possible, while at the same time not unduly hasty, particularly when at a price disparity from the Exchange Last Sale Price.[4] Rule 7.35B(b) provides that, if there is no interest to conduct a Closing Auction, a DMM may close a registered security without a trade, and the Official Closing Price for the security will be determined as provided for in Rule 1.1. Rule 7.35B(c) provides that a DMM may effectuate a Closing Auction manually or electronically and outlines the circumstances under which the DMM is not permitted to effect a Closing Auction electronically. Rule 7.35B(d) provides that the Exchange will publish a Closing Imbalance ahead of the Closing Auction, which will include the Imbalance and the Side of the Imbalance.[5] The Imbalance Reference Price for a Closing Imbalance will be the BB if the Exchange Last Sale Price is lower than the BB; the BO if the Exchange Last Sale Price is higher than the BO; or the Exchange Last Sale Price if it is at or between the BBO or if the security was halted or not opened by the Closing Auction Imbalance Freeze Time.[6] The Exchange will not disseminate a Closing Imbalance if there is no Exchange Last Sale Price. A Closing Imbalance is disseminated to the securities information processor and a Significant Closing Imbalance (as described in Rule 7.35B(d)(1)) is also disseminated to proprietary data feeds. Rule 7.35B(e) describes the Auction Imbalance Information disseminated by the Exchange, including the time of publication and the content of the Auction Imbalance Information. Rule 7.35B(f) describes the Auction Imbalance Freeze for the Closing Auction, which begins at the Closing Auction Imbalance Freeze Time, and the processing of order entry and cancellation during the Closing Auction Imbalance Freeze.

Proposed Rule Change

Closing Auctions

The Exchange proposes to amend the definition of Closing Imbalance as set forth in Rule 7.35(a)(4)(A)(ii). Currently, as noted above, the Closing Imbalance is defined as the Imbalance of MOC and LOC Orders to buy and MOC and LOC Orders to sell. A Manual Closing Imbalance means a Closing Imbalance disseminated by the DMM before the Imbalance Freeze Time and a Significant Closing Imbalance means a Closing Imbalance disseminated at or after the Closing Auction Imbalance Freeze Time.

The Exchange proposes to amend Rule 7.35(a)(4)(A)(ii) to define the Closing Imbalance as the Imbalance of MOC, LOC, and Closing Imbalance Offset Orders (''Closing IO Orders'')[7] and, beginning 10 minutes before the scheduled end of Core Trading Hours, Closing D Orders.[8] This proposed definition of Closing Imbalance would thus include, in addition to MOC and LOC Orders, Closing IO Orders and, beginning 10 minutes before the scheduled end of Core Trading Hours, Closing D Orders.

The proposed change is intended to enhance the information provided by the dissemination of the Closing Imbalance by expanding the order types that are included in its calculation. Specifically, including Closing IO Orders and Closing D Orders, in addition to MOC and LOC Orders, in the calculation of the Closing Imbalance would provide market participants with a more comprehensive view of unpaired auction-eligible interest going into the Closing Auction. The proposed change would make the composition of the Closing Imbalance consistent with that of the Total Imbalance for the Closing Auction, as defined in Rule 7.35(a)(4)(A)(i),[9] but the purpose of the Closing Imbalance and the timing of its publication would remain distinct from that of the Total Imbalance (*e.g.,* the Closing Imbalance would continue to be published only once in advance of the Closing Auction).

The Exchange also proposes to amend Rule 7.35B(f), which, as noted above, describes the Auction Imbalance Freeze in connection with a DMM-facilitated Closing Auction. Rule 7.35B(f)(3) currently provides that, beginning 10 seconds before the scheduled close of trading, a request to enter a Closing D Order or D Order in any security or a request to cancel, cancel and replace, or modify a Closing D Order or D Order in an Auction-Eligible Security will be rejected.

The Exchange proposes to amend Rule 7.35B(f)(3) to provide that (1) beginning 10 seconds before the scheduled close of trading, a request to enter a Closing D Order or D Order in an Auction-Eligible Security will be rejected, and (2) beginning one minute before the scheduled close of trading, a request to cancel, cancel and replace, or modify a Closing D Order or D Order in an Auction-Eligible Security will be rejected. This proposed change would allow for the entry of Closing D Orders and D Orders in Auction-Eligible Securities[10] up until 10 seconds before the scheduled close of trading, as is the case today, but would no longer permit the cancellation, cancellation and replacement, or modification of Closing D Orders and D Orders in Auction-Eligible Securities after one minute before the scheduled close of trading (instead of after 10 seconds before the scheduled close of trading as currently). This proposed change is intended to promote stability in the calculation of the Closing Imbalance in connection with the proposed inclusion of Closing D Orders in the Closing Imbalance by reducing cancellations of Closing D Orders and D Orders leading up to the Closing Auction.

D Orders in UTP Securities

As noted above, Rules 7.31(c)(1) and (c)(2) describe the Auction-Only Orders that the Exchange accepts in connection with opening, reopening, and closing auctions. Rule 7.31(c)(1)(C)(ii) currently provides that, based on the instruction of the Floor broker, an Opening D Order in a UTP Security will be routed to the primary listing market as either a MOO or LOO Order. Rule 7.31(c)(2)(C)(iv) similarly provides that, based on the

[4] ''Exchange Last Sale Price'' is defined in Rule 7.35(a)(12)(B) as the most recent trade on the Exchange of a round lot or more in a security during Core Trading Hours on that trading day, and if none, the Official Closing Price from the prior trading day for that security.

[5] ''Closing Imbalance'' is defined in Rule 7.35(a)(4)(A)(ii) as the Imbalance of MOC and LOC Orders to buy and MOC and LOC Orders to sell. ''Imbalance'' means the volume of better-priced buy (sell) shares that cannot be paired with both at-priced and better-priced sell (buy) shares at the Imbalance Reference Price. The side that cannot be paired is the ''Side of the Imbalance.'' *See* Rule 7.35(a)(4)(A). The ''Imbalance Reference Price'' means the reference price that is used for the applicable Auction to determine the Auction Imbalance Information. *See* Rule 7.35(a)(11).

[6] The ''Closing Auction Imbalance Freeze Time'' means 10 minutes before the scheduled end of Core Trading Hours. *See* Rule 7.35(a)(8).

[7] A Closing IO Order is a Limit Order to buy (sell) in an Auction-Eligible Security that is to be traded only in a Closing Auction. *See* Rule 7.31(c)(2)(D).

[8] A Closing D Order is a Limit Order to buy (sell) with an instruction to exercise discretion in the Closing Auction up (down) to a designated undisplayed price. *See* Rule 7.31(c)(2)(C).

[9] ''Total Imbalance'' means, for the Core Open and Trading Halt Auctions, the Imbalance of all orders eligible to participate in an Auction, and for the Closing Auction, the Imbalance of MOC, LOC, and Closing IO Orders, and, beginning ten minutes before the scheduled end of Core Trading Hours, Closing D Orders.

[10] The Exchange notes that Rule 7.35B(f)(3) also currently provides that requests to enter a Closing D Order or D Order in any security will be rejected beginning 10 seconds before the scheduled close of trading. As discussed in connection with the proposed change to Rules 7.31(c)(1)(C)(ii) and 7.31(c)(2)(C)(iv), the Exchange no longer accepts Closing D Orders in UTP Securities at any time. The Exchange, however, currently accepts intraday D Orders in UTP Securities. Accordingly, the Exchange proposes to amend Rule 7.35B(f)(3) to specify that Closing D Orders and D Orders in Auction-Eligible Securities only will be rejected beginning 10 seconds before the scheduled close of trading.

instruction of the Floor broker, a Closing D Order in a UTP Security will be routed to the primary listing market as either a MOC or LOC Order.

The Exchange proposes to delete Rules 7.31(c)(1)(C)(ii) and 7.31(c)(2)(C)(iv) (and to make non-substantive conforming changes to Rules 7.31(c)(1)(C) and 7.31(c)(2)(C) to accommodate their deletion) to reflect that the Exchange no longer accepts Opening or Closing D Orders in UTP Securities, and, accordingly, there is no need to convert any such orders to MOO, LOO, MOC, or LOC Orders for routing to the primary listing market. Floor brokers are now able to send orders in UTP Securities that they wish to be routed to the primary listing market as MOO, LOO, MOC, or LOC Orders, as applicable, in the first instance. Accordingly, this proposed change is intended to remove rule text that no longer has application, thereby promoting clarity in Exchange rules.

* * * * *

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to effectiveness of this proposed rule change, the Exchange anticipates that such changes will be implemented no later than in the first quarter of 2027.

2. Statutory Basis

The Exchange believes that the proposed rule change 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 that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed changes to Rules 7.35 and 7.35B relating to the Closing Imbalance and Auction Imbalance Freeze are designed to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed change to include Closing IO Orders and Closing D Orders in the calculation of the Closing Imbalance would enhance the information provided by the dissemination of the Closing Imbalance and could encourage increased participation in Closing Auctions, to the benefit of market participants and the investing public. Similarly, the proposed change to the cutoff time for the cancellation, cancellation and replacement, or modification of Closing D Orders and D Orders in advance of the scheduled close of trading would, in conjunction with the proposed inclusion of Closing D Orders in the Closing Imbalance, provide market participants with enhanced information regarding the imbalance in the period leading up to the close of trading on the Exchange.

The proposed changes to Rules 7.31 and 7.35B relating to D Orders are designed to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system, as well as to protect investors and the public interest, because they would either remove or update rule text to ensure that the Exchange's rules accurately describe Exchange processing of D Orders in UTP Securities. Because the Exchange no longer accepts Opening or Closing D Orders in UTP Securities, there is no need to convert any such orders to MOO, LOO, MOC, or LOC Orders for routing to the primary listing market, and the proposed change to Rules 7.31(c)(1)(C) and 7.31(c)(2)(C) would thus remove outdated rule text referencing such conversion. As noted above, to the extent Floor brokers would like to send MOO, LOO, MOC, or LOC Orders in UTP Securities for Exchange routing to the primary listing market, they can continue to do so. The proposed change to Rule 7.35B(f)(3) to describe the rejection of Closing D Orders and D Orders in Auction-Eligible Securities only would similarly ensure that the rule accurately reflects the Exchange's handling of Closing D Orders and D Orders in UTP Securities. As noted, the Exchange currently accepts intraday D Orders in UTP Securities and will continue to do so.[13]

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 is not intended to address competitive issues but rather is intended to enhance auction imbalance information disseminated in connection with Closing Auctions conducted by the Exchange and ensure that Exchange rules accurately reflect current handling of D Orders in UTP Securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* note 10, *supra.*

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 15 U.S.C. 78s(b)(2)(B).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2026–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–36 and should be submitted on or before September 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16783 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0213]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17g–1

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 proposed collection of information described below.

Section 17(g) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–17(g)) authorizes the Commission to require by rules and regulations, for the protection of investors, that officers and employees of registered management investment companies (''funds'') who may singly, or jointly with others, have access to securities or funds of any registered management investment company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities, to be bonded by a reputable fidelity insurance company against larceny and embezzlement. The Commission, pursuant to this provision, adopted rule 17g–1 (17 CFR 270.17g–1) in 1947 and has subsequently amended the rule on numerous occasions.

Rule 17g–1 provides, in substance, the following requirements. The form and amount of the fidelity bond must be approved by a majority of the fund's independent directors at least once annually, and the amount of any premium paid by the fund for any ''joint insured bond,'' covering multiple funds or certain affiliates, must be approved by a majority of the fund's independent directors. The amount of the bond may not be less than the minimum amounts of coverage set forth in a schedule based on the fund's gross assets. The bond must provide that it shall not be cancelled, terminated, or modified except upon 60 days' written notice to the affected party and to the Commission. In the case of a joint insured bond, 60 days' written notice must also be given to each fund covered by the bond. A joint insured bond must provide that the fidelity insurance company will provide all funds covered by the bond with a copy of the agreement, a copy of any claim on the bond, and notification of the terms of the settlement of any claim prior to execution of that settlement. Finally, a fund that is insured by a joint bond must enter into an agreement with all other parties insured by the joint bond regarding recovery under the bond.

Upon the execution of a fidelity bond or any amendment thereto, a fund must file with the Commission within 10 days: (i) a copy of the executed bond or any amendment to the bond, (ii) the independent directors' resolution approving the bond, and (iii) a statement as to the period for which premiums have been paid on the bond. In the case of a joint insured bond, a fund must also file: (i) a statement showing the amount the fund would have been required to maintain under the rule if it were insured under a single insured bond; and (ii) the agreement between the fund and all other insured parties regarding recovery under the bond. A fund must also notify the Commission in writing within five days of any claim or settlement on a claim under the fidelity bond. A fund must notify by registered mail each member of its board of directors of: (i) any cancellation, termination, or modification of the fidelity bond at least 45 days prior to the effective date; and (ii) the filing or settlement of any claim under the fidelity bond when notification is filed with the Commission. The Commission amended rule 17g–1 most recently in 2004 to require that the fund's board of directors satisfy the fund governance standards defined in rule 0–1(a)(7) (17 CFR 270.0–1(a)(7)).[1] The rule's requirements are mandatory for funds.

We estimate that approximately 2,078 funds (registered open- and closed-end funds, and business development companies) must comply with the collections of information under rule 17g–1, and which collectively submit an estimated 2,437 filings on Form 17G annually.[2] We estimate an annual burden per response of 1.0 hour of compliance attorney time and 1.0 hour of the fund's board of directors time. This results in a total annual burden of 2,437 hours for the compliance attorney ($1,886,238) and 2,437 hours for the fund board ($29,697,282), for a total estimated annual burden of 4,874 hours and $31,583,520 total annual internal cost for all funds. We continue to estimate that the filing and reporting requirements of rule 17g–1 do not entail any external cost burdens.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

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

[19] 17 CFR 200.30–3(a)(12).

[1] Investment Company Governance, Investment Company Act Release No. 26520 (July 27, 2004) (69 FR 46378 (Aug. 2, 2004)).

[2] Based on a review of fund filings for the three-year period from January 1, 2023 to December 31, 2025, Commission staff estimates there are approximately 2,078 funds (registered open- and closed-end funds, and business development companies) that must comply with the collections of information under rule 17g–1, and which collectively submit an estimated 2,437 filings on Form 17G annually.

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 19, 2026.

Dated: August 14, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16822 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106131; File No. SR–CMESC–2026–006]

Self-Regulatory Organizations; CME Securities Clearing Inc.; Notice of Filing of Proposed Amendments to the CMESC Stress Testing & Guaranty Fund Sizing Policy (or the ''Policy'') and Proposed Amendments to Rule 402(b)

August 13, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 2026, CME Securities Clearing Inc. (''CMESC'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by CMESC. CMESC filed the proposed rule change pursuant to Section 19(b)(2) of the Act.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. CMESC's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change of CME Securities Clearing Inc. (''CMESC'') is annexed hereto [sic] as Exhibit 5 and consists of proposed amendments to the CMESC Stress Testing & Guaranty Fund Sizing Policy (or the ''Policy'') and proposed amendments to Rule 402(b). The purpose of the proposed rule change is to provide more detail to the description of how CMESC will implement its stress testing methodology, enhance the clarity of the Policy and clarify the intended operation of Rule 402(b). Specifically, CMESC proposes to amend the Policy to: (i) provide greater detail in the description of its scenarios for stress testing, including the historical and hypothetical stress scenarios it will employ for credit stress testing and liquidity stress testing; (ii) provide further explanation of the rationale for CMESC's methodology for sizing the Guaranty Fund [4] and the rationale for how Member contributions to the Guaranty Fund are allocated, particularly regarding the weighted components on which allocation of Members' contributions to the Guaranty Fund are based; and (iii) make other minor changes to add clarity and improve accuracy and readability of the Policy. Further, CMESC proposes to modify existing Rule 402(b) to clarify and align the description of the Guaranty Fund allocation process across its documentation. Each of the proposed changes is described in more detail below. The proposed revisions to the CMESC Rules and the Policy are annexed hereto [sic] as Exhibit 5.

II. CMESC's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CMESC 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. CMESC has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. CMESC's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Background

CMESC is registered with the U.S. Securities and Exchange Commission (''SEC'' or ''Commission'') under Section 17A of the Securities Exchange Act of 1934 (the ''Act'') [5] as a clearing agency providing central counterparty services for transactions involving U.S. Treasury securities.[6] As a registered clearing agency, CMESC has established and maintains written policies and procedures reasonably designed to manage a variety of risks to meet the requirements under the Act and rules and regulations thereunder, including the CMESC Risk Management Framework, the CMESC Stress Testing & Guaranty Fund Sizing Policy and the CMESC Liquidity Risk Management Policy.[7]

The CMESC Stress Testing & Guaranty Fund Sizing Policy provides guidelines employed by CMESC for monitoring, assessing, and mitigating risk associated with the exposures arising from Participants' positions. Consistent with the SEC's rules, in particular, SEC Rules 17ad–22(e)(4)(iii) [8] and 17ad–22(e)(7)(i),[9] the Policy outlines how CMESC performs stress testing to estimate its exposures to Participants that could result from the realization of potential stress scenarios, such as extreme price changes, multiple defaults, or changes in other valuation inputs and assumptions. Under the Policy, CMESC uses identical stress scenarios for purposes of credit stress testing and liquidity stress testing to ensure that CMESC has adequate resources to manage its credit risk and liquidity risk in extreme but plausible market conditions, consistent with SEC rules. Recognizing the importance of its risk model documentation in meeting its regulatory obligations, as well as to provide further guidance for CMESC staff on the implementation of its stress testing methodologies, CMESC is proposing certain amendments to the Policy to reflect the conduct of CMESC's stress testing consistent with Section 17A(b)(3)(F) of the Act,[10] SEC Rules 17ad–22(e)(4) and 17ad–22(e)(7)(i), and CMESC's Rules. Each of the proposed amendments is described in more detail below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2).

[4] Capitalized terms used herein and not defined have the meanings assigned to such terms in the Rules of CME Securities Clearing Inc. (''Rules''), as applicable, *available at https://www.cmegroup.com/rulebook/CMESC/CMESC%20Rulebook.pdf.*

[5] 15 U.S.C. 78q–1.

[6] *See* CME Securities Clearing, Inc.; Order Granting an Application for Registration as a Clearing Agency under Section 17A of the Securities Exchange Act of 1934, Release No. 34–104281 (Dec. 1, 2025), 90 FR 55926 (Dec. 4, 2025) *(''Order'').*

[7] The CMESC Risk Management Framework and associated policies were submitted to the Commission as part of CMESC's application on Form CA–1 for registration as a clearing agency, and the Commission determined that they were consistent with the Exchange Act and the Commission rules. *See* Order, *supra* note 3, 90 FR 55926.

[8] 17 CFR 240.17ad–22(e)(4)(iii).

[9] 17 CFR 240.17ad–22(e)(7)(i).

[10] 15 U.S.C. 78q–1(b)(3)(F).

Description of the Proposed Rule Change

1. Proposed Changes to the Description of the Stress Scenarios

CMESC proposes to amend Section 4.1 (Stress Scenarios) of the Policy, principally to explain in greater detail the different types of stress scenarios included in CMESC's stress testing methodology and how they are constructed.

Generally

Currently, the Policy provides that stress scenarios are built using historical and hypothetical market moves. CMESC proposes to describe in greater detail the different types of stress scenarios that are historical and hypothetical through the following proposed changes to the introductory paragraphs of Section 4.1. As the starting point, CMESC proposes to clarify in the introductory paragraph of Section 4.1 that the historical and hypothetical market moves used to build historical and hypothetical stress scenarios, respectively, are designed to represent extreme but plausible market conditions. This clarification ensures that the Policy language regarding the historical or hypothetical market moves used to build stress scenarios is aligned to the requirements in SEC Rules 17ad–22(e)(4)(iii) and 17ad–22(e)(7)(i), respectively, that stress scenarios contemplate ''extreme but plausible market conditions.''

Next, CMESC proposes to clearly identify ''historical'' and ''hypothetical'' as two categories of stress scenarios in Section 4.1 of the Policy by separating them into two sub-paragraphs and supplementing the current descriptions of each of these two categories. With respect to the historical category, CMESC proposes to clarify that the selection of dates captured in the historical scenarios are chosen through a quantitative and qualitative evaluation of market behavior and the resulting exposures arising from actual Participant positions. The proposed revisions retain the reference to ''market behavior,'' but remove the reference to ''observed and projected'' market behavior to make the distinction between historical and hypothetical scenarios clearer.

With respect to the hypothetical category, CMESC proposes to amend its description of hypothetical scenarios to clarify they will include theoretically driven scenarios (*e.g.,* statistically driven scenarios), rather than potential event-driven scenarios, as event-driven scenarios are proposed to be categorized as a type of historical scenario in CMESC's other proposed amendments to Section 4.1.

In addition, CMESC proposes to add new text to Section 4.1 to describe how stress shocks applied within the stress testing methodology are designed to capture different interest rate environments. Specifically, the new text will explain that, to capture different interest rate environments, shocks will be calculated using varying return types.

Having proposed the above changes to enhance the description of and distinction between the historical category of stress scenarios and the hypothetical category of stress scenarios, CMESC is proposing further changes to enhance the description of the stress scenarios set forth in Table 1 (Stress Scenario Categories as reflected in the proposed amendments) of the Policy (''Table 1''), in order to provide greater clarity regarding CMESC's stress testing methodology. CMESC is proposing to recategorize and rename the three current categories of stress scenarios as (i) ''Historical: Risk Factor Shocks'' scenarios, (ii) ''Historical: Event-Driven'' scenarios, and (iii) ''Hypothetical'' scenarios, each as more fully described below.

Historical: Risk Factor Shocks and the Stress Scenario Description

Table 1 of the current Policy describes historical scenarios as those based on historical data for securities cleared by CMESC, which will be deleted and replaced with a description of historical scenarios as those based on a systematic application of quantitative filters across available risk factor curves relevant to U.S. Treasury securities (*e.g.,* on-the-run curve, off-the-run curve, and repo curve, among others), over a defined lookback period. Table 1 of the current Policy further provides that historical dates with the largest curve movements are considered as historical scenarios. CMESC proposes to remove the word ''curve'' from the preceding sentence since it is unnecessarily limiting given CMESC's consideration of other movements in crafting historical scenarios.

Table 1 of the current Policy describes the various risk factors that may be considered by CMESC in identifying the largest curvature movements for historical scenarios. In the renamed category of Historical: Risk Factor Shocks scenarios (which are included alongside Historical: Event-Driven Scenarios as a subset of all historical scenarios) in Table 1, CMESC proposes to include additional information on the risk factors considered in defining historical scenarios based on risk factor shocks. Using the defined risk factor curves, CMESC would identify historical dates with the largest movements as historical scenarios that capture (i) the largest upward and downward movements for defined tenors on the curves (*i.e.,* individual tenor shocks); (ii) structural shifts across the curves (*i.e.,* yield curve shape shocks); and (iii) uncorrelated risk factors using Principal Component Analysis (''PCA'') to explain the majority of yield curve variances (*i.e.,* statistical risk identification). Regarding the determination of yield curve shape shocks, the proposed amendments to the Policy describe the types of shifts and movements that are considered across different risk factor curves, including parallel shifts, slope movements, and curvature movement. The proposed amendments also define the specific tenors for the risk factor curves that are currently being contemplated to be used to identify the yield curve movements, while recognizing that the defined tenors may change from time to time. Regarding PCA, the proposed amendments to the Policy highlight that CMESC identifies specific historical dates that have statistically extreme results for the defined components.

Historical: Event Driven Scenarios

CMESC is proposing to amend Table 1 to explicitly refer to event-driven scenarios as a type of historical scenario, referring to this category of scenarios as ''Historical: Event-Driven'' scenarios. The current Policy already accounts for this treatment and includes the consideration of historical scenarios to capture major historical event shocks as stress scenarios. The proposed amendments to the Policy clarify that the inclusion of event-driven scenarios (*e.g.,* significant Federal Reserve rate adjustments) is designed to ensure that realized market dislocations, including those that may fall outside the defined lookback period, are captured in CMESC's stress testing. Additional amendments are proposed to Table 1 regarding the historical nature of the event-driven scenarios to support readability and clarity without changing the construct of the scenarios themselves.

Hypothetical Scenarios

CMESC is proposing to amend Table 1 to refer to hypothetical scenarios generally, referring to this category of scenarios as ''Hypothetical'', and removing an existing reference to PCA. While, as reflected in the proposed amendments to the Policy, PCA will continue to be used to determine hypothetical scenarios, the emphasis is

on hypothetical scenarios being theoretically driven to capture potential future events with no direct historical precedent. As noted above, CMESC proposes to remove references to hypothetical scenarios being event-driven, as those scenarios are proposed to be categorized as a type of historical scenarios.

Elaborating further, proposed revisions to Table 1 outline in greater detail how CMESC will construct hypothetical scenarios, including by using a systematic combination of principal components determined through PCA to generate a comprehensive set of extreme but plausible market shocks. The proposed amendments describe that the determination of component variances will consider two business days of interest rate changes. The proposed amendments also detail how CMESC will select the number of principal components to simulate curvature shifts and ultimately create the scenarios derived from PCA using combinations of PCA scores for the largest factors.

The proposed amendments to Table 1 then outline that CMESC will then use plausibility thresholds—defined at the tenor level based on historical data—that are designed to ensure the PCA-generated scenario shocks remain extreme but plausible. As described in the proposed amendments to Table 1, CMESC will also undertake steps to promote curve consistency that are designed to recognize the relationships between relevant U.S. Treasury curves (including the repo curve) within the hypothetical scenario shocks, using appropriate adjustments or returns as appropriate.

2. Proposed Amendments To Provide More Detail Regarding the Rationale of Sizing and Enhance Description of Allocation of the Guaranty Fund

Proposed Changes To Enhance the Explanation of Guaranty Fund Sizing

Pursuant to the Rules, CMESC uses the stress testing methodology to size and maintain the Guaranty Fund in an amount at least equal to the largest theoretical loss to CMESC in excess of initial margin resulting from the Default of two (2) Member Families (the ''cover two standard'').[11] The Rules further provide that, to determine the largest theoretical loss resulting from the Default of two (2) Member Families, CMESC measures the ''largest net debtor amount'' or ''LND'' at the Member Family-level, covering Member Accounts and the User Accounts (as applicable) of a predefined number of Users with the largest credit exposures at each Member.[12] Moreover, CMESC may maintain the Guaranty Fund size at an amount larger than the cover two standard (*e.g.,* by including a buffer) based on CMESC's assessment of the cover two standard amounts, volatility in the market or other reasons, in order to better ensure that the Guaranty Fund meets the cover two standard between official calculations and to prevent significant fluctuations of Members' Required Guaranty Fund Contributions.[13]

Consistent with the Rules, the Policy currently provides that CMESC would utilize a formula as a guideline for sizing the Guaranty Fund. CMESC is proposing to amend an existing footnote at Section 5 of the Policy to further clarify the applicability of the defined term ''Member Family'' to the stress testing of CMESC's financial resources. CMESC is also proposing to add a footnote to Section 5.2.1 of the Policy regarding the Guaranty Fund sizing formula to clarify the rationale underpinning selection of the number of Users (*i.e.,* User Accounts) considered in determining the Cover 2 shortfall (*i.e.,* LND for the top two Member Families). The footnote describes that the number of Users is determined by CMESC's risk management team to capture the number of Users that may be in Default if their Member were to Default under extreme but plausible market conditions. This clarification footnote reflects what is currently provided in the CMESC Risk Management Framework. Its addition to and inclusion in the Policy will thus maintain consistency and alignment across the related policies in implementing and administering the financial resource sizing relative to the management of credit risk exposures to CMESC from the Default of Member Families.

Proposed Changes To Enhance Description of Allocation of the Guaranty Fund

CMESC's Rule 402(b) provide that a Member's Required Guaranty Fund Contribution is calculated based on the Member's proportionate share of the aggregate Required Guaranty Fund Contribution, considering its proprietary transactions and transactions of Users authorized by the Member in accordance with formula adopted by CMESC from time to time, and subject to a ten (10) million dollar minimum contribution amount.[14] Consistent with the Rules, the Policy provides that the allocation of the Guaranty Fund to determine each Member's Required Guaranty Fund Contribution amount be based on each Member's relative LND and its gross notional at a weight of 90% and 10%, respectively. CMESC proposes to make two changes to Section 5.2.2 (SC Guaranty Fund Allocation) of the Policy and one change to Rule 402(b) regarding the description of the Guaranty Fund allocation.

First, with respect to the Policy, CMESC proposes to clarify that the term ''gross notional'' as used in Section 5.2.2 of the Policy refers to the gross notional of outstanding securities transactions of a Member. Second, CMESC proposes to add a footnote to the Policy elaborating on the rationale for the dual-component allocation methodology. Specifically, the new footnote explains that the LND component in this dual-component methodology aligns contributions with the tail risk (*i.e.,* as captured by CMESC's stress scenarios) that each Member (including as it relates to a predefined number of its authorized Users) presents to CMESC. The LND component is complemented by the gross notional of outstanding securities transactions component, which captures the overall exposure cleared by CMESC and is designed to ensure that each Member is subject to a certain level of potential mutualization risk via the Guaranty Fund regardless of their tail risk. The proposed footnote further explains that the weighting logic is designed to yield allocations of the Guaranty Fund that capture the risk of Member and to incentivize active participation in the close-out process in the event of a Participant Default. CMESC believes that explaining the rationale for this dual-component weighting allocation methodology enhances the clarity of the Policy by providing the rationale for implementation and administration of the allocation of the Guaranty Fund in accordance with the Rules.

Finally, CMESC proposes amending Rule 402(b) in two places to clarify the intended Guaranty Fund allocation process. CMESC Rule 402(b) currently provides that each Member's Required Guaranty Fund Contribution is calculated as the higher of a minimum requirement of ten (10) million dollars or the Member's proportionate share of the Guaranty Fund, determined as a function of the LND amount for the Member Family and the gross notional outstanding of the Member Family in

[11] *See* CMESC Rule 402(a), *supra* note 4.

[12] *See id.* CMESC Rule 101 defines the term ''Member Family'' and footnote 8 of the Policy describes how that term applies for the purposes of stress testing CMESC's financial resources.

[13] *See* CMESC Rule 402(a), *supra* note 4.

[14] *See* CMESC Rule 402(b), *supra* note 4.

Eligible Securities Transactions cleared by CMESC. The Member Family's activity is not intended to be part of the allocation process for individual Members and instead, as described in the CMESC Risk Management Framework and elsewhere in the Policy, the allocation of a Member's Required Guaranty Fund Contribution is derived from the individual Member's LND and gross notional outstanding, as each Member is individually charged a Required Guaranty Fund Contribution. Accordingly, CMESC is replacing both references to ''Member Family'' in Rule 402(b) with references to ''Member'' in order to reflect the intended allocation process.

3. Other Minor Changes

CMESC is proposing a few additional minor changes to the Policy designed to add clarity and support readability of the Policy. As a matter of general applicability, CMESC proposes to clarify in Section 4.1 (Stress Scenarios) that all price moves considered in stress scenarios are to be calculated using a ''two-business day'' period (rather than a ''two day'' period), which aligns with the margin period of risk.

Further, CMESC proposes to clarify in Section 1 (Purpose and Statement of Policy) of the Policy that its stress scenarios are for the purpose of managing the risks ''presented to'' CMESC, rather than those ''present to'' CMESC. This wording change is designed solely to improve the accuracy and readability of the Policy.

CMESC proposes a technical correction in Section 4.2 (Review of Stress Testing Results & Methodology) of the Policy, which concerns review of stress testing results and methodology by CMESC's stress testing committee. Currently, the Policy provides that the stress testing committee may review analysis of some or all of the stress testing scenarios and models on a more frequent basis than the predetermined frequencies if markets display high volatility, become less ''liquidity'', or when the size or concentration of positions of Participants increases significantly or in other circumstances. CMESC proposes to correct a typographical error by replacing the word ''liquidity'' with ''liquid'' in Section 4.2 to improve readability of the Policy.

Finally, CMESC proposes to make a minor change in Section 5.2.2 (SC Guaranty Fund Allocation) of the Policy to improve readability of the Policy. The proposed change is to state more specifically that the LND is calculated ''for each Member,'' rather than to state more generically that the LND calculated ''as described above.''

2. Statutory Basis

For the reasons set forth below, CMESC believes the proposed rule change is consistent with Section 17A of the Act,[15] SEC Rule 17ad–22(e)(4)(iii), and SEC Rule 17ad–22(e)(7)(i).

Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest. As discussed herein, the proposed amendments are designed to enhance the CMESC Stress Testing & Guaranty Fund Sizing Policy by (i) explaining in greater detail CMESC's stress testing methodology and the stress scenarios it will employ to estimate credit or liquidity exposures that could result from the realization of potential stress scenarios, such as extreme price changes, multiple defaults, or changes in other valuation inputs and assumptions; (ii) enhancing the description of the rationale for determining the size of the Guaranty Fund and components of the methodology used to allocate Member contributions to the Guaranty Fund; and (iii) making certain other minor and clean-up changes in the documentation to promote clarity and readability. In addition, the proposed amendments to Rule 402(b) enhance the description of allocation of the Guaranty Fund by clarifying the intended allocation process. CMESC believes that these proposed changes are consistent with Section 17A(b)(3)(F) of the Act because they are designed to enhance CMESC's stress testing and clarify how each Member's Required Guaranty Fund Contribution amount will be calculated for the purpose of appropriately sizing and allocation of the Guaranty Fund and are designed to ensure that CMESC has sufficient resources, which are important components to the effectiveness of its risk management system and support CMESC's ability to maintain adequate financial resources, which, in turn, promotes the prompt and accurate clearance and settlement of securities transactions, the safeguarding of securities and funds in the custody or control of CMESC for which it is responsible, and the protection of investors and the public interest within the meaning of Section 17A(b)(3)(F) of the Act.

Consistency With SEC Rule 17ad–22(e)(4)(iii) and SEC Rule 17ad–22(e)(7)(i)

CMESC also believes the proposed rule change will support the compliance with the specific stress testing requirements of SEC Rule 17ad–22(e)(4)(iii), which requires CMESC to maintain financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for CMESC in extreme but plausible market conditions, and SEC Rule 17ad–22(e)(7)(i), which requires CMESC to maintain sufficient liquid resources at the minimum to effect settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would generate the largest aggregate payment obligation for CMESC in extreme but plausible market conditions. CMESC is implementing the proposed rule change in order to further clarify its stress testing methodology by drawing a clearer distinction between the historical category of stress scenarios and the hypothetical category of stress scenarios and providing more detailed descriptions of each category of its stress scenarios. The proposed rule change further describes how the shocks applied within the stress testing methodology are designed to capture different interest rate environments. The description of the historical stress scenarios is enhanced, particularly as it relates to those scenarios based on individual tenor shocks, yield curve shape shocks and statistical risk identification. Additionally, the proposed rule change further describes the hypothetical category of stress scenarios, particularly how they are designed considering a defined construction logic employing PCA, plausibility thresholds, and curve consistency. Finally, the proposed rule change further details the rationale for: (i) the Cover 2 shortfall calculation employed to size the Guaranty Fund including not only the two Member families' own exposures but the exposures of an appropriate number of Users, as determined by CMESC's risk management team; and (ii) using a dual-component methodology to allocate the Guaranty Fund among Members, taking

[15] 15 U.S.C. 78q–1(b)(3)(F).

into account each Member's LND amount and gross notional outstanding securities transactions to determine the Member's Required Guaranty Fund Contribution amount. All of these added details are designed to provide further clarity regarding the stress testing methodology and sizing of CMESC's Guaranty Fund and bolster CMESC's risk model documentation. As such, the proposed rule change would strengthen CMESC's ability to maintain financial and liquidity resources necessary to withstand the default of the participant family that would potentially cause the largest aggregate credit or liquidity exposure with a high degree of confidence, as required by SEC Rules 17ad–22(e)(4)(iii) and 17ad–22(e)(7)(i).

B. CMESC's Statement on Burden on Competition

CMESC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance the Policy by providing more detailed descriptions regarding the categorization of stress scenarios, descriptions of the stress scenarios and rationale for Guaranty Fund sizing and allocation, and to amend the Rules to clarify and align the description of the Guaranty Fund allocation process across its documentation, in order to support CMESC's implementation of an effective stress testing methodology for purposes of credit and liquidity stress testing and sizing and allocating the Guaranty Fund. The effects of the proposed rule change will be reflected in the implementation of CMESC's credit and liquidity stress testing used to calculate, monitor and assess its financial and liquidity resources, which will uniformly and equally impact all Participants in accordance with the Rules. CMESC does not believe the proposed rule change would have any impact on burden on competition that does not already exist under the existing Policy, other risk management policies and the Rules, or is not necessary or appropriate in furtherance of the purposes of the Act.

C. CMESC's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CMESC currently does not have any Members or Users and has not received nor solicited any written comments from others related to this proposal. CMESC has not received any unsolicited written comments from any interested parties. If any written comments are received, they will be publicly filed as Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777. CMESC reserves the right to not respond to any comments 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 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–CMESC–2026–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–CMESC–2026–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the filing also will be available for inspection and copying at the principal office of CMESC and on CMESC's website (*https://www.cmegroup.com/market-regulation/rule-filings.html*). 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–CMESC–2026–006 and should be submitted on or before September 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16785 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106127; File No. SR–DTC–2026–009]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving Proposed Rule Change To Amend the Redemptions Service Guide and the Operational Arrangements (Necessary for Securities To Become and Remain Eligible for DTC Services)

August 13, 2026.

I. Introduction

On June 15, 2026, the Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2026–009, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change would amend the Redemptions Service Guide (''Redemptions Guide'') and

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Operational Arrangements (''OA'') [3] to update Payment without Presentation (''PWP''), a DTC process which permits Agents to remit maturity or full call proceeds to DTC without requiring delivery of the associated physical certificate and allows them to rely instead on DTC's book-entry records of entitlements. The Proposed Rule Change was published for comment in the **Federal Register** on July 2, 2026.[4] The Commission has received no comments on the changes proposed.

For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

As part of its services as a central securities depository, DTC makes eligible for deposit physical debt certificates, manages custody of such certificates for its Participants, and oversees related processing. DTC also coordinates with Agents to facilitate the redemption and maturity of securities, ensuring the collection and distribution of proceeds. In 2001, the Commission approved a Rule Change wherein an Agent could elect to have DTC destroy the debt security certificate in lieu of physical delivery of the certificate to the Agent provided that thirty days had passed since DTC received the redemption proceeds in full.[5] This process established the PWP option.[6]

Under the current procedure for redeeming a debt security at maturity, DTC submits a physical debt certificate and a Letter of Transmittal (''LT'') to the Agent prior to the release of redemption proceeds from the Agent to DTC. After receiving both documents, the Agent releases the funds, and DTC then distributes the funds to Participants and deletes the Participants' positions from DTC's records.

Alternatively, Paying Agents and Issuers currently utilizing DTC's Redemption PWP [7] process for Fast Automated Securities Transfer (''FAST'') [8] and Book-Entry-Only (''BEO'') [9] issues agree to accept DTC's automated notifications instead of physical Shipment Control List and Redemption Payment Summary forms for redemption payments. The Agent and Issuer must agree to review relevant details prior to the redemption date and report any discrepancies at the CUSIP level prior to payment. Redemption payments are then remitted to DTC in accordance with the procedures described in the OA.[10]

III. Description of the Proposed Rule Change

The Proposed Rule Change seeks to amend the Redemptions Guide and the OA to update the PWP process. The Proposed Rule Change would: (i) eliminate the need for a LT or the presentment of certain other physical documents; (ii) include in the Rules that Agents may receive automated notifications; (iii) make participation in the PWP process mandatory, with opt-out permitted only where necessary; (iv) establish retention and destruction protocols for physical certificates; and (v) make clarifying and conforming changes.

A. Updates to the PWP Process

With respect to items (i), (ii) and (iv) above, the Proposed Rule Change would no longer require a physical certificate presentment or related physical documentation for eligible redemption and maturity events. Agents may continue to receive automated notifications that provide information on the relevant security (including CUSIP), payment date, and amount due. These notifications would be sent electronically to Agents prior to the event. An agent must opt-in to receive these notifications and does so by sending an email to the redemptions operations team.

Physical certificates related to these events would no longer be delivered to Agents. Agents would remit proceeds to DTC without receipt of a LT or other physical certificates, then DTC would allocate redemption proceeds to Participants based on its book-entry records and remove any positions from its records following payment. The associated physical certificates would be segregated and imaged for record retention purposes, retained for at least ninety days following redemption, and then destroyed according to DTC's procedures.

To effectuate these changes, the Proposed Rule Change would update the Redemptions Guide and the OA. The Proposed Rule Change would remove references to DTC presenting physical certificates, letters of instructions or a LT in connection with redemption or maturity events from the Redemptions Guide in the ''About Maturities,'' ''About Redemptions,'' and ''Maturities'' sections. Article V.A. of the OA would also be updated to delete language referencing the use of physical documentation in connection with redemption or maturity events. The Redemptions and Maturities sections of the Redemptions Guide as well as the Redemption PwP section of the OA would be updated to include that that Agents may opt-in to receive DTC-specific payment details for upcoming redemption payments via automated notification, thus replacing the presentment of physical documents. Language would also be added to the OA to state that securities certificates will be maintained for at least 90 days after the redemption date, after which they will be destroyed.

B. Mandatory Participation and Opt-Out Provisions

With respect to item (iii) above, participation in the PWP process would be mandatory for all eligible fully registered debt securities represented by physical certificates held at DTC and registered under the name Cede & Co. Exceptions to participation are permitted solely to comply with a state statute, court order, or other legal or regulatory obligation, or if the Agent is a governmental entity or authorized representative requiring physical documentation. All opt-out requests must be submitted to DTC in writing and are strictly limited to the applicable securities.

To produce this change, the Proposed Rule Change would add language to the Redemption PwP section of the OA to this effect.

C. Clarifying and Conforming Changes

The Redemption PwP section of the OA would be modified as follows. References to the ''paying agent'' would be replaced with ''Agent,'' a defined term in the document. The Proposed Rule Change would clarify that either or both the Agent or Issuer may review details prior to the redemption date. The term ''BEO'' issues would be substituted with ''non-FAST'' issues to encompass all certificated bond asset types. Also, Securities certificates and LTs would be added to the list of physical documents which would not be provided. Finally, the phrase ''or electronic file of expected payments due'' would be deleted from the ''About Redemptions'' section of the Redemptions Guide as the new ''automated notification'' language provides the same information.

---

[3] Each term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of DTC (''Rules''), the Redemptions Service Guide, or the Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services), *available at www.dtcc.com/legal/rules-and-procedures.*

[4] *See* Securities Exchange Act Release No. 105794 (Jun. 29, 2026). 91 FR 40642 (Jul. 2, 2026) (File No. SR–DTC–2026–009) (''Notice of Filing'').

[5] Securities Exchange Act Release No. 44169 (Apr. 10, 2001), 66 FR 19592 (Apr. 16, 2001) (SR–DTC–99–6).

[6] *See* Notice of Filing at 40642, *supra* note 4.

[7] *Id. See also* OA at 30, *supra* note 3.

[8] *See* OA at 23, *supra* note 3.

[9] *See* OA at 9, *supra* note 3.

[10] *See* OA at 29, *supra* note 3.

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization. After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to DTC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act,[12] as described in detail below.

Section 17A(b)(3)(F) of the Act requires, among other things, that a clearing agency's rules are designed to promote the prompt and accurate clearance and settlement of securities transactions.[13]

As described above in Section III, the Proposed Rule Change: (i) eliminates the need for a LT or the presentment of certain other physical documents; (ii) codifies into the Rules the existing process by which Agents opt-in to receive automated notifications; (iii) makes participation in the PWP process mandatory, with opt-out permitted only where necessary; (iv) establishes retention and destruction protocols for physical certificates; and (v) makes clarifying and conforming changes. Eliminating the need for the presentment of physical documents and its reliance on automated notifications and DTC's book-entry records should streamline the processing of eligible debt securities by reducing delays associated with the handling, transportation and reconciliation of physical certificates. The new process should introduce more efficiency and reliability in the redemption process by simplifying and modernizing the overall processing workflow. In addition, making participation in the PWP process mandatory, with only necessary opt-outs permitted, would allow both greater consistency in application and streamlining of the process for the collection and distribution of proceeds. Furthermore, the changes to the OA and Redemptions Guide improve clarity of the descriptions of PWP and enable DTC to more effectively communicate the new process outlined by the Proposed Rule Changes.

Because these changes should facilitate timely payments for debt securities with less operational risk, the Commission finds that the Proposed Rule Change should promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[14]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act [15] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [16] that Proposed Rule Change SR–DTC–2026–009 be, and hereby is, *approved.*[17]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16784 Filed 8–17–26; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] *Id.*

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1.

[16] 15 U.S.C. 78s(b)(2).

[17] In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 13102]

Title: Notice of Public Meeting in Preparation for the International Maritime Organization's CCC 12

The Department of State will conduct a public meeting at 12:00 p.m. (EST) on Wednesday, September 2, 2026, both in-person at Coast Guard Headquarters in Washington, DC, and by teleconference through Microsoft Teams. The primary purpose of the meeting is to prepare for the twelfth session of the International Maritime Organization's (IMO) Sub-Committee on Carriage of Cargoes and Containers (CCC 12) to be held at IMO Headquarters in London, United Kingdom from Monday, September 14, 2026, to Friday, September 18, 2026.

The agenda items to be considered at CCC 12 include:

—Adoption of the agenda;

—Decisions of other IMO bodies;

—Amendments to the IGF Code and development of guidelines for alternative fuels and related technologies;

—Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels;

—Amendments to the IMSBC Code and supplements;

—Amendments to the IMDG Code and supplements;

—Revision of the Revised guidelines for the preparation of the Cargo Securing Manual (MSC.1/Circ.1353/Rev.2) to include a harmonized performance standard for lashing software to permit lashing software as a supplement to the Cargo Securing Manual;

—Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas;

—Unified interpretation of provisions of IMO safety, security, environment, facilitation, liability and compensation-related conventions;

—Biennial status report and provisional agenda for CCC 13;

—Election of the Chair and Vice-Chair for 2027;

—Any other business;

—Report to the Committees.

Please note: The IMO may, on short notice, adjust the CCC 12 agenda to accommodate any constraints associated with the meeting. Although no changes to the agenda are anticipated, if any are necessary, they will be provided to those who RSVP.

Members of the public may participate up to the capacity of the teleconference line, which can handle 500 participants or up to the seating capacity of the room if attending in-person. The meeting location will be the United States Coast Guard Headquarters, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LCDR Eva McNell, by email at *Eva.M.McNell@uscg.mil,* by phone at (571) 610–3684, or in writing at Hazardous Materials Division (CG–ENG–5), ATTN: LCDR Eva McNell, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509, by August 19, 2026. Members of the public needing reasonable accommodation should advise LCDR Eva McNell no later than August 19, 2026. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO/International-Maritime-Organization-/.*

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552.)

Emily M. Gibbons,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2026–16842 Filed 8–17–26; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on September 16, 2026 in Bloomsburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also, the Commission published a document in the **Federal Register** July 1, 2026 concerning its public hearing on July 30th, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Wednesday, September 16, 2026 at 9:00 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Holiday Inn Express Bloomsburg at 14 Mitchell Drive, Bloomsburg, Pennsylvania 17815.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Adoption of the preliminary FY2028 budget; (2) Adoption of the member jurisdiction allocation requests for FY2028; (3) Adoption of the Sustainable Water Resources Fund Policy; (4) Approval of contract and grants; and (5) 25 actions on 15 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person and digitally at the Holiday Inn Express Bloomsburg, 14 Mitchell Drive, Bloomsburg, Pennsylvania. The public is invited to attend the Commission's business meeting. The public may access the Business Meeting remotely via TEAMS: *https://teams.microsoft.com/meet/25895460383427?p=EckuhuiyUjqBvT3JdV;* Meeting ID: 258 954 603 834 27; Passcode: Ng9gP76V or via telephone: #1–929–777–2488, Phone Conf ID: 261 971 438#.

A public hearing and written comment period was provided for the actions on the 15 projects and the comment period on those proposed actions is closed. Written comments pertaining to all other items on the agenda at the business meeting may bemailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically at the link Business Meeting Comments. Comments are due to the Commission for all items on the business meeting agenda on or before September 14, 2026. Comments will not be accepted at the business meeting noticed herein.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 801, 806, and 808.

Dated: August 13, 2026.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–16825 Filed 8–17–26; 8:45 am]

BILLING CODE 7040–01–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 1:00 p.m. CT on August 20, 2026.

PLACE: Halloran Centre for Performing Arts & Education, Memphis, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Meeting No. 26–03

The TVA Board of Directors will hold a public meeting on August 20 at the Halloran Centre for Performing Arts & Education, 225 S. Main Street, in Memphis, Tennessee. The meeting will be called to order at 1:00 p.m. CT to consider the agenda items listed below.

On August 20, at the Halloran Centre for Performing Arts & Education, the public may comment on any agenda item or subject at a Board-hosted public listening session which begins at 9:00 a.m. CT and will last until 11:00 a.m. Preregistration is required to address the Board.

Agenda

1. Approval of May 21, 2026, Board Meeting Minutes
2. Report of the People and Governance Committee
   A. Incentive Measures and Goals
3. Report of the Audit, Risk, and Cybersecurity Committee
   A. External Auditor Selection
4. Report of the Operations and Nuclear Oversight Committee
5. Report of the Finance, Rates, and Portfolio Committee
   A. FY27 Annual Budget
   B. Rate Change Approval
   C. Integrated Resource Plan
6. Report of the External Stakeholders and Regulation Committee
   A. Load Greater than 100 MW
   B. Mineral Rights Divestiture
7. Report from President and CEO

CONTACT PERSON FOR MORE INFORMATION: For more information: Please contact Melissa Greene, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: August 13, 2026.

Edward C. Meade,

Agency Liaison.

[FR Doc. 2026–16858 Filed 8–14–26; 4:15 pm]

BILLING CODE 8120–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2026–0496]

Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The Office of the United States Trade Representative (USTR) is seeking public comments to assist in the preparation of its annual report to Congress on China's compliance with its obligations as a Member of the World Trade Organization (WTO). This notice includes the schedule for the submission of comments for the China report and a public hearing.

DATES:

September 17, 2026, at 11:59 p.m. EDT: Deadline for submission of written comments, requests to testify, and written testimony.

September 30, 2026, at 9:30 a.m. EDT: USTR will convene a public hearing to

receive oral testimony at USTR's offices located at 1724 F Street NW, Rooms 1 & 2, Washington, DC. Please be sure to bring required identification if you wish to attend or participate in the hearing.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *https://www.regulations.gov* (*Regulations.gov*). Follow the instructions for submitting written comments, requests to testify, and written testimony in sections III and IV below, using Docket Number USTR–2026–0496. For alternatives to on-line submissions, please contact Alex Martin, Deputy Director for China Affairs, in advance of the relevant deadline at *Thomas.A.Martin@ustr.eop.gov* or (202) 395–9625.

FOR FURTHER INFORMATION CONTACT: Alex Martin, Deputy Director for China Affairs, at *Thomas.A.Martin@ustr.eop.gov* or (202) 395–9625.

SUPPLEMENTARY INFORMATION:

I. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106–286), USTR is required to submit annually a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, USTR is soliciting public comments. You can find last year's report on the USTR website at: *https://ustr.gov/sites/default/files/files/Countries%20and%20Regions/China%2C%20Mongolia%20%26%20Taiwan/2025%20USTR%20Report%20to%20Congress%20on%20China's%20WTO%20Compliance%20(Final%202025).pdf.*

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. You can find the Protocol and Working Party Report on the WTO website at *http://docsonline.wto.org* (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

II. Hearing Participation

USTR will convene a public hearing on September 30, 2026, related to China's compliance with its WTO commitments.

To ensure participation, you must submit requests to present oral testimony at the hearing and written testimony by 11:59 p.m. EDT on September 17, 2026, via *Regulations.gov*, using Docket Number USTR–2026–0496. Instructions for submission are in Sections III and IV below. Remarks at the hearing will be limited to no more than five minutes to allow for possible questions from the Trade Policy Staff Committee (TPSC). Because it is a public hearing, testimony should not include any business confidential information (BCI).

Small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments should self-identify as such, so that we may be aware of issues of particular interest to small businesses.

Written comments and/or oral testimony should address China's compliance with the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

A. Trading rights.

B. Import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses).

C. Export regulation.

D. Internal policies affecting trade (*e.g.,* subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports).

E. Intellectual property rights (including intellectual property rights enforcement).

F. Services.

G. Rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations) and status of legal reform.

H. Other WTO commitments.

In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that interested persons specifically identify unresolved compliance issues that warrant review and evaluation by USTR.

III. Procedures for Written Submissions

To be assured of consideration, submit your written comments, requests to testify, and written testimony by the September 17, 2026, 11:59 p.m. EDT deadline. All submissions must be in English. USTR strongly encourages submissions via *Regulations.gov*, using Docket Number USTR–2026–0496.

To make a submission via *Regulations.gov*, enter Docket Number USTR–2026–0496 in the ''search for'' field on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice by selecting ''notice'' under ''document type'' in the ''refine documents results'' section on the left side of the screen and click on the link entitled ''comment.'' *Regulations.gov* allows users to make submissions by filling in a ''type comment'' field, or by attaching a document using the ''upload file'' field. USTR prefers that you provide submissions in an attached document and, in such cases, that you write ''see attached'' in the ''type comment'' field on the online submission form. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If you use an application other than those two, please indicate the name of the application in the ''type comment'' field.

At the beginning of your submission or on the first page (if an attachment), include the following text: (1) 2026 China WTO Compliance Report; (2) your organization's name; and (3) whether the submission is a written comment, request to testify, or written testimony. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Please do not attach separate cover letters, exhibits, annexes, or other attachments to electronic submissions. Rather, include any such items in the same file as the submission itself, not as separate files. You will receive a tracking number upon completion of the submission procedure at *Regulations.gov*. The tracking number is confirmation that *Regulations.gov* received your submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for *Regulations.gov*.

For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on ''How to Use *Regulations.gov*'' on the bottom of the home page. USTR may not consider submissions that you do not make in accordance with these instructions.

If you are unable to provide submissions as requested, please contact Alex Martin, Deputy Director for China Affairs, in advance of the deadline at *Thomas.A.Martin@ustr.eop.gov* or (202) 395–9625, to arrange for an alternative method of transmission. USTR will not accept hand-delivered submissions. USTR may not consider submissions

that you do not make in accordance with these instructions.

General information concerning USTR is available at *www.ustr.gov.*

IV. Business Confidential Information (BCI) Submissions

If you ask USTR to treat information you submit as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters ''BCI.'' You must clearly mark any page containing BCI with ''BUSINESS CONFIDENTIAL'' at the top of that page. Filers of submissions containing BCI also must submit a public version of their submission that will be placed in the docket for public inspection. The file name of the public version should begin with the character ''P.'' Follow the ''BCI'' and ''P'' with the name of the individual or organization submitting the comments.

V. Public Viewing of Review Submissions

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view submissions at *Regulations.gov* by entering Docket Number USTR–2026–0496 in the search field on the home page.

Mark DiPlacido,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2026–16841 Filed 8–17–26; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability, Notice of Public Comment Period and Request for Comment on the Draft Environmental Assessment for Reditus Space ENOS Reentries in the Gulf of America

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

ACTION: Notice of availability and public comment period.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* the FAA is announcing the availability of and requesting comment on the Draft Environmental Assessment for Reditus Space ENOS Reentries in the Gulf of America (Draft EA).

DATES: The public comment period for the Draft EA will close on August 28, 2026.

ADDRESSES: The Draft EA is available for public review at *https://www.faa.gov/space/environmental/nepa_docs.*

Public comments can be submitted electronically to *www.regulations.gov* under Docket No. FAA–2026–9581, or by postal mail to Leslie Grey, c/o ICF, 1902 Reston Metro Plaza, Reston, VA 20190.

The Unique ID for this document is EAXX–012–12–000–1759511355.

FOR FURTHER INFORMATION CONTACT: Leslie Grey, Environmental Protection Specialist, FAA, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; email *9-AST-Environmental@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA is the lead federal agency, and the National Aeronautics and Space Administration (NASA) and the U.S. Coast Guard (USCG) are cooperating agencies due to their special expertise and/or regulatory jurisdiction. The FAA is evaluating Reditus's Proposed Action to conduct up to 12 daytime reentries per year of its ENOS-Mk1 (ENOS) capsule in the northeastern portion of the Gulf of America, south of Tallahassee and west of Cedar Key, Florida. Reditus's Proposed Action would include reentry, splashdown, and recovery activities. Reditus must obtain a vehicle operator license from the FAA to conduct commercial reentries of its ENOS capsule. The Draft EA also evaluates the potential environmental impacts associated with FAA's approval of related airspace closures.

The Draft EA has been posted and comments will be received through the Federal E-Rulemaking Portal: *http://www.regulations.gov.* Search for FAA–2026–9581 to retrieve the docket and follow the instructions to submit a comment.

Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the FAA in your comment to withhold from public review your personal identifying information, the FAA cannot guarantee that we will be able to do so. All comments received during the comment period will be given equal weight and be taken into consideration in the preparation of the Final EA.

Dated: August 13, 2026.

Stacey Molinich Zee,

Manager, Operations Support Branch.

[FR Doc. 2026–16803 Filed 8–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2024–0018]

Supplemental Notice of Partial Buy America Waiver for Minibuses

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

ACTION: Supplemental notice and request for comment.

SUMMARY: On December 20, 2024, the Federal Transit Administration (FTA) published a notice of proposed Buy America waiver for certain battery-electric minibuses. FTA has not made a final decision on the proposal. FTA is seeking supplemental comment as to whether FTA should remove the proposed requirement that the minibuses be battery-electric propulsion.

DATES: Comments must be received by September 2, 2026.

FOR FURTHER INFORMATION CONTACT: Jaamal Jennings, FTA Attorney-Advisor, at *jaamal.jennings@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under FTA's Buy America statute, FTA may obligate funds for a project to procure rolling stock only if the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock and if final assembly of the rolling stock occurs in the United States. 49 U.S.C. 5323(j)(2)(C). FTA implements these Buy America requirements by rule at 49 CFR part 661 and requires offerors to certify affirmatively that they comply with Buy America as implemented by FTA's rule. 49 CFR 661.12. A manufacturer delivering more than a minimum quantity of rolling stock must submit to pre-award and post-delivery reviews and independent inspections to verify its compliance with Buy America. 49 U.S.C. 5323(m); 49 CFR part 663. In addition to Buy America requirements, a bus model must pass testing for safety and performance before it can be purchased using FTA funds. 49 U.S.C. 5318.

FTA may waive Buy America requirements for an item if, among other reasons, a compliant version of the item

is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B) (''non-availability waiver''). FTA cannot deny a request for a non-availability waiver unless FTA can provide the waiver applicant with a written certification that asserts the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

In 2023, FTA received three waiver applications on behalf of 16 transit operators for non-availability waivers to purchase the E-Jest battery-electric minibus. The E-Jest is made by the Turkish company Karsan Otomotiv Sanayii ve Ticaret A.S. (''Karsan'') and sold in the United States by the Damera Corporation. In response to these three waiver applications, on December 20, 2024, FTA proposed a general waiver [1] (89 FR 104285, December 20, 2024) for any vehicle with all of the following characteristics: battery-electric propulsion; low-floor entry; unibody construction; gross vehicle weight rating or gross vehicle weight of less than 11,794 kg (26,001 pounds) and designed to transport fewer than 16 seated passengers including the driver; and not of a type already covered by FTA's Partial Buy America Waiver for Vans and Minivans (87 FR 64534, Oct. 25, 2022). Additionally, to encourage onshoring of manufacturing and supply chains, FTA proposed the waiver would require U.S. final assembly after two years and would expire entirely after three years, or upon a Buy America-compliant vehicle becoming available, whichever occurred first.

Comments Received

FTA received 67 comments on the proposed waiver. Most comments were in favor of the waiver as proposed. These comments generally came from transit providers or their industry associations, autonomous vehicle service providers, and companies looking to establish manufacturing in the United States that seek a customer base while building up to full Buy America compliance.

Comments opposed to the waiver generally came from vehicle manufacturers or dealers already doing business in the United States. Three vehicle manufacturers opposed the proposed waiver. None of the three manufacturers claimed to provide a vehicle that responded to all the specifications in FTA's proposed waiver. Only one of the three manufacturers explicitly claimed Buy America compliance for a partially responsive vehicle.

Revision to Proposed Waiver

FTA is proposing to eliminate the specification in its December 2024 proposed waiver that the minibuses be battery-electric. Eliminating the battery-electric specification would allow transit operators to decide for themselves the propulsion type that is best suited to their operations and their communities. The rest of the proposed waiver would remain the same, and battery-electric vehicles still would be available under the revised proposed waiver along with other propulsion types.

As revised, the proposed waiver would apply to any vehicle with all of the following characteristics and be subject to the following phase-out:

- The vehicle has, or is capable of having, low-floor entry;
- The vehicle is of unibody or monocoque construction (*i.e.,* not body-on-chassis);
- The vehicle has a gross vehicle weight rating or gross vehicle weight of less than 11,794 kg (26,001 pounds) and is designed to transport fewer than 16 seated passengers including the driver; [2] and
- The vehicle is not of a type already covered by FTA's Partial Buy America Waiver for Vans and Minivans (87 FR 64534, *supra*) (*i.e.,* is not required to report to the National Highway Traffic Safety Administration under the American Automobile Labelling Act).

For a contract for a vehicle meeting all the above requirements awarded more than two years after the effective date of the waiver, this waiver would only apply where vehicle final assembly occurs in the United States. This waiver would expire three years after the effective date. To allow onshoring of newer propulsion types at the same time as more mature propulsion types are available to recipients, FTA proposes that the waiver will remain in effect for the proposed three-year term.

Request for Supplemental Comments

FTA requests supplemental comments from all interested parties on its proposal to eliminate the battery-electric requirement. Should FTA approve the waiver as revised? Should the waiver be further modified in some way? Relevant information and comments will help FTA fully establish the facts surrounding the waiver requests and inform FTA's ultimate decision whether to grant the waiver.

If a comment asserts a domestic vehicle meeting FTA's proposed specifications already exists, please be clear about whether the vehicle complies with FTA's specific Buy America requirements for rolling stock as set forth in 49 U.S.C. 5323(j)(2)(C) and 49 CFR part 661. Has the vehicle passed a post-delivery review required by 49 U.S.C. 5323(m), and if so, where and when? Any other relevant information, for example, regarding geographic availability or production quantities, will be useful to FTA.

(Authority: 49 U.S.C. 5323; 49 CFR 1.91.)

Matthew B. Cahill,

Acting Deputy Administrator.

[FR Doc. 2026–16812 Filed 8–17–26; 8:45 am]

BILLING CODE 4910–57–P

[1] A general waiver means the waiver would be available to any FTA grant recipient, not just the waiver applicants.

[2] The number of passengers a vehicle is designed to transport is based on the number of designated seats in the vehicle and does not include areas suitable, or even designed for, standing passengers. See 49 CFR 383.5 and Federal Motor Carrier Safety Administration guidance: *https://www.fmcsa.dot.gov/registration/commercial-drivers-license/one-definition-cmv-vehicle-designed-transport-16-or-more.*

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No.: DOT–OST- 2026–3269]

America's Great Corridors of Commerce; Request for Information

AGENCY: Office of the Under Secretary of Transportation for Policy, U.S. Department of Transportation.

ACTION: Request for Information (RFI).

SUMMARY: Significant and immediate investment in linear utility infrastructure is essential to meet the surging energy needs of critical manufacturing and emerging technologies that drive America's security, prosperity, and global leadership. Highway and rail transportation assets represent significant linear rights-of-way (ROWs) that have traditionally been reserved solely for transportation needs. The U.S. Department of Transportation (DOT or the Department), through the Build America Bureau, created the America's Great Corridors of Commerce (AGCC) initiative to unleash opportunities for both highway and rail ROW owners to generate revenue streams through utility colocation that can fund transportation improvement projects, while simultaneously delivering significant

economic development to these areas. AGCC is a voluntary, applicant-driven process in which ROW owners propose corridors for strategic colocation of utility infrastructure in the transportation ROW through an innovative public-private partnership (P3) model. Selected corridors receive concierge technical assistance and enhanced collaboration from a team of experts from relevant Federal agencies. In this RFI, DOT seeks comments from the public and interested parties on the AGCC model and the proposed elements of DOT's anticipated AGCC designation process.

DATES: Written comments are due by September 12, 2026. DOT will consider comments filed after this date to the extent practicable.

ADDRESSES: Written comments may be submitted electronically or by email or U.S. mail. Respondents are encouraged to submit comments electronically to ensure timely receipt. Please include your name, title, organization, postal address, telephone number, and email address.

- *Electronic Submission:* Go to *http://www.regulations.gov.* Search using the docket number provided above. Follow the instructions for sending comments.
- *Email: AGCC@dot.gov.* Include the docket number provided above in the subject line of the message. Please include the full body of your comments in the text of the electronic message and as an attachment.
- *Mail:* U.S. Department of Transportation, Docket Operations, West Building 5th Floor, Room W58–213, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Instructions:* All submissions must include the agency name and docket number.

FOR FURTHER INFORMATION CONTACT: Morteza Farajian, Ph.D., Executive Director, Build America Bureau, 202–366–0797, *AGCC@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Significant and immediate investment in longitudinal utility infrastructure is essential to meet the surging energy and power needs of critical manufacturing and emerging technologies that drive America's security, prosperity, and global leadership. Similarly, transportation agencies and companies require additional resources to fund capital improvements and address deferred maintenance. Through AGCC, DOT seeks to leverage existing highway and rail ROWs in a safe and strategic manner by facilitating meaningful colocation of multiple utility assets, including electric and communications infrastructure. This initiative will build, in record time, a new backbone for the world's strongest economy while maintaining operational flexibility for ROW owners and enabling revenue generation. AGCC directly addresses the national emergency established by Executive Order 14156 regarding the inadequate U.S. power grid and energy supply and need for a more reliable, diversified, and affordable supply of energy.

While utility colocation within the ROW is technically feasible and has been implemented to some degree in the United States, installations are typically assessed and executed on a case-by-case basis without a comprehensive and strategic commercial, technical, and financial plan. This fragmented process increases time and resource demands, creates inefficiencies, and restricts the ability to scale efforts effectively. In contrast, through the Build America Bureau's AGCC initiative, the Department will unleash the full power of America's transportation corridors by harnessing the Administration's decisive leadership to unite Federal, State, and private partners.

As a part of AGCC, the U.S. Secretary of Transportation will lead an interagency Federal task force aimed at marshaling Federal resources and relevant permitting agencies and authorities to expedite and scale colocation in AGCC corridors. The task force will provide technical assistance and coordination for designated AGCCs.

Key goals of AGCC are to:

- Drastically accelerate the siting, permitting, and financing of linear utility infrastructure projects, including electrical transmission lines, water pipelines along highways, pipelines along railways, fiber optic, and rural broadband along corridors where colocation is safe, technically and operationally feasible, and in demand through an innovative P3 model and leasing concept.
- Incentivize data centers, manufacturing facilities, and distribution hubs to locate close to AGCC corridors to leverage a ''plug and play'' model for easy connectivity to new utility corridors, maximizing underused transportation assets and spurring significant economic benefits to States and regions in record time.
- Provide a new opportunity for utility and telecommunication companies in addition to the existing siting options.
- Provide the backbone needed by State DOTs and railroads to deploy technology projects, safety equipment, signs, Intelligent Transportation Systems (ITS), autonomous capabilities, Wi-Fi, and potentially electricity.
- Enhance the value of highway and rail ROWs by creating financial incentives to allow for installation of these valuable utility corridors.
- Simplify the National Environmental Policy Act (NEPA) review processes for colocation of utility infrastructure within transportation ROWs by helping project developers identify and leverage existing Federal tools. Categorical Exclusions (CEs) generally have the shortest analysis and review timeline and are reserved for actions that Federal agencies have determined will not have a significant impact based upon previous projects and analyses. Projects within the AGCC program will most likely fall under one or multiple CEs, as they will largely take place within the transportation ROW and environmental disturbance will be limited. Information on AGCC concierge services and broader permitting efficiencies, including applicable CEs and environmental review resources available to both AGCC program participants and independent developers is available on the AGCC web page.
- Coordinate financial tools and resources to reduce deployment costs or increase revenue opportunities from value creation.
- Assist State DOTs and railroads in effectively managing their ROW by eliminating administrative and operational burdens of utility coordination. The AGCC model establishes a single point of responsibility for negotiating access to ROWs and coordinating between various players. This saves time and resources for ROW owners, enabling them to focus on their core responsibilities.

Key benefits of supporting the coordinated and efficient development of linear utility infrastructure in the transportation ROW include:

- Cost Reduction and Efficiency Gains: In contrast to conventional colocation initiatives, AGCC enables macro-level cost savings and expedited project delivery leading to lower costs and increased utility deployment to meet the needs of both the public and industry. The program minimizes the need for new ROW acquisition and reduces development costs.
- Strategic Industrial Land Use: Land adjacent to highways and railways outside of the ROW, often undervalued due to environmental factors like noise, can be repositioned for high value uses such as data centers, advanced manufacturing facilities, or distribution hubs, leading to increased economic

activity and tax revenues for states and localities. It also frees up higher value land situated further from highways and railroads for residential or mixed-use development.

• Achieving Economies of Scale: AGCC seeks to enable value creation by encouraging technical efficiencies, such as shared trenching or tunneling, standardized engineering protocols, and consolidated procurement, that provide a faster and less expensive alternative to existing development options.

• Generation of Revenue: ROW leasing and utility hosting arrangements can open new, recurring revenue channels. Revenues can be reinvested in upgrades along the 160,000 centerline miles of the National Highway System and the 140,000 route miles of the U.S. freight rail network.

• Reducing Utility Rates: Colocating businesses and activities that use significant utilities along one line prevents the need for extensive, scattered grid transmission upgrades and the need to coordinate with too many landowners. This strategic utilization of ROWs and clustering can minimize the total capital investment required to provide reliable power, ultimately lowering transmission costs and creating downward pressure on residential user rates.

• Utilization of Previously Developed Land: By focusing on existing transportation ROWs, AGCC projects will be treated as brownfield developments, rather than greenfield expansions. This approach reduces environmental disturbance, leverages existing infrastructure (roads, utilities, grading), and lowers remediation and construction costs.

AGCC is a P3 initiative in which a private entity (concessionaire) is procured by a highway or rail ROW owner to act as their Corridor Manager. The Corridor Manager activities will include but not be limited to: design, build, finance, operate and maintain dedicated sub-surface channels (*e.g.,* via boring or tunneling) and associated infrastructure along highway and rail ROWs for a period of time (typically 30–50 years) under certain terms and conditions specified by the ROW owner. The concessionaire will also act as business developer for the corridor, providing utility companies access to the space under a lease agreement and annual lease payments.

Discover more about the AGCC initiative in the sections below or by visiting the AGCC web page.

II. P3 Approach to Delivering Utility Colocation Projects

The AGCC model seeks to engage multi-industry P3s to promote broader use of the transportation ROW to generate commercial and public benefits while protecting ROW owners' control. Under the AGCC P3 model, the ROW owner may negotiate a contractual agreement with a private entity to serve as a Corridor Manager. The Corridor Manager may act as the central project leader and take on responsibilities such as business development, design, construction, finance, and long-term operation and maintenance. U.S. DOT seeks to maximize optionality for State departments of transportation and railroad ROW owners in selecting the delivery and construction method that is the best fit for their specific state or regions and will provide technical assistance, tools and resources to assist delivery of the project.

One likely delivery method for AGCC projects on either highway or rail corridors will be developing an underground utility tunnel capable of colocating multiple infrastructure items. Benefits of undergrounding vary by geography but can include economies of scale from digging once, greater reliability and resiliency of utilities, improved public safety risks and making efficient use within corridors located in high population areas. For underground AGCC projects, the Corridor Manager can be responsible for building the underground utility tunnel and leasing space to the utility and telecommunication companies. The Corridor Manager can also manage those leases and collect/share revenue with the ROW owners based on pre-negotiated contractual terms or resource sharing agreements. In some cases, these underground utility tunnels or conduits may be eligible for financing by the Build America Bureau's TIFIA or RRIF loans or Department of Energy (DOE)'s Energy Dominance Financing (EDF). While the utility items themselves may be financed in part by federal loan programs such as EDF, or the Environmental Protection Agency (EPA), they could also be financed directly by private sector or utility companies to avoid requiring compliance with certain federal regulations. U.S. DOT will bring to bear sufficient resources and prioritization to expedite environmental review (NEPA) while also working in concert with federal permitting agencies to provide the necessary permits for these projects for all utilities up front. Operating in this way can provide certainty to the ROW owner and businesses looking to access these corridors that all environmental and permitting is completed.

For AGCC highway projects that choose above ground utilities in the ROW, the Corridor Manager can be involved in any development of utility infrastructure working directly with the utility and telecommunications companies, the details of which will be negotiated by those private parties. The Corridor Manager can also be responsible for the same lease negotiation, revenue collection or resource sharing activities listed above. Project sponsors who choose above ground—or a hybrid approach—electric transmission and colocation of related infrastructure items may receive the same concierge environmental and permitting expedition by U.S. DOT and other federal agencies. Regardless of the building method employed by project sponsors, U.S. DOT may favor applications for AGCC designation in states and regions that have state-level environmental policies, utility accommodation policies and permitting policies that are in sync with the environmental and permitting streamlining at the federal level.

III. AGCC Designation

The Department will establish a process to designate and prioritize AGCC candidates to receive technical assistance and concierge services with a focus on planning, siting, permitting, and financing. DOT intends to designate up to five AGCCs per year. The broad AGCC colocation and P3 concept may be utilized by any ROW owners, regardless of official AGCC designation, and the Department will provide informational resources to support broader application of the concept. However, only designated AGCCs would receive specialized Federal concierge services. To maximize these benefits, ROW owners should align their state and utility accommodation policies with the concierge services being introduced by Federal partners.

It is envisioned that the Department will establish an interagency Federal task force to provide technical assistance and coordination for the designated AGCCs. Each designated AGCC would have dedicated Federal points of contact to provide concierge services aimed at reducing administrative delays, minimizing interagency conflicts, maximizing available financial resources, and lowering compliance costs. The Federal task force efforts would focus on two primary areas:

1. Streamlining and Expediting NEPA Review and Permitting Processes: Each

designated corridor's Federal point of contact will be responsible for convening and coordinating resource agencies to ensure compliance with NEPA and other related environmental laws and regulatory requirements. This will include reviewing potential project impacts and recommending a NEPA class of action, with an emphasis on utilizing available categorical exclusions (CEs). This permitting concierge service will also include convening relevant Federal permitting agencies to prioritize and coordinate the necessary Federal permits in an expedited manner and to the fullest extent of the law allowed under One Federal Decision.

2. Streamlining and Unifying Access to Federal Funding and Financing Programs: Designated corridors would receive technical assistance to apply for planning grants, use technology tools, and navigate state level environmental reviews and utility accommodation policies.

While the availability of the Federal task force concierge services would be limited to designated AGCCs, the broader transportation community will benefit from the resources, best practices, and lessons learned developed through this effort.

IV. Key Elements of AGCC Designation Process

DOT intends to solicit proposals from ROW owners through an annual Request for Expressions of Interest (RFEI). The AGCC Federal task force would screen proposals for alignment with AGCC goals related to market demand, corridor readiness, financial feasibility, streamlining efforts, and stakeholder support, and may provide geospatial resources to support the identification of corridors that are good AGCC candidates. The task force would also consider State and local commitments to streamline and expedite permits and environmental reviews and provide funding and financing incentives while evaluating AGCC proposals. The Federal task force intends to prioritize longer multi-state corridors with regional significance.

V. Request for Information

DOT seeks comments and recommendations from all interested stakeholders regarding the AGCC model and the proposed elements of DOT's anticipated approach to implementing the voluntary, applicant-driven AGCC designation process as described above. In addition, DOT seeks comments and recommendations on the following specific questions:

1. What are the most critical challenges and barriers to deploying the AGCC concept as described in the RFI? How can these challenges and barriers be mitigated? What actions and resources can the Federal government provide to help mitigate these barriers? Please consider factors such as:

a. Technical feasibility, including proximity, construction, and other technical feasibility considerations and/or limitations of colocating utilities in the transportation ROW and/or of colocating multiple utilities within an underground tunnel (channel) or above ground in the outer limits of the ROW.

b. Safety during construction, operations, and maintenance.

c. Siting, planning, and permitting.

d. Funding and financing, design, development, construction, operations, and maintenance.

e. Construction timeliness.

f. Federal and State regulations and policies.

g. Community engagement and acceptance.

h. Market limitations.

2. What can be done to minimize challenges and complexities or maximize opportunities for projects that cross jurisdictional borders? Please consider factors such as:

a. Revenue sharing across transportation and utility jurisdictions.

b. Financial and operational liability across transportation and utility jurisdictions.

c. Utility service across transportation utility jurisdictions.

d. Interstate cooperation and coordination.

e. Laws, regulation, and utility accommodation policies.

3. What are challenges, complexities, opportunities, and recommendations related to the proposed voluntary AGCC P3 model described in this RFI? How can the Federal government support procurement in this context? In your response, consider the template P3 Term Sheet developed by the Build America Bureau [*https://www.transportation.gov/grants/agcc/p3-term-sheet-example*]. This document is intended solely for illustrative purposes and does not constitute prescriptive guidance or requirements from the U.S. Department of Transportation.

4. What forms of technical assistance or support would help ROW owners, utilities, and project developers more effectively deploy AGCC corridors? Specifically consider the types of support that would be most helpful from the Federal interagency task force, considering the anticipated support described in this RFI.

5. Please comment on the approach to designate AGCCs described in this RFI. What are the potential positive and negative impacts of such an approach? How could this process be altered or improved?

6. Would the AGCC model accelerate deployment of power and communications infrastructure versus traditional greenfield projects? What are the potential regional economic and industrial development impacts of the AGCC model compared to traditional greenfield projects?

7. A goal of AGCC is to leverage opportunities to co-develop utility projects in support of increased affordability for utility ratepayers. AGCC seeks to catalyze opportunities for diverse, least-cost, least-risk resources which will not unnecessarily increase utility rates. Are there design elements of AGCC that are important to consider to ensure success of this goal?

VI. Disclaimer

This is solely a request for information; DOT is not accepting expressions of interest in response to this RFI. DOT may or may not elect to issue an RFEI in the future based on or related to the content and responses to this RFI. Respondents may respond to as many or as few questions or topics as they wish. DOT will not respond to individual submissions or publish a compendium of responses. DOT may request clarification of responses to this RFI through direct contact with respondents. Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development. Responses to this RFI will be treated as information only. Responses to this RFI do not bind DOT to any further actions related to these topics.

VII. Confidential Business Information

Because information received in response to this RFI may be used to structure future programs and/or be made available to the public, respondents are strongly advised NOT to include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

Signed in Washington, DC, on August 13, 2026.

Morteza Farajian,

Executive Director, Build America Bureau.

[FR Doc. 2026–16776 Filed 8–17–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

[Docket ID No. TREAS–DO–2026–0430]

Designation of Databases to the Do Not Pay Working System

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of designation.

Pursuant to 31 U.S.C. 3354(b)(2), the Director of the Office of Management and Budget has delegated authority to the Secretary of the Treasury to designate additional databases for inclusion in the Do Not Pay Working System when those databases substantially assist in preventing improper payments. Section 3354(b)(2) requires the Department of the Treasury (Treasury) to provide public notice and an opportunity for comment prior to designating additional databases for inclusion in the Do Not Pay Working System. In fulfillment of this requirement, Treasury published a notice on June 25, 2026, proposing the designation of the U.S. legal entity dataset of OpenCorporates Limited (''OpenCorporates''), which comprises publicly available business registration information sourced from official U.S. state and territory public registries. Treasury received no comments on the proposed designation during the 15-day comment period.

Treasury has determined that the designation of OpenCorporates' U.S. legal entity dataset to the Do Not Pay Working System should proceed. Effective immediately, Treasury designates OpenCorporates' U.S. legal entity dataset to the Do Not Pay Working System.

FOR FURTHER INFORMATION CONTACT: Office of the Fiscal Assistant Secretary, U.S. Department of the Treasury, Office of the Fiscal Assistant Secretary, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Telephone (202) 622–2000 or Email *AmericasBankAccountEO@treasury.gov.*

Gary Grippo,

Acting Fiscal Assistant Secretary, U.S. Department of the Treasury.

[FR Doc. 2026–16800 Filed 8–17–26; 8:45 am]

BILLING CODE 4810–AK–P

FEDERAL REGISTER

Vol. 91 Tuesday,

No. 158 August 18, 2026

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Structure Maintenance and Pile Replacement Program in Puget Sound, Washington; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF702]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Structure Maintenance and Pile Replacement Program in Puget Sound, Washington

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the United States Navy (Navy) for authorization to take marine mammals incidental to the 2026 Marine Structure Maintenance and Pile Replacement project in Puget Sound, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than September 17, 2026.

ADDRESSES: Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.fleming@noaa.gov.* Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Kate Fleming, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking; other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below (see also 16 U.S.C. 1362; 50 CFR 216.3, 216.103).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On February 26, 2026, NMFS received a request from the Navy for an IHA to take marine mammals incidental to construction associated with the Navy's 2026 Marine Structure Maintenance and Pile Replacement project in Puget Sound, Washington. Following NMFS' review of the application, and subsequent discussions between NMFS and the Navy, the application was deemed adequate and complete on June 4, 2026. Following the adequate and complete determination, the Navy submitted a revised application reflecting the previous discussions on June 26, 2026. We received another revision on August 6, 2026 and a final revision on August 12, 2026. The Navy's request is for take of 10 species of marine mammals, by Level B harassment and, for a subset of these species, Level A harassment. Neither the Navy nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued two consecutive IHAs to the Navy for related and similar work (89 FR 47539, June 3, 2024), the first of which was reissued (90 FR 17419, April 25, 2025) because no work was completed under the initial Year 1 IHA). Preceding these two consecutive IHAs, NMFS issued a rule to the Navy for related and similar work (84 FR 15963, April 17, 2019). The Navy complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHAs, and information regarding their monitoring results may be found in the Effects of the Specified Activity on Marine Mammals and their Habitat.

Description of Proposed Activity

Overview

Maintaining existing wharves and piers is vital to sustaining the Navy's mission and ensuring readiness. To ensure continuance of necessary missions at its installations, the Navy must conduct annual maintenance and repair activities at existing marine waterfront structures, including removal and replacement of piles of various types and sizes. The Navy refers to this program as the Marine Structure Maintenance and Pile Replacement (MPR) Program.

Under the MPR program, the Navy is planning to conduct repairs and maintenance of existing marine structures and replacement of degraded piles at three Navy installations within Puget Sound, Washington. The activities that have the potential to take marine mammals include the impact and vibratory installation and removal of concrete and steel piles, and steel casings.

Dates and Duration

The proposed IHA would be valid for the statutory maximum of 1 year from the date of effectiveness. It will become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance. The specified activities could occur at any time during each project year, subject to existing time of year restrictions (in-water work windows) designed to protect fish species listed under the U.S. Endangered Species Act (ESA). For Naval Base Kitsap (NBK) Bangor (located in Hood Canal), in-water work would occur from July 16 through January 15. At the remaining two facilities (located in Puget Sound), in-water work would occur from July 16 through February 15. Pile driving would occur during daylight hours only. During marbled murrelet (*Brachyramphus marmoratus*) nesting season (April 15–Sept 23), impact pile driving will start 2 hours after sunrise and end 2 hours before sunset.

Construction is planned for up to a total of 227 days, with 22 days planned at NBK Bangor, 77 days planned at Naval Station (NS) Everett, and 128 days planned at NBK Manchester, up to 7 days per week, during daylight hours only. However, project delays may occur due to a number of factors, including project funding, permitting requirements, availability of equipment and/or materials, weather-related delays, equipment maintenance and/or repair, and other contingencies.

Specific Geographic Region

The three installations are located within inland waters of Washington State. One facility is located along Hood Canal (NBK Bangor), while the other two are located along the southwestern (NBK Manchester) and southeastern (NS Everett) shorelines of Puget Sound. See figure 1 for a regional map and application figures 1–2, 1–3, and 1–4 for maps of each installation.

BILLING CODE 3510–22–P

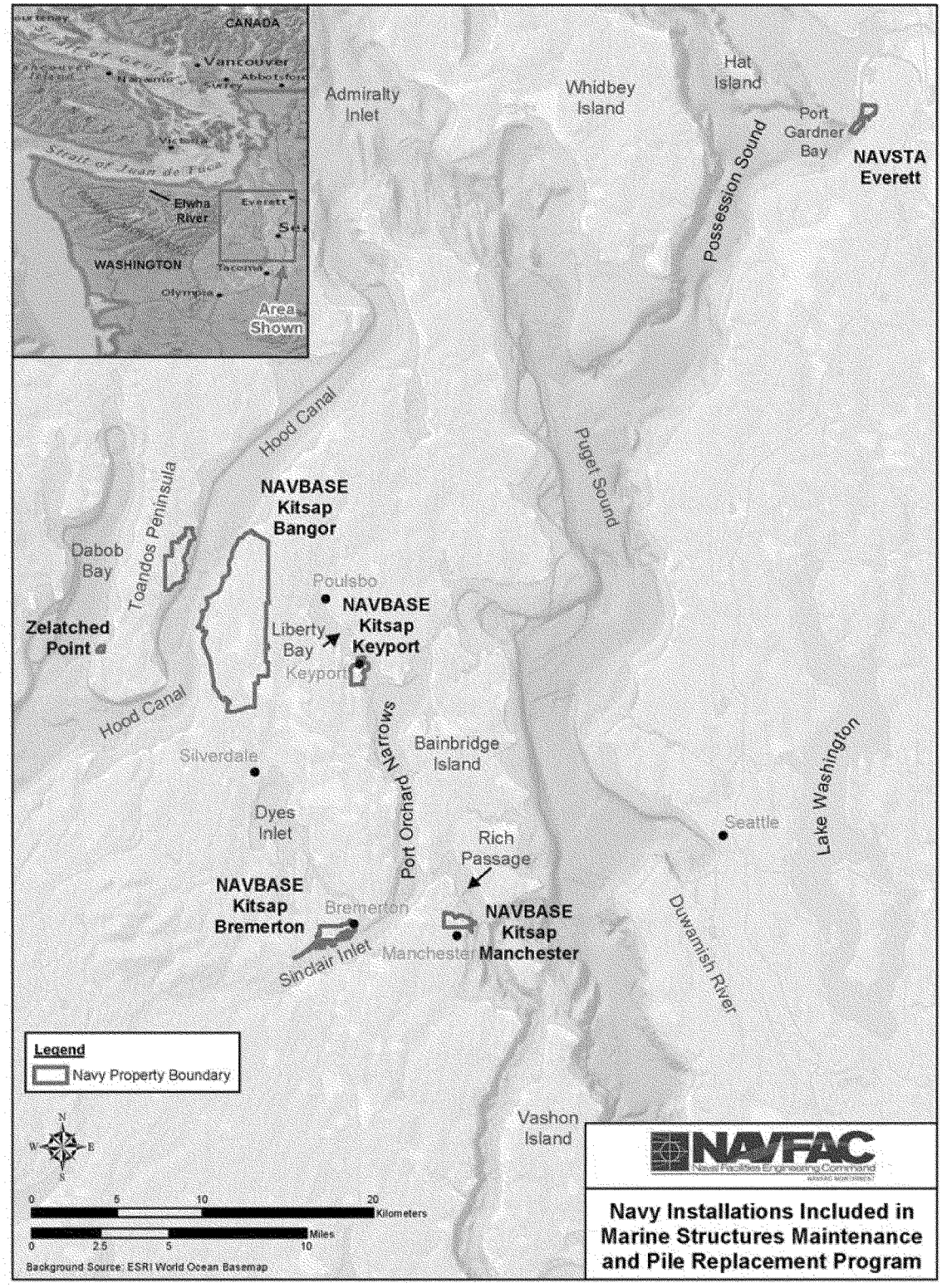

Figure 1. The Navy's planned project activities are located at NBK Bangor, NS Everett, and NBK Manchester

BILLING CODE 3510–22–C

NBK Bangor is located north of the community of Silverdale in Kitsap County on the Hood Canal. NBK Bangor serves as the Pacific homeport for the Navy's TRIDENT submarine squadron and other ships home-ported or moored at the installation and to maintain and operate administrative and personnel support facilities including security,

berthing, messing, and recreational services. It is located on Hood Canal, a long, narrow, fjord-like basin of western Puget Sound (see figure 1–2 of the Navy's application). Oriented northeast to southwest, the portion of the canal from Admiralty Inlet to a large bend, called the Great Bend, at Skokomish, Washington, is 84 kilometers (km) (52 miles (mi)) long. East of the Great Bend, the canal extends an additional 24 km (15 mi) to Belfair. Throughout its 108-km (67 mi) length, the width of the canal varies from 1.6 to 3.2 km (1 to 2 mi) and exhibits strong depth/elevation gradients. Hood Canal is characterized by relatively steep sides and irregular seafloor topography. In northern Hood Canal, water depths in the center of the waterway near Admiralty Inlet vary between 91 and 128 meters (m) (300 and 420 feet (ft)). As the canal extends southwestward toward the Olympic Mountain Range and Thorndyke Bay, water depth decreases to approximately 49 m (160 ft) over a moraine deposit. This deposit forms a sill across the canal in the vicinity of Thorndyke Bay, which limits seawater exchange with the rest of Puget Sound. The NBK Bangor waterfront occupies approximately 8 km (5 mi) of the shoreline within northern Hood Canal (1.7 percent of the entire Hood Canal coastline) and lies just south of the sill feature.

NS Everett provides homeport ship berthing, industrial support, and a Navy administrative center. It is located on Port Gardner Bay in Puget Sound's Whidbey Basin (see figure 1–3 of the Navy's application). To the west of the installation is the channelized mouth of the Snohomish River bounded by Jetty Island, which is composed of sediment from maintenance dredging and acts as a breakwater for the northwest area along the installation's waterfront. Jetty Island separates Port Gardner Bay and Possession Sound from the Snohomish River channel. The mouth of the Snohomish River channel is a historically industrialized area of highly modified shorelines and dredged waterways that forms a protected harbor within Port Gardner Bay. East of Jetty Island lies the Snohomish River estuary, consisting of a series of interconnected sloughs that flow through the lowlands east and north of the river's main channel. Water depths in Possession Sound range from about 9 m (30 ft) near the industrialized shoreline in Port Gardner to 180 m (600 ft) in mid-channel.

NBK Manchester provides bulk fuel and lubricant support to area Navy afloat and shore activities. It is located on Orchard Point, approximately 6.4 km (4 mi) due east of Bremerton (see figure 1–4 of the Navy's application). The installation is bounded by Clam Bay to the northwest, Rich Passage to the northeast, and Puget Sound to the east. NBK Manchester piers are located on the north side of Orchard Point and in a small embayment open on the south side of Orchard Point. In Clam Bay, the bathymetry is gently sloping with depths in the outer portions of the bay of approximately 5.5 m (18 ft) below mean lower low water (MLLW). Depths off Orchard Point drop off dramatically to 18 m (60 ft) below MLLW approximately 150 m (500 ft) from shore and 90 m (300 ft) below MLLW 1.6 km (1 m) offshore. Rich Passage is a shallow sill, less than 21 m (70 ft) deep.

Detailed Description of the Specified Activity

Through its 2026 MPR project, the Navy plans to conduct maintenance and repair activities at marine waterfront structures at NS Everett, NBK Manchester, and NBK Bangor within Puget Sound. Repairs would include replacing up to 234 structurally unsound concrete or steel piles with 233 concrete or steel piles over a 1-year period using impact and vibratory pile driving and removal. A bubble curtain would be used during all impact driving of steel piles.

Piles may be removed by vibratory extraction, cutting/chipping, clamshell removal, or direct pull depending on site and pile conditions, and piles may be installed via vibratory and impact driving with the aid of water jetting or auger drilling. However, noise levels produced through mechanical extraction activities, water jetting, and auger drilling are not expected to exceed baseline levels produced by other routine activities and operations at the three facilities, and any elevated noise levels produced through these activities are expected to be intermittent and of short duration.

Likewise, the MPR program involves the repair of pile-supported structures that include replacement of elements such as pile caps and cross bracing, replacement or repair of decking, and replacement of wave break panels. Fender system components such as camels (protective float system) may be replaced. Also, various metal components exposed to the marine environment are subject to corrosion and will require periodic maintenance, such as coating, or replacement. All the associated repair activities either occur over water or involve only minor in-water work and are not expected to have the potential to result in incidental take of marine mammals. Therefore, only impact and vibratory pile driving and vibratory removal, are carried forward for further analysis.

Between July 2026 and July 2027, the following activities are planned: At NBK Bangor, approximately 15 24-in concrete piles would be vibratory removed at Olympic Pier and EHW–1; approximately 4 20-in (0.5 m) steel fender piles would be installed with a vibratory hammer and if necessary, followed by impact proofing at Olympic Pier; and up to 12 30-in (0.8 m) steel piles would be installed with a vibratory hammer followed by impact proofing at EHW–1 (with a bubble curtain).

At NS Everett, approximately 144 12-in (0.3 m) steel piles would be vibratory removed at Piers A, B, and South Wharf; and approximately 144 18-in (0.5 m) steel fender piles would be installed with a vibratory hammer and if necessary, impact proofing (with a bubble curtain).

At NBK Manchester, approximately 74 14-in (0.4 m) steel H-piles would be vibratory removed at the Fuel Pier; approximately 30 24-in concrete piles would be impact installed in cases where no bedrock is present. To support the installation of 24-in concrete piles, up to 74 36-in steel casings would be vibratory installed and removed. Also, approximately 52 temporary 24-in steel piles would be installed and removed via vibratory hammer at this location.

Table 1 provides a summary of pile types, sizes, and maximum numbers of piles at each installation to be removed or installed over the 1-year MPR Program period from July 2026 to July 2027. This estimate assumes all piles would be removed and replaced with new piles. However, existing piles may be repaired in place with no new piles installed and if replacement piles are larger than existing piles, typically fewer piles are needed. Therefore, estimates of replaced piles for each installation are a conservative overestimate.

BILLING CODE 3510–22–P

Table 1 -- [1]Pile types, installation methods, and durations at NBK Bangor, NS Everett, and NBK Manchester

Installation or Removal	Pile Size	Pile Type	Method	Bubble Curtain Planned?	Location	# of piles	Piles/day	Minutes (vibratory) or strikes (impact) per pile	Construction Days
NBK Bangor									
Removal	24-in	Concrete	Vibratory	No	Olympic Pier	4	2	10[2]	2
			Vibratory	No	EHW-1	11	3	10	4
Installation	20-in	Steel	Vibratory	No	Olympic Pier	4	2	10[2]	2
			Impact proofing	Yes			2	500	2
	30-in	Steel	Vibratory	No	EHW-1	12	2	10	6
			Impact proofing	Yes			2	1000	6
NS Everett									
Removal	12-in	Steel	Vibratory	No	Piers A, B, and South Wharf	144	4	10	36
Installation	18-in	Steel	Vibratory	No	Piers A, B, and South Wharf	144 (up to 20 may be impact proofed)	4	10	36
			Impact proofing	Yes			4	400	5
NBK Manchester									
Removal	14-in H	Steel	Vibratory	No	Fuel Pier	74	3	10	25
	36-in Casing	Steel	Vibratory			74	3	30	25
Installation	36-in Casing	Steel	Vibratory	No	Fuel Pier	74	2	30	37
	24-in	Concrete	Impact	No	Fuel Pier	30[3]	2	1000	15
Installation and Removal	24-in	Steel	Vibratory	No	Fuel Pier	52	4	15	26

[1]Impact and vibratory driving may occur on the same or separate days depending on contractor needs and scheduling.
[2]The Navy estimates that vibratory installation would take a median time of 10 minutes per pile, with a maximum time of 45 minutes.
[3]Up to 30 out of 74 24-inch concrete piles may be installed with impact driving. The remaining piles are expected to be placed after the casing is installed via vibratory driving and auger drilling.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see

BILLING CODE 3510-22-C

Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual mortality and serious injury (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 2 are the most recent available at the time of publication (including from the 2024 SARs) and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

BILLING CODE 3510–22–P

Table 2 -- Species, Stocks, and the Status of Marine Mammals[1] with Estimated Take from the Specified Activities

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N)[2]	Stock abundance (CV, Nmin, most recent abundance survey)[3]	PBR	Annual M/SI[4]
Order Artiodactyla – Cetacea – Mysticeti (baleen whales)						
Family Eschrichtiidae						
Gray Whale	*Eschrichtius robustus*	Eastern North Pacific	-, -, N	26,960 (0.05, 25,849, 2016)	801	131
Family Balaenopteridae (rorquals)						
Humpback Whale[5]	*Megaptera novaeangliae*	Mainland Mexico – CA-OR-WA	T, D, Y	3,477 (0.101, 3,185, 2018)	43	22
		Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020)	127	27.09
Minke Whale	*Balaenoptera acutorostrata*	CA-OR-WA	-, -, N	915 (0.792, 509, 2018)	4.1	≥0.19
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae						
Killer Whale	*Orcinus orca*	Eastern North Pacific Southern Resident	E, D, Y	73 (N/A, 73, 2023)	0.13	0
		West Coast Transient	-, -, N	349 (N/A[6], 349, 2018)	3.5	0.4
Family Phocoenidae (porpoises)						
Dall's Porpoise	*Phocoenoides dalli*	CA-OR-WA	-, -, N	16,498 (0.61, 10,286, 2018)	99	≥0.66
Harbor Porpoise	*Phocoena phocoena*	Washington Inland Waters	-, -, N	11,233 (0.37, 8,308, 2015)	66	≥7.2
Order Carnivora – Pinnipedia						
Family Otariidae (eared seals and sea lions)						
California Sea Lion	*Zalophus californianus*	U.S.	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Eastern	-, -, N	36,308 (N/A[7], 36,308, 2022)	2,178	93.2
Family Phocidae (earless seals)						
Harbor Seal	*Phoca vitulina*	Washington Inland Hood Canal	-, -, N	UNK (UNK[8], UNK, 1999)	UND	0.2
		Washington Inland Southern Puget Sound	-, -, N	UNK (UNK[8], UNK, 1999)	UND	3.4
		Washington Northern Inland Waters	-, -, N	UNK (UNK[8], UNK, 1999)	UND	9.8
Northern Elephant Seal	*Mirounga angustirostris*	California Breeding	-, -, N	194,907 (N/A, 88,794, 2023)	5,328	11.2

[1]Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/*).

[2]Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3]NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*. CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

[4]These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.*, commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[5]According to Curtis *et al.* (2025), the probability that whales encountered in the Salish Sea are from the ESA-listed Central America DPS (Central America/Southern Mexico stock) is 4.3 percent. As such no take of this stock is proposed for authorization.

[6]Nest is based upon count of individuals identified from photo-ID catalogs in analysis of a subset of data from 1958 to 2018.

[7]Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.

[8]Abundance estimates are greater than 8 years old, so stock abundance is considered unknown. Pearson *et al.*, 2024 estimates the population abundance of the Washington Northern Inland Waters stock of harbor seal to be 15,898, the Washington Inland Southern Puget Sound stock of harbor seal to be 2,529, and the population abundance of the Hood Canal stock of harbor seal to be 2,832.

BILLING CODE 3510–22–C

As indicated above, all 10 species (with 15 managed stocks) in table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur.

In addition to what is included in sections 3 and 4 of the IHA application, and NMFS' website (*https://www.fisheries.noaa.gov/find-species*), further detail informing the regional occurrence for select species of particularly or unique vulnerability (*i.e.,* information regarding ESA listed or MMPA depleted species, information regarding current Unusual Mortality Events (UMEs) and known important habitat areas such as Biologically Important Areas (BIAs) (Calambokidis *et al.,* 2024) and critical habitat is provided below.

Humpback Whale

Generally, humpback whales are considered common in the Puget Sound, though the greatest density sightings are off the south end of Vancouver Island in the Strait of Juan de Fuca (Olsen *et al.,* 2024). Marine mammal monitoring data collected by Protected Species Observers (PSOs) and local research groups contribute to our understanding of local occurrence of humpback whales near the three naval installations included in this project. At NBK Bangor, PSOs were on site observing marine mammals during Navy construction projects associated with four monitoring periods: 15 days between August 10, 2023 and September 26, 2023 (Callaghan *et al.,* 2024); 32 days between October 19, 2021 and January 14, 2022 (DoN, 2022); 14 days between August 4, 2021 and October 11, 2021 (Hamer Environmental, 2021); and 95 days between July 16, 2020 and January 13, 2021 (DoN, 2021); No humpback whales were observed. Additionally, PSOs were on site at NBK Manchester observing marine mammals during a Navy construction project on 11 days between September 28, 2021 and December 10, 2021. No humpback whales were observed (Sandoval and Johnson, 2022). The Navy has not conducted PSO monitoring at NS Everett. However, the Washington State Department of Transportation employed PSOs during construction associated with a multi-year Mukilteo Multimodal Construction Project, located 6 km to the south of NS Everett (90 FR 31965; July 16, 2025). PSOs were located at Mukilteo, on the Mukilteo-Clinton ferry, and at additional locations on Whidbey Island, Camano Island, and north of NS Everett, and monitored for 169 days 2015 and 2021, between the months of August and February (90 FR 31965; July 16, 2025). A single humpback whale was observed by PSOs on two occasions. Additionally, in February 2026, the Navy provided the NMFS Office of Protected Resources (OPR) with marine mammal observation data collected by The Whale Museum from Blake Island (approximately 3 km from NBK Manchester between August 2022 and July 2024). These data are consistent with the understanding that humpback whales in Puget Sound are most often observed alone, and less frequently in groups of 2 or 3.

The number of humpback whales potentially present near any of the three naval installations over the project time period is expected to be low in any month.

Within the project area, three humpback whale stocks may occur: The Central America/Southern Mexico—CA-OR-WA stock, which corresponds with the Central America DPS (found all along the west coast, but most common off California and Oregon; the Central America DPS is listed as endangered under the ESA); the Mainland Mexico—CA-OR-WA stock, which corresponds with the Mexico DPS (found all along the west coast; the Mexico DPS is listed as threatened under the ESA), and the Hawaii stock, which corresponds with the Hawaii DPS (found predominately off Washington and southern British Columbia; the Hawaii DPS is not listed under the ESA). According to Curtis *et al.* (2025), the probability that whales encountered in the Salish Sea are as follows: Central America DPS (Central America/Southern Mexico stock) (4.3 percent); Mexico DPS (Mainland Mexico—Oregon/California/Oregon stock) (45.7 percent); Hawaii DPS (Hawai'i stock) (50 percent).

Gray Whale

During migration from Mexico to the Arctic, a subpopulation of the Eastern North Pacific stock of gray whales, commonly referred to as the Pacific Coast Feeding Group (PCFG), stops and feeds along the coasts of Oregon and Washington including the Northern Puget Sound (Calambokidis *et al.,* 2024). A subgroup of the PCFG that feed in the Puget Sound, recently termed as ''Sounders'' gray whales occurs in highest concentrations on the Southern ends of Whidbey and Camano Islands in the North Puget Sound (Calambokidis *et al.,* 2024). This area corresponds to a BIA for feeding gray whales (Calambokidis *et al.,* 2024). This area is adjacent to NS Everett, but the timeframe that the BIA is active (February to June) only minimally overlaps with the planned project period at NS Everett (July 15–February 15).

In October 2020, PSOs reported four sightings of a single gray whale near NBK Bangor during construction associated with the Pier Extension Project (DoN, 2021; DoN, 2022). Gray whales were not observed during monitoring efforts associated with other projects occurring at relevant Navy installations in Puget Sound (Callaghan *et al.,* 2024; Hamer Environmental,

2021; Sandoval and Johnson, 2022). However, a single gray whale was observed on two occasions by PSOs employed by the Washington Department of Transportation (WSDOT) during the Mukilteo Multimodal Project, 6 km to the south of NS Everett (90 FR 31965; July 16, 2025). Additionally, WSDOT has preliminarily reported that at least three gray whales were spotted during monitoring efforts completed at this location in February 2026 (A. Stutes, WSDOT, personal communication, 2026). Finally, all gray whale sightings reported by The Whale Museum between August 2022 and July 2024 from Blake Island (data provided by the Navy), were of solitary animals.

Between 2019 and 2023, there was a UME for gray whales occurring along the West Coast from Mexico through Alaska. While most of the strandings associated with this UME were documented along Washington's Pacific coast, 14 gray whale strandings were reported in inland waters between February and July, 2 of which were reported in Possession Sount near NS Everett (May 2019 and April 2020) and 2 to the north of NS Everett to the east and west of Camano Island (April 2021 and March 2022); other observations of single stranded gray whales were reported at the mouth of Hood Canal (May 2019), south of Whidby Island (May 2019), near Bainbridge Island (May 2020), in Sinclair Inlet (March 2021), and near Seattle (April 2019). There were also four gray whale strandings reported in the southern portion of Puget Sound to the southwest of Tacoma Narrows Bridge.

While no gray whale UMEs are currently active, Cascadia Research is actively monitoring high numbers of stranded gray whales along the Washington Coast and in Puget Sound this year (2026). As of July 21, 2026, 30 stranded gray whales have been reported in these waters, with malnutrition commonly documented. At least ten whales also had blunt force trauma consistent with vessel collision and one had recent evidence of entanglement (Cascadia Research Collective, *https://cascadiaresearch.org/working-list-of-gray-whale-strandings-in-2026/,* retrieved July 21, 2026).

Gray whales are expected to occur in the waters surrounding all three installations primarily from February through June when most in-water construction will not occur.

Minke Whale

Minke whales are reported in Washington inland waters year-round, although few are reported in the winter (Calambokidis and Baird, 1994), and are relatively rare in Puget Sound. Minke whales were not observed during monitoring efforts associated with projects occurring at relevant Navy installations in Puget Sound (Callaghan *et al.,* 2024; Hamer Environmental, 2021; Sandoval and Johnson, 2022; DoN, 2022; DoN, 2021). Additionally, no minke whales were observed by PSOs during WSDOT's Mukilteo Multimodal Project (90 FR 31965; July 16, 2025). However, a minke whale was reported near the project area by the Pacific Whale Watching Foundation in 2022 (Gless and Krieger, 2023). Additionally, based on the marine mammal observation data collected by The Whale Museum between August 2022 and July 2024 from Blake Island (provided by the Navy), a total of 2 sightings of single minke whales were reported over this 2-year period.

Killer Whale

Transient Killer Whale

West coast transient killer whales are documented intermittently year-round in Washington inland waters. While no transient killer whales were observed by PSOs monitoring during the Navy's construction at NBK Bangor in 2023, one group of five was observed by PSOs in 2022 (DoN 2022) and four groups of six or seven individuals were observed by PSOs in 2021 (DoN, 2021). PSOs monitoring during other Navy construction projects at relevant installations did not report observations of transient killer whales (Sandoval and Johnson, 2022). Transient killer whales are occasionally observed transiting through Rich Passage near NBK Manchester and in Possession Sound near NS Everett (Orca Network, 2026). In 2022, transient killer whales were observed in Possession Sound near NS Everett. Additionally, PSOs monitoring during WSDOT's Mukilteo multi-modal project reported 11 sightings of killer whales across 169 monitoring days between 2015 and 2021 (90 FR 31965, July 16, 2025). The mean pod size was four and the maximum pod size reported by PSOs was eight. The Whale Museum's data (provided by the Navy) indicate an average pod size of four as well.

Southern Resident Killer Whale

The southern resident killer whale (SRKW) stock contains three pods (J, K, and L pods), with pod sizes ranging from approximately 15 (in K pod) to 34 (in L pod) individuals (Orca Network, 2026). SRKWs are documented intermittently year-round in Washington inland waters (Olsen *et al.,* 2018, Olsen *et al.,* 2024), but their occurrence depends on prey abundance.

In 2006, NMFS designated critical habitat under the ESA for the SRKWs in inland waters of Washington State (71 FR 69054; November 29, 2006). The designated critical habitat consists of three areas: (1) summer core area in Haro Strait and waters around the San Juan Islands; (2) Puget Sound; and (3) Strait of Juan de Fuca. The essential features for conservation of the habitat are: (1) water quality to support growth and development; (2) prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth; and (3) passage conditions to allow for migration, resting, and foraging. On August 2, 2021 (86 FR 41668), NOAA Fisheries published a final rule to revise the critical habitat designation for SRKWs, maintaining the previously designated critical habitat in inland waters of Washington and expanding it to include certain coastal waters off Washington, Oregon, and California.

SRKWs are expected to occur occasionally in the waters surrounding all of the installations relevant to this project except those in Hood Canal (NBK Bangor), where they have not been reported since 1995 (NMFS, 2006). This corresponds to the Puget Sound segment of the designated critical habitat for SRKW, which is defined as the area south of the Deception Pass Bridge, west of the entrance to Admiralty Inlet, and north of the Hood Canal Bridge. It also corresponds to a BIA for the species, which was developed based on the aforementioned critical habitat boundaries (Calambokidis *et al.,* 2024). Although NS Everett and NBK Manchester fall within this area, these naval installations are excluded from the Puget Sound segment of the designated Critical Habitat. These areas do contain the aforementioned essential features, but we note that water quality and habitat for prey species is generally degraded in the vicinity of these industrial environments relative to other areas containing the essential features that may be less impacted (see Potential Effects of Specified Activities on Marine Mammals and their Habitat section).

SRKWs were not observed by PSOs monitoring during previous construction activities at NBK Manchester (Sandoval and Johnson, 2021) or NBK Bangor (Callaghan *et al.,* 2024; DoN, 2021; DoN, 2022; Hamer Environmental, 2021). However, during the WSDOT's Multimodal Construction Project, PSOs located at the project site, on the Mukilteo-Clinton ferry, and at additional locations on Whidbey Island,

Camano Island, and north of NS Everett, reported a total of 28 SRKWs in 6 groups (average group size of 5), across 169 days between 2015 and 2021, all within the same project year (90 FR 31965; July 16, 2025). Additionally, the Whale Museum's data, provided by the Navy, reported 2 observations of SRKWs in groups of 10 each.

Dall's Porpoise

Within the inland waters of Washington and British Columbia, this species is most abundant in the Strait of Juan de Fuca east to the San Juan Islands (Nyswander *et al.,* 2005). Dall's porpoises may be most abundant in Puget Sound during the winter (Nysewander *et al.,* 2005; Washington Department of Fish and Wildlife (WDFW) 2007). While sightings appear to be decreasing (Evenson *et al.,* 2016), Dall's porpoises may occur in all areas of inland Washington at all times of year, but with different distributions throughout Puget Sound from winter to summer.

Dall's porpoises were not observed during monitoring efforts associated with projects occurring at relevant Navy installations in Puget Sound (Callaghan *et al.,* 2024; Hamer Environmental, 2021; Sandoval and Johnson, 2022; DoN, 2022, DoN, 2021). A total of two Dall's porpoises were observed by PSOs during the WSDOT's Mukilteo Multimodal Project from the Mukilteo—Clinton Ferry monitoring location (90 FR 31965, July 16, 2025).

Harbor Porpoise

Harbor porpoises are known to occur year-round in the inland trans-boundary waters of Washington and British Columbia, Canada and along the Oregon/Washington coast (Barlow *et al.,* 1988). There was a significant decline in harbor porpoise sightings within southern Puget Sound between the 1940s and 1990s but sightings have increased seasonally more recently (Carretta *et al.,* 2019). Annual winter aerial surveys conducted by the WDFW from 1995 to 2015 revealed an increasing trend in harbor porpoise in Washington inland waters, including the return of harbor porpoises to Puget Sound. The data suggest that harbor porpoises were already present in Juan de Fuca, Georgia Straits, and the San Juan Islands from the mid-1990s to mid-2000s, and then expanded into Puget Sound and Hood Canal from the mid-2000s to 2015, areas they had used historically but abandoned (Evenson *et al.,* 2016).

At NBK Bangor, PSOs associated with a service pier extension project observed harbor porpoise each month during the 2020–2021 monitoring period, with peak numbers recorded in August (DoN, 2021). During this time, a total of 420 harbor porpoise sightings were reported, with a mean group size of 3.3 (DoN, 2021). A total of 12 groups of harbor porpoises were also observed during year 2 of this project, with a mean group size of 3.4 (DoN, 2022); Finally, four groups of two to four harbor porpoise were reported during monitoring for construction at EHW–1 in 2023 (Callaghan *et al.,* 2024). No harbor porpoise sightings were reported during monitoring conducted during construction at EHW–1 in 2021 (Hamer, 2021).

At NBK Manchester, a total of six groups of one to six harbor porpoises were detected by PSOs, with a mean group size of 2.7 (Sandoval and Johnson, 2022).

Between 194 and 214 harbor porpoises were observed by PSOs during WSDOT's Mukilteo Multimodal Project, for an average daily occurrence of 1.3 harbor porpoises and average group size of 2 (90 FR 31965; July 16, 2025).

California Sea Lion

Only male California sea lions migrate into Pacific Northwest waters, with females remaining in waters near their breeding rookeries off the coast of California and Mexico. They use haul-out sites along the outer coast, Strait of Juan de Fuca, and in Puget Sound. Haul-out sites are located on jetties, offshore rocks and islands, log booms, marina docks, and navigation buoys. This species also may be frequently seen resting in the water, rafted together in groups in Puget Sound.

In Washington inland waters, California sea lions are typically present most of the year though occurrence is low in mid-June through August, as most California sea lions would be returning to rookeries in California waters (Navy, 2025). As described below, surveys at the naval installations indicate that a few individuals remain year-round (Navy, 2025).

The Navy conducts surveys at its installations in Puget Sound that have sea lion haulouts. Specifically, of the project relevant to naval installations, California sea lion haulouts occur at NBK Bangor and NS Everett (though California sea lions may haul out opportunistically at any location).

California sea lions have been documented during shore-based surveys at NBK Bangor in Hood Canal since 2008 in all months, with as many as 320 individuals observed at one time (October 2018) hauled out on submarines at Delta Pier and on Port Security Barrier (PSB) floats (Navy, 2025). Since 2020, during these surveys, the monthly average daily occurrence of California sea lions reported at Bangor during the project period months (July–January) is 35 animals (Navy, 2025). Additionally, California sea lions were observed by PSOs consistently at NBK Bangor during Navy construction projects: 2 California sea lions were observed across 15 days between August and September 2023 (Callaghan *et al.,* 2024); 557 California Sea Lions were observed across 95 days between July 2020 and January 2021 (DoN, 2021); 57 were observed across 32 days between October 2021 and January 2022 (DoN, 2022); 44 California Sea Lions were observed across 14 days between August 2021 and October 2021 (Hamer Environmental, 2021). The nearest haulout from Olympic Pier is 150 m and the nearest haul-out from EHW–1 is approximately 500 m.

California sea lions have been documented during the Navy's shore-based surveys at NS Everett from 2014 to 2025 in all survey months, with as many as 267 individuals hauled out at one time (April 2020) on PSB floats (Navy, 2025). In 2020, the Navy's survey effort increased to include pinniped counts within the entire East Waterway. Since 2020, during these surveys, the monthly average daily occurrence of California sea lions reported at Everett during the project period months (July–February) is 35 animals and the maximum count documented at one time was 225 individuals (Navy, 2025).

At NBK Manchester, a float that had been regularly used as a main haulout area for California or Steller sea lions was removed in 2018, leading to a large decrease in sea lion numbers in the vicinity of Manchester Fuel Depot. Other floats have periodically been introduced and utilized by California sea lions since then (including the large main float that was reinstalled in 2021), making the number of California sea lions observed in the vicinity of NBK Manchester highly variable. As of May 2023 (approximate date of a float removal), there have been no available floats nearby for California sea lions to haul out on, though one buoy remains that can support a maximum of four California sea lions at a time. Since 2023, during these surveys, the monthly average daily occurrence of California sea lions reported at Manchester during the project period months (July–February) is 6 animals and the maximum count at one time was 92 (Navy, 2025).

California sea lions were observed consistently at NBK Manchester during Navy construction projects. A total of

276 individuals were reported across 137 sightings, with a mean of 2 individuals per group (group sizes ranged from 1 to 12 animals).

Steller Sea Lion

Steller sea lions use haul-out locations in Puget Sound, and may occur at the same haulouts as California sea lions. Steller sea lions have been seasonally documented (September through April) in shore-based surveys at NBK Bangor in Hood Canal since 2008 (Navy, 2025). Since 2020, during these surveys, the monthly average daily occurrence of Steller sea lions reported at Bangor during project period months (July–January) was two animals and the mean monthly maximum documented at one time was four animals. Steller sea lions were not observed at NBK Bangor during construction occurring on 14 days between August and October 2021 (Hamer Environmental, 2021), or on 32 construction days between October and January (DoN, 2022). However, 13 Steller sea lions were observed by PSOs across 15 days in August and September 2023 (Callaghan *et al.,* 2024), and 87 Steller sea lions were observed across 95 days between July and January 2021 (DoN, 2021).

At NS Everett, Steller sea lions have rarely been detected during the Navy's shore-based surveys conducted since July 2012. However, occasional observations have been reported from the PSB or in the Notch Basin, generally one at a time (Navy, 2025). Other than these detections on the installation's PSBs, the nearest known Steller sea lion haulout is 14 mi (23 km) away. The average daily occurrence of Steller sea lions observed by PSOs during WSDOT's Mukilteo Multimodal Project (169 days of monitoring between 2015 and 2021), was 0.25, suggesting an occasional occurrence of this species in the vicinity of the project site (90 FR 31965; July 16, 2025).

As discussed above, in 2018, a float was removed that was regularly used as the main haulout area for sea lions, leading to a large decrease in the sea lions' numbers reported in the vicinity of NBK Manchester. As of May 2023, there have been no available floats for sea lions to haul out on, though one buoy remains, primarily used by California sea lions. Since 2023, during these surveys, the monthly average daily occurrence of Steller sea lions reported at Manchester during the project period months (July–February) is four animals and the maximum count at one time was seven (Navy, 2025).

Additionally, Steller sea lions were observed consistently at NBK Manchester during Navy construction projects. A total of three individuals were reported across three sightings, for a mean of one individual per sighting.

Harbor Seal

Harbor seals are the most common pinniped that breed and remain in the inland marine waters of Washington year-round (Calambokidis and Baird 1994a). Harbor seals haul out on rocks, reefs and beaches, and feed in marine, estuarine and occasionally fresh waters. Harbor seals display strong fidelity for haul-out sites (Pitcher and McAllister, 1981).

Harbor seals are expected to occur year-round at all installations with the greatest numbers expected at installations with nearby haulout sites. In Hood Canal, where NBK Bangor is located, known haulouts occur on the west side of Hood Canal at the mouth of the Dosewallips River and on the western and northern shorelines in Dabob Bay located approximately 8.1 mi (13 km) and 2.3 mi (3.7 km) away from the Navy's installation, respectively. Telemetry data from harbor seals tagged by the Navy and the WDFW show most animals occurring in this area, with a smaller proportion of animals moving in and out of the NBK Bangor project area (P. Thorson, Navy, personal communication, 2026). Small numbers of harbor seals have been documented hauling out opportunistically at NBK Bangor (*e.g.,* on manmade floating structures at Marginal Wharf, EHW–2, and on Carderock Pier (Navy, 2025). Between 2020 and 2025, a daily average of 7 harbor seals were observed during months corresponding to the project period (July–January), while the largest number of harbor seals observed in a single survey was 43 individuals (in September 2024) (Navy, 2025). Harbor seals were routinely seen during marine mammal monitoring for the Navy's recent construction projects at this site, primarily in groups of one or two, with daily average individuals observed ranging from two to 18 depending on the project (Callaghan *et al.,* 2024; DoN, 2021; DoN, 2022; Hamer Environmental, 2021). Mother and pup pairs are occasionally observed throughout the pupping season each year, which spans from August to October (Navy, 2025).

Harbor seals occupy the waters and haulout sites near NS Everett year-round. According to the Navy, mother-pup pairs have been observed at NS Everett each summer since 2018. Navy shore-based surveys were conducted regularly at this site between 2012 and 2016, and again beginning in 2019, at which point surveys were expanded to include the entire East Waterway. However, log rafts were removed from the East Waterway in the spring of 2022. Since then, the largest number of harbor seals observed at NS Everett was 788 in October 2023. The Navy documented an average of 213 harbor seals hauled out at NS Everett in 2024 (Navy, 2025). Additionally, PSOs monitoring for marine mammals during the WSDOT Mukilteo Multimodal Project reported a daily average of 21 harbor seals (90 FR 31965; July 16, 2025).

No haulouts have been identified at NBK Manchester. Single harbor seals have been observed swimming in these areas or hauled out on nearby rocks or on floats. The nearest documented haulout to NBK Manchester is Orchard Rocks Conservation Area in Rich Passage, approximately 1.0 mi (1.8 km) away. The Navy began surveying this area in June 2020, which has led to a dramatic increase in the number of harbor seals observed in proximity to NBK Manchester Fuel Depot. Since 2020, during these surveys, the monthly average daily occurrence of harbor seals reported at Manchester during the project period months (July–February) is 13 animals and the maximum count at one time was 138 (Navy, 2025). PSOs also observed a total of 103 harbor seals with a mean group size of 1.3 (groups ranging from 1 to 13 individuals) across 11 monitoring days between September and December 2021 at this installation (Sandoval and Johnson, 2021).

Northern Elephant Seal

The occurrence of elephant seals in Puget Sound is unpredictable. No regular haulouts exist in Puget Sound with the exception of individual elephant seals occasionally hauling out for 2 to 4 weeks to molt, usually during the spring and summer and typically on sandy beaches (Calambokidis and Baird, 1994). These animals are usually yearlings or subadults and their haul-out locations are unpredictable. However, a female elephant seal has been reported hauled out in Mutiny Bay on Whidbey Island periodically since 2010. She was observed alone for her first three visits to the area, but in March 2015, she was seen with a pup. Since then, she has produced three more pups between 2018 and 2021 (Orca Network, 2025). Northern elephant seals generally give birth in January but this individual has repeatedly given birth in March. She typically returns to Mutiny Bay (not included in the ensonified area) in April and May to molt (when project activities are not planned). Her pups have also repeatedly returned to haul out on nearby beaches and one has also had a pup (Orca Network 2025).

A northern elephant seal was observed north of NBK Bangor in Hood Canal, from Kitsap Memorial Park in August 2020 (DoN, 2021). Additionally, across 169 monitoring days between 2015 and 2021, one to two northern elephant seals were observed by PSOs during the WSDOT Mukilteo Multimodal Project from the New Mukilteo Ferry Terminal monitoring location (90 FR 31965; July 16, 2025). Northern elephant seals were not observed by PSOs during the Navy's other construction activities occurring at NBK Bangor (Hamer Environmental, 2021; DoN, 2022) or NBK Manchester (Sandoval and Johnson, 2021).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities or hear over the same frequency range (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2018, 2024) described generalized hearing ranges for these marine mammal hearing groups (table 3). Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019).

Table 3 -- Marine Mammal Hearing Groups (NMFS, 2024)

Hearing Group	Generalized Hearing Range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia*, river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*)	200 Hz to 165 kHz
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more details concerning these groups and associated generalized hearing ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section discusses how components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by the specified activities. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Acoustic effects on marine mammals during the specified activities could occur from vibratory pile installation and removal, and impact pile driving. The effects of underwater noise from the Navy's proposed activities have the potential to result in Level B harassment of marine mammals in the project area and, for some species as a result of impact pile driving at two installations, Level A harassment.

Across three locations in Puget Sound, Washington, the proposed activities would result in the removal of approximately 234 steel or concrete piles with diameters of 12, 14, and 24-in, and installation of approximately 233 concrete or steel piles with diameters of 18, 20, 24, and 30-in. There are a variety of types and degrees of effects on marine mammals and their habitat (including prey) that could occur as a result of the specified activities. Below we provide a brief description of the types of sound generated by specified activities, the general impacts on marine mammals and their habitat from these types of activities, and a related project-specific analysis with consideration of the proposed mitigation measures.

Description of Sound Sources for the Specified Activities

Activities associated with the project that have the potential to incidentally take marine mammals through exposure to sound would include vibratory pile

driving and removal and impact pile driving during marine structure maintenance and pile replacement.

Impact hammers typically operate by repeatedly dropping and/or pushing a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is impulsive, characterized by rapid rise times and high peak sound pressure levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the substrate, and extract piles by using vibration to break the sediment friction and allow a crane to pull the piles out. Vibratory hammers typically produce less sound (*i.e.,* lower sound pressure levels) than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009; California Department of Transportation (CALTRANS), 2015, 2020). Sounds produced by vibratory hammers are non-impulsive; compared to sounds produced by impact hammers, they have a slower rise time, reducing the probability and severity of injury, and the sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

The likely or possible impacts of the Navy's proposed activities on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; should any animals occur near the project site(s) close enough to be harassed due to the presence of equipment or personnel, we expect they would have already traveled through the Level B and/or Level A harassment zones for the specified in-water activities and, thus, would already be considered taken by acoustic impacts. Therefore, any impacts to marine mammals are expected to be primarily acoustic in nature.

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal is the primary means by which marine mammals may be harassed from the Navy's specified activity. Anthropogenic sounds span a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life from none or minor to potentially severe responses depending on received levels, duration of exposure, behavioral context, and various other factors. Broadly, underwater sound from active acoustic sources, such as those in the Project, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Götz *et al.,* 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of impact and vibratory pile driving and removal are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007; Tal *et al.,* 2015). The Project activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), signal characteristics, the species, age, and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004; Southall *et al.,* 2007). In general, sudden, high-intensity sounds can cause hearing loss as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively for noise within an animal's hearing range. We describe below the specific manifestations of acoustic effects that may occur based on the activities proposed by the Navy.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur in relation to distance from a source and assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. The third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

Below, we provide additional details regarding potential impacts on marine mammals and their habitat from noise in general, starting with hearing impairment, as well as from the specific activities the Navy plans to conduct, to the degree it is available.

Hearing Threshold Shifts. NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018, 2024). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024) there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal; *e.g.,* Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Auditory Injury (AUD INJ)—NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser, 2021). AUD INJ may or may

not result in a permanent threshold shift (PTS). PTS is subsequently defined as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has some level of hearing loss at the relevant frequencies; typically, animals with PTS or other AUD INJ are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB threshold shift approximates AUD INJ onset (see Ward *et al.,* 1958, 1959; Ward, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Kastak *et al.,* 2008), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024), and is not considered an AUD INJ. Based on data from marine mammal TTS measurements (see Southall *et al.,* 2007, 2019), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.,* 2000, 2002; Schlundt *et al.,* 2000). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with the 24-hour cumulative sound exposure level (SEL_{24}) in an accelerating fashion: at low exposures with lower SEL_{24}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{24}, the growth curves become steeper and approach linear relationships with the sound exposure level (SEL).

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to more impactful (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more severe impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS) (Finneran, 2015). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocoena asiaeorientalis*) (Southall *et al.,* 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, northern elephant seals, bearded seals (*Erignathus barbatus*) and California sea lions (Kastak *et al.,* 1999, 2007; Kastelein *et al.,* 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.,* 2019; Sills *et al.,* 2020). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds below the region of best sensitivity for a species or hearing group are less hazardous than those near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2019a, 2019c). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.,* 2009; Finneran *et al.,* 2010; Kastelein *et al.,* 2014, 2015). This means that TTS predictions based on the total SEL_{24} will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle-ear structures and placement of inner-ear structures (Ketten *et al.,* 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2024). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.,* a 40-dB threshold shift approximates AUD INJ onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall

et al., 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and AUD INJ cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Behavioral Effects. Exposure to noise also has the potential to behaviorally disturb marine mammals to a level that rises to the definition of harassment under the MMPA. Generally speaking, NMFS considers a behavioral disturbance that rises to the level of harassment under the MMPA a non-minor response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); and avoidance of areas where sound sources are located. In addition, pinnipeds may increase their haulout time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006).

Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007, 2019; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016) for reviews of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2004). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than a general moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads an animal to subsequently respond, at a lower level of exposure, often in the form of avoidance.

As noted above, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; National Research Council (NRC), 2005). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud pulsed sound sources (*e.g.,* seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.,* 1995; Morton and Symonds, 2002; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal (*e.g.,* Erbe *et al.,* 2019). If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. If a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Avoidance and displacement. Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a, 2013b; Blair *et al.,* 2016). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. Acoustic and movement bio-logging tools also have been used in some cases to infer responses to anthropogenic noise. For example, Blair *et al.* (2015) reported significant effects on humpback whale foraging behavior in Stellwagen Bank in response to ship noise including slower descent rates, and fewer side-rolling events per dive with increasing ship nose. In addition, Wisniewska *et al.* (2018) reported that tagged harbor porpoises demonstrated fewer prey capture attempts when encountering occasional high-noise levels resulting from vessel noise as well as more vigorous fluking, interrupted foraging, and cessation of echolocation signals observed in response to some high-noise vessel passes. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences

would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Respiration rates vary naturally with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001; 2005; 2006; Gailey *et al.,* 2007). For example, harbor porpoise respiration rates increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB re 1 µPa; SEL of a single strike (SEL_{ss}): 127 dB re 1 μPa^2-s) (Kastelein *et al.,* 2013).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Harbor porpoises, Atlantic white-sided dolphins (*Lagenorhynchus actusus*), and minke whales have demonstrated avoidance in response to vessels during line transect surveys (Palka and Hammond, 2001). In addition, beluga whales in the St. Lawrence Estuary in Canada have been reported to increase levels of avoidance with increased boat presence by way of increased dive durations and swim speeds, decreased surfacing intervals, and by bunching together into groups (Blane and Jaakson, 1994). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold, 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996; Bowers *et al.,* 2018). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (England *et al.,* 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fishes and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive (*i.e.,* meaningful) behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

During the Navy's previous pile driving activities at NBK Bangor (Callaghan et al., 2024; Hamer 2021; DON 2022; DON 2021) and NBK Manchester (Sandoval and Johnson, 2022), harbor seals were most commonly observed traveling, swimming, or diving, though some behaviors recorded during pile driving activities indicated that harbor seals were aware of the construction, such as less foraging reported and looking at the construction site or startling. Likewise, California sea lions were observed traveling and swimming during pile driving activities, but occasionally were observed porpoising or breaching. Harbor porpoises were observed traveling, milling, and/or porpoising.

Physiological stress responses. An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Selye, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not

normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Ayres *et al.,* 2012; Yang *et al.,* 2022). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. In addition, Lemos *et al.* (2022) observed a correlation between higher levels of fecal glucocorticoid metabolite concentrations (indicative of a stress response) and vessel traffic in gray whales. Yang *et al.* (2022) studied behavioral and physiological responses in captive bottlenose dolphins exposed to playbacks of ''pile-driving-like'' impulsive sounds, finding significant changes in cortisol and other physiological indicators but only minor behavioral changes. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar construction projects.

Vocalizations and Auditory Masking. Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.,* 2007; Clark *et al.,* 2009; Hatch *et al.,* 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.,* 2009). Acoustic masking is when other noises such as from human sources interfere with an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions (Hotchkin and Parks, 2013).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003) or vocalizations (Foote *et al.,* 2004), respectively, while North Atlantic right whales (*Eubalaena glacialis*) have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). Fin whales (*Balaenoptera physalus*) have also been documented lowering the bandwidth, peak frequency, and center frequency of their vocalizations under increased levels of background noise from large vessels (Castellote *et al.,* 2012). Other alterations to communication signals have also been observed. For example, gray whales, in response to playback experiments exposing them to vessel noise, have been observed increasing their vocalization rate and producing louder signals at times of increased outboard engine noise (Dahlheim and Castellote, 2016). Alternatively, in some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994; Wisniewska *et al.,* 2018).

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is human-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect (though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2010; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors, including modifications of the acoustic properties of the signal or the signaling behavior (Hotchkin and Parks, 2013). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by

marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking occurs in the frequency band that the animals utilize, and is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. Energy distribution of vibratory pile driving sound spans a broad frequency spectrum, and is anticipated to be within the audible range of marine mammals present in the proposed action area. Since noises generated from the proposed construction activities are mostly concentrated at low frequencies (<2 kHz), these activities likely have less effect on mid-frequency echolocation sounds produced by odontocetes (toothed whales). However, lower frequency noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. Low-frequency noise may also affect communication signals when they occur near the frequency band for noise and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Holt *et al.,* 2009). Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, in addition to individual levels. Masking affects both senders and receivers of the signals, and at higher levels for longer durations, could have long-term chronic effects on marine mammal species and populations. However, the noise generated by the Navy's proposed activities will only occur intermittently, across an estimated 227 days (and no more than 128 days at a single location) during the authorization period in a relatively small area focused around the proposed construction site. Thus, while the Navy's proposed activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

Airborne Acoustic Effects

Pinnipeds that occur near the project site could be exposed to airborne sounds associated with construction activities that have the potential to cause behavioral harassment, depending on their distance from these activities. Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above airborne acoustic harassment criteria. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA. Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would likely previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are generally larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of additional incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further.

Potential Effects on Marine Mammal Habitat

The Navy's proposed activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs. Increased noise levels may affect acoustic habitat and adversely affect marine mammal prey in the vicinity of the project areas (see discussion below). Elevated levels of underwater noise would ensonify the project areas where both fishes and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during the proposed construction activities; however, any displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations.

The total area likely impacted by the Navy's activities is relatively small compared to the available habitat in Puget Sound. Avoidance by potential prey (*i.e.,* fish) of the immediate area due to increased noise is possible. The duration of fish and marine mammal avoidance of this area after [activity *e.g.,* tugging] stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. Any behavioral avoidance by fish or marine mammals of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

The proposed project would occur within the same footprint as existing marine infrastructure. The nearshore and intertidal habitat where the proposed project would occur is an area of relatively high marine vessel traffic. Most marine mammals do not generally use the area within the footprint of the project area. Temporary, intermittent, and short-term habitat alteration may result from increased noise levels during the proposed construction activities. Effects on marine mammal habitat would be limited to temporary pile installation and removal noise, and effects on prey species would be similarly limited in time and space.

Water quality. Temporary and localized reduction in water quality would occur as a result of in-water construction activities. Most of this effect would occur during the installation and removal of piles when bottom sediments are disturbed. The installation and removal of piles would disturb bottom sediments and may cause a temporary increase in suspended sediment in the project area. During pile extraction, sediment attached to the pile moves vertically through the water column until gravitational forces cause it to slough off under its own weight. The small resulting sediment plume is expected to settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects to turbidity and sedimentation are expected to be short-term, minor, and localized. Since the currents are so strong in the area, following the completion of sediment-disturbing activities, suspended sediments in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, turbidity plumes associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area

likely impacted by the proposed construction activities is relatively small compared to the available marine mammal habitat in Puget Sound.

Potential Effects on Prey. Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fishes, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well documented. Studies regarding the effects of noise on known marine mammal prey are described here.

Fishes utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.,* Zelick *et al.,* 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.,* 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds that are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fishes (*e.g.,* Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Fewtrell and McCauley, 2012; Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Paxton *et al.,* 2017). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Peña *et al.,* 2013; Wardle *et al.,* 2001; Jorgenson and Gyselman, 2009; Cott *et al.,* 2012). More commonly, though, the impacts of noise on fishes are temporary.

SPLs of sufficient strength have been known to cause injury to fishes and fish mortality (summarized in Popper *et al.,* 2014). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4 to 6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.,* 2012a; Casper *et al.,* 2013, 2017).

Fish populations in the proposed project area that serve as marine mammal prey could be temporarily affected by noise from pile installation and removal. The frequency range in which fishes generally perceive underwater sounds is 50 to 2,000 Hz, with peak sensitivities below 800 Hz (Popper and Hastings, 2009). Fish behavior or distribution may change, especially with strong and/or intermittent sounds that could harm fishes. High underwater SPLs have been documented to alter behavior, cause hearing loss, and injure or kill individual fish by causing serious internal injury (Hastings and Popper, 2005).

Zooplankton is a food source for several marine mammal species, as well as a food source for fish that are then preyed upon by marine mammals. Population effects on zooplankton could have indirect effects on marine mammals. Data are limited on the effects of underwater sound on zooplankton species, particularly sound from construction (Erbe *et al.,* 2019). Popper and Hastings (2009) reviewed information on the effects of human-generated sound and concluded that no substantive data are available on whether the sound levels from pile driving, seismic activity, or any human-made sound would have physiological effects on invertebrates. Any such effects would be limited to the area very near (1 to 5 m) the sound source and would result in no population effects because of the relatively small area affected at any one time and the reproductive strategy of most zooplankton species (short generation, high fecundity, and very high natural mortality). No adverse impact on zooplankton populations is expected to occur from the specified activity due, in part, to large reproductive capacities and naturally high levels of predation and mortality of these populations. Any mortalities or impacts that might occur would be negligible.

The greatest potential impact to marine mammal prey during construction would occur during impact pile driving. However, the duration of impact pile driving would mostly be limited to the final stage of installation (''proofing'') after the pile has been driven as close as practicable to the design depth with a vibratory driver. In-water construction activities would only occur during daylight hours, allowing fish to forage and transit the project area in the evening. Impact pile driving and vibratory pile driving and removal would possibly elicit behavioral reactions from fishes such as temporary avoidance of the area but is unlikely to cause injuries to fishes or have persistent effects on local fish populations. Additionally, the proposed construction activity would avoid the spawning season of ESA-listed salmon species. Construction also would have minimal permanent and temporary impacts on benthic invertebrate species, a marine mammal prey source. In addition, it should be noted that the area in question is lower-quality habitat since it is already highly developed and experiences a high level of anthropogenic noise from normal operations and other vessel traffic.

Potential Effects on Foraging Habitat

The Navy's MPR program is not expected to result in any habitat-related effects that could cause significant or long-term negative consequences for individual marine mammals or their populations, since installation and removal of in-water piles would be temporary and intermittent. The total seafloor area affected by pile installation and removal is a very small area compared to the vast foraging area available to marine mammals outside this project area. Although Puget Sound in its entirety is listed as a BIA and critical habitat for SRKWs (71 FR 69054; November 29, 2006; Calambokidis *et al.,* 2024), the Navy facilities are excluded from designated critical habitat by national security exemption. However, none of the area near the proposed project area, including the excluded areas, contains high-value habitat; habitat for prey species is generally degraded in the vicinity of these industrial environments relative to other areas containing the essential features that may be less impacted. Additionally, although the area surrounding the NS Everett installation is designated as a

BIA for foraging gray whales (Calambokidis *et al.,* 2024), there is minimal temporal overlap with the project period and the time when the BIA is active (a couple weeks in February). At best, the areas impacted provide marginal foraging habitat for marine mammals and fishes. Furthermore, pile driving at the project locations would not obstruct movements or migration of marine mammals. The area impacted by the project is relatively small compared to the available habitat just outside the project area, and there are no areas of particular importance that would be impacted by this project. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. As described in the preceding, the potential for the Navy's construction to affect the availability of prey to marine mammals or to meaningfully impact the quality of physical or acoustic habitat is considered to be insignificant. Therefore, impacts of the project are not likely to have adverse effects on marine mammal foraging habitat in the proposed project area.

In summary, given the relatively small areas being affected, as well as the temporary and mostly transitory nature of the proposed construction activities, any adverse effects from the Navy's activities on prey habitat or prey populations are expected to be minor and temporary. The most likely impact to fishes at the project site would be temporary avoidance of the area. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we preliminarily conclude that impacts of the specified activities are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of 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).

Authorized takes would primarily be by Level B harassment, as use of the acoustic sources (*i.e.,* vibratory pile driving and removal, impact pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (AUD INJ) (Level A harassment) to result, primarily for very high frequency species, phocids, and otariids, because predicted AUD INJ zones are larger in comparison to the observability for some species. AUD INJ is unlikely to occur for mysticetes and high-frequency species. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007; Southall *et al.,* 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared sound pressure levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 µPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 µPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, estimates of take by Level B harassment based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

The Navy's proposed 2026 MPR project includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 µPa are applicable.

Level A harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five

different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Navy's proposed 2026 MPR project includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving and removal) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

Table 4 -- Thresholds Identifying the Onset of Auditory Injury

	AUD INJ Onset Acoustic Thresholds* (Received Level)	
Hearing Group	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1* $L_{pk,flat}$: 222 dB $L_{E,LF,24h}$: 183 dB	*Cell 2* $L_{E,LF,24h}$: 197 dB
High-Frequency (HF) Cetaceans	*Cell 3* $L_{pk,flat}$: 230 dB $L_{E,HF,24h}$: 193 dB	*Cell 4* $L_{E,HF,24h}$: 201 dB
Very High-Frequency (VHF) Cetaceans	*Cell 5* $L_{pk,flat}$: 202 dB $L_{E,VHF,24h}$: 159 dB	*Cell 6* $L_{E,VHF,24h}$: 181 dB
Phocid Pinnipeds (PW) (Underwater)	*Cell 7* $L_{pk,flat}$: 223 dB $L_{E,PW,24h}$: 183 dB	*Cell 8* $L_{E,PW,24h}$: 195 dB
Otariid Pinnipeds (OW) (Underwater)	*Cell 9* $L_{pk,flat}$: 230 dB $L_{E,OW,24h}$: 185 dB	*Cell 10* $L_{E,OW,24h}$: 199 dB

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 µPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* vibratory pile driving and removal, and impact pile driving).

Source levels for these activities are based on reviews of measurements of the same or similar pile types and dimensions of piles available in literature. Source levels used for each pile size and activity are presented in table 5. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

The Navy proposed to use bubble curtains when impact driving steel piles. For the reasons described in the next paragraph, we assume here that use of the bubble curtain would result in a reduction of 8 dB from the assumed SPL (rms), SPL (peak) and SEL source levels

for these pile sizes, and reduce the applied source levels accordingly.

During the 2023 study at NBK Bremerton, the Navy conducted comparative measurements of source levels when impact driving steel piles with and without a bubble curtain. Underwater sound levels were measured at two locations during the installation of one 24-in diameter steel pile and four 36-in steel piles. The bubble curtain used during the measurements reduced median peak sound levels by between 8 and 12 dB, median RMS sound levels by 10 and 12 dB, and median single strike SEL sound levels by 7 and 8 dB. The analysis included in a proposed rule for regulations (83 FR 9366, March 5, 2018) preceding two consecutive IHAs (89 FR 47593, June 3, 2026) that preceded this project as well as results from the NBK Bangor Trident Support Facilities Explosive Handling Wharf study (Crowser, 2013), are consistent with these findings. While proper set-up and operation of the system is critical, and variability in performance should be expected, we believe that in the circumstances evaluated here an effective attenuation performance of 8 dB is a reasonable assumption.

Table 5 -- Estimates of mean underwater sound levels generated during vibratory and impact pile installation and vibratory pile removal (unattenuated)

Method	Type	Size (in)	RMS	Peak	SEL	Attenuation to be applied	Reference
Impact	Concrete	24	174	188	164	N/A	Navy, 2015
	Steel	18	185	200	175	-8 dB[1]	Caltrans, 2020
		20	193	210	181	-8 dB[1]	Navy, 2015[2]
		30	195	216	186	-8 dB[1]	Navy, 2015
Vibratory Installation and Removal	Steel	12	155	N/A	N/A	N/A	Caltrans, 2015
		14 H	150	N/A	N/A	N/A	Caltrans, 2015
		18	161	N/A	N/A	N/A	Navy, 2015[3]
		20	161	N/A	N/A	N/A	Navy, 2015[3]
		24	161	N/A	N/A	N/A	Navy, 2015
		30	166	N/A	N/A	N/A	Navy, 2015
	Concrete	24	163	N/A	N/A	N/A	NAVFAC SW[4] 2022
	Casings	36	167	N/A	N/A	N/A	Navy, 2015

Note: dB peak = peak sound Level; rms = root mean square; SEL = sound exposure level

[1]Values modeled for impact driving of 18, 20 and 30-in steel piles will be reduced by 8 dB for noise exposure modeling to account for attenuation from a bubble curtain.

[2]The Navy uses sound levels estimated for impact pile driving of 24-in steel as proxy for this pile type.

[3] The Navy uses sound levels estimated for vibratory pile driving of 16 and 24-in steel as proxy for these pile types.

[4] The Navy uses sound levels estimated for vibratory pile driving of 20-in concrete as proxy for this pile type.

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater *TL* is:

$$TL = B \times \mathrm{Log10}\,(R_1/R_2)$$

Where:

TL = transmission loss in dB
B = transmission loss coefficient
R_1 = the distance of the modeled SPL from the driven pile, and
R_2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured *TL,* a practical spreading value of 15 is used as the *TL* coefficient in the above formula. Site-specific *TL* data for the Puget Sound and Hood Canal are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers a practical, alternative way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User Spreadsheet tool (table 6), and the resulting estimated isopleths (table 7), are reported below.

BILLING CODE 3510–22–P

Table 6 -- User Spreadsheet Input Parameters used for Calculating Level A harassment isopleths for pile driving and removal based on User Spreadsheet inputs Provided by the Navy

Location	Pile Size and Type	Spreadsheet tab used	Weighting factor adjustment	Piles per day	Duration to drive a single pile (minutes)	Strikes
Bangor						
Olympic Pier	24-in Concrete	A.1. Vibratory pile driving	2.5	2	10	N/A
EHW-1		A.1. Vibratory pile driving	2.5	3	10	N/A
Olympic Pier	20-in Steel	A.1. Vibratory pile driving	2.5	2	10	N/A
		E.1. Impact pile driving	2	2	N/A	500
EHW-1	30-in Steel	A.1. Vibratory pile driving	2.5	2	10	N/A
		E.1. Impact pile driving	2	2	1000	N/A
NS Everett						
Piers A, B, and South Wharf	12-in Steel	A.1. Vibratory pile driving	2.5	4	10	N/A
	18-in Steel	A.1. Vibratory pile driving	2.5	4	10	N/A
		E.1. Impact pile driving	2	4	N/A	400
NBK Manchester						
Fuel Pier	14-in H	A.1. Vibratory pile driving	2.5	3	10	N/A
	36-in casing (removal)	A.1. Vibratory pile driving	2.5	3	30	N/A
	36-in casing (install)	A.1. Vibratory pile driving	2.5	2	30	N/A
	24-in concrete	E.1. Impact pile driving	2	2	N/A	1000
	24-in Steel	A.1. Vibratory pile driving	2.5	4	15	N/A

Table 7 -- Projected distances to Level A and Level B harassment isopleths (m) by hearing group (practical spreading)

Pile size and Type	Method	Location	Level A harassment isopleth (m) (attenuated as relevant)					Level B harassment zone m
			LF	HF	VHF	PW	OW	
NBK Bangor								
24-in Concrete	Vibratory Removal	Olympic Pier	6.0	2.3	4.9	7.8	2.6	7,356
		EHW-1	7.9	3.0	6.5	10	3.4	7,356
20-in Steel	Vibratory Install	Olympic Pier	4.4	1.7	3.6	5.7	1.9	5,412
	Impact Install		214	27	332	190	71	464
30-in Steel	Vibratory Install	EHW-1	10	3.7	7.8	12	4.1	11,659
	Impact Install		733	94	1,135	651	243	631
NS Everett								
12-in Steel	Vibratory Removal	Piers A, B, and South Wharf	2.8	1.1	2.3	3.6	1.2	2,154
18-in Steel	Vibratory Install	Piers A, B, and South Wharf	7.0	2.7	5.7	9.1	3.0	5,412
	Impact Install		117	15	181	104	39	136
NBK Manchester								
14-in H Steel	Vibratory Removal	Fuel Pier	1.1	0.4	0.9	1.4	0.5	1,000
36-in Steel	Vibratory Removal		30	12	25	39	13	13,594
36-in Steel	Vibratory Install	Fuel Pier	23	8.9	19	30	10	13,594
24-in Concrete	Impact Install		86	11	132	76	28	86
24-in Steel	Vibratory Install and Removal	Fuel Pier	9.2	3.5	7.5	12	4.0	5,412

BILLING CODE 3510–22–C

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Available information regarding marine mammal occurrence in the vicinity of the project area includes site-specific and nearby survey information from the Navy and WSDOT. Specifically, data sources consulted included (1) the Navy's ''Summary of Weekly Marine Mammal Surveys at Navy Northwest Region Installations: 2008–2025'', and (2) PSO monitoring completed across (a) 156 monitoring days associated with four projects completed by the Navy at Bangor; (b) 11 monitoring days associated with one project completed by the Navy at Manchester, and (c) 169 monitoring days between 2015 and 2021, between the months of August and February, associated with the multi-year WSDOT Multimodal Construction Project completed by WSDOT, which was located near NS Everett. Species-specific data summaries of the above are included in the Description of Marine Mammals in the Area of Specified Activities section.

For large whales (humpback whales, minke whales, and gray whales), killer whales (transient and resident), Dall's porpoise, and elephant seals, NMFS considered the data sources identified above, as well as (1) data collected by The Whale Museum between August 2022 and July 2024 from Blake Island (approximately 3 km from NBK Manchester) provided by the Navy and, (2) The Orca Network archived sightings.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

Exposure Estimates

For species with rare or infrequent occurrence at a given installation during the in-water work window, the likelihood of occurrence was reviewed on the basis of past records of occurrence (described in Description of Marine Mammals in the Area of Specified Activities) and the potential maximum duration of work days at each installation, as well as total work days for all installations. In most cases, the occurrence of the species in this category (*i.e.,* large whales, killer whales, Dall's porpoise, and elephant seals (all installations)), would not be anticipated to extend for multiple days.

Except for gray whales, where increased strandings reports suggest individuals may occur in an area for a longer period of time, the probable duration of all rare, unpredictably occurring species is assumed to be 2 days, roughly equivalent to one transit in and out of a project site (across all installations). The equation used to estimate take for species with rare or infrequent occurrence is:

Exposure estimate = Probable abundance during construction × probable duration

Where:

Probable abundance = expected group size or number based on data sources referenced above

Probable duration = probable duration of the animal(s) presence at construction sites during the entire in-water pile driving period.

For the remaining species, the Navy utilized density estimates or site-specific survey data to estimate the likelihood of occurrence. Specifically, the Navy proposed to use density estimates of harbor porpoise from the Navy's Marine Mammal Species Density Database (Navy, 2019) to estimate the likelihood of occurrence. However, NMFS finds it more appropriate to use local monitoring data to estimate the likelihood of occurrence for harbor porpoise. As such, for harbor porpoise and the other remaining species (California sea lion, Steller sea lion, and harbor seal), the Navy and NMFS predicted a daily occurrence, and estimated take by multiplying the estimated daily occurrence for each species by the number of in-water construction days, generally using the following equation;

Take by Level B harassment = marine mammal occurrence × days of pile driving activities.

Although certain species are not expected to occur at all at some facilities—for example, resident killer whales are not expected to occur in Hood Canal—an overall take estimate for these species has been developed across the entire project.

The Navy proposes to implement a shutdown of pile driving activity if any large whale or killer whale is observed within or approaching any defined harassment zone (see Proposed Mitigation section). Additionally, the Navy plans at least daily coordination with the Orca Network to maintain situational awareness of large whales in the vicinity of the project sites and shut down should they be reported or observed by PSOs near the project site. As a result of this proposed mitigation, we do not believe that Level A harassment is a likely outcome upon occurrence of any large whale or killer whale. Likewise, the Navy has not requested take by Level A harassment of large whales or killer whales, nor has NMFS proposed for authorization take by Level A harassment of these species.

In most cases where proposed shutdown zones are greater than or equal to the calculated Level A harassment zones, take by Level A harassment is not proposed for authorization. However, there are scenarios for some pinniped species and installations (*i.e.,* California sea lions at NBK Bangor and NS Everett and harbor seals at NS Everett) where take by Level A harassment is proposed to be authorized to account for the possibility that individuals could enter the shutdown zone and stay long enough to incur AUD INJ before PSOs are able to detect them and enact a shutdown.

Additionally, in cases where the Level A harassment zones are larger than the proposed shutdown zones (*i.e.,* impact proofing of 30-inch steel for VHF and harbor seals at NBK Bangor), take by Level A harassment is proposed for authorization. The same general equation is used for take by Level A harassment that is used for take by Level B harassment: marine mammal occurrence multiplied by days of pile driving activities. In cases where the predicted Level A harassment zones exceed the shutdown zones for species that are occasionally or rarely expected to occur in the project area (*e.g.,* Dall's porpoise), it is assumed that takes could be by either Level A or Level B harassment.

We acknowledge that the number of estimated exposures above higher threshold criteria (*e.g.,* sound exposures exceeding Level A harassment criteria) also encompass the potential for less impactful effects (*e.g.,* Level B harassment). An individual within the estimated Level A harassment isopleth may not incur auditory injury due to limited exposure duration; however, the individual may have experienced Level B harassment. This outcome is accounted for in our authorization of potential higher-level takes and in our analysis. Specifically, due to this approach for calculating Level A harassment and Level B harassment for Dall's porpoise, the number of takes by Level A harassment proposed for authorization may be applied to observations of Level B harassment. However, the total number of takes may not exceed the sum of the takes proposed by Level A and Level B harassment (table 8).

The Navy plans to shut down in-water pile driving upon observation of any large whale or killer whale approaching or within any estimated harassment zone. While the Navy plans to coordinate with the Orca Network to maintain situational awareness of the presence of large whales or killer whales near all three project areas, the Level B harassment zone is larger than is practicably observable by PSOs during most activities. As such, some take by Level B harassment is proposed for authorization for these species.

Humpback Whale

The Navy requests and NMFS concurs that one group of two humpback whales may occur in the Level B harassment zone during active pile driving on a total of 2 days over the course of the construction season. Therefore, NMFS proposes to authorize four takes by Level B harassment of humpback whales.

No takes by Level A harassment of humpback whales are anticipated and none are proposed for authorization.

Gray Whale

The Navy initially assumed that one group of two gray whales may occur in the Level B harassment zone during active pile driving on a total of 2 days over the course of the construction season. However, given the recent reports of stranded gray whales in Puget Sound, the Navy requests and NMFS concurs that up to eight gray whales may be taken by Level B harassment during the project period. Therefore, NMFS proposes to authorize eight takes by Level B harassment of gray whales.

No takes by Level A harassment of gray whales are anticipated and none are proposed for authorization.

Minke Whale

The Navy requests and NMFS concurs that one group of two minke whales may occur in a Level B harassment zone during active pile driving on a total of 2 days over the course of the construction season for a total of four takes by Level B harassment. Therefore, NMFS proposes to authorize four takes by Level B harassment of minke whales.

No takes by Level A harassment of minke whales are anticipated and none are proposed for authorization.

Transient Killer Whale

The Navy requests and NMFS concurs that one group of six transient killer whales may occur in a Level B harassment zone during active pile driving on a total of two days over the course of the constructions season for a total of 12 takes by Level B harassment. Therefore, NMFS proposes to authorize

12 takes by Level B harassment of transient killer whales.

No takes by Level A harassment of transient killer whales are anticipated and none are proposed for authorization.

Southern Resident Killer Whale

The Navy requests and NMFS concurs that 1 group of 10 SRKW may occur in the Level B harassment zone during active pile driving on a total of 2 days over the course of the construction season for a total of 20 takes by Level B harassment. Therefore, NMFS proposes to authorize 20 takes by Level B harassment of SRKWs.

No takes by Level A harassment of SRKW are anticipated and none are proposed for authorization.

Dall's Porpoise

The Navy requests and NMFS concurs that one group of two Dall's porpoise could occur within the project area during active pile driving on a total of 2 days over the course of the construction season for a total of four. Because exposure estimates are low and the Level A harassment zones are larger than are likely observable during impact pile driving, NMFS proposes to authorize these four takes as Level A harassment, acknowledging that instead the takes could be by the less severe Level B harassment.

Harbor Porpoise

NBK Bangor—The Navy requests and NMFS concurs that 12 harbor porpoises could occur within the Level B harassment zone each construction day. This results in 264 takes by Level B harassment of harbor porpoises across the 22 construction days at this project site.

The calculated Level A harassment zone expected to occur during the 6 days of impact proofing of 30-in steel piles at EHW–1 is 1,135 m, and the Navy plans to maintain a shutdown zone of 350 m (table 9). NMFS estimates that 12 harbor porpoises per day could occur within the calculated Level A harassment zone and remain for a sufficient period to accumulate enough energy to result in AUD INJ. As such, we propose to authorize 72 takes by Level A harassment of harbor porpoises at this project site.

NMFS modified the calculated takes by Level B harassment to deduct the estimated amount of take by Level A harassment (*i.e.,* 264 takes by Level B harassment − 72 takes by Level A harassment = 192 takes by Level B harassment). Therefore, for harbor porpoises, NMFS proposes to authorize 192 takes by Level B harassment and 72 takes by Level A harassment for a total of 264 takes across the 22 days of construction planned at this site.

NS Everett—The Navy requests and NMFS concurs that two harbor porpoises could occur within the Level B harassment zone each construction day. This results in 154 takes by Level B harassment of harbor porpoises across the 77 construction days at this project site.

No takes by Level A harassment of harbor porpoises are anticipated at this project site and none are proposed for authorization.

NBK Manchester—that the Navy requests and NMFS concurs that two harbor porpoises could occur within the Level B harassment zone each construction day. This results in 256 takes by Level B harassment of harbor porpoises across 128 construction days at this project site.

No takes by Level A harassment of harbor porpoises are anticipated at this project site and none are proposed for authorization.

Across all installations, NMFS proposes to authorize 602 takes by Level B harassment of and 72 takes by Level A harassment of harbor porpoises for a total of 674 takes.

Phocids and Otariids

California Sea lion

NBK Bangor—The Navy requests and NMFS concurs that 35 California sea lions could occur within the Level B harassment zone each construction day. This results in 770 takes by Level B harassment of California sea lions across the 22 construction days at this project site.

The Navy plans to shut down at distances slightly larger than the Level A harassment zones associated with this project site (see table 9). However, given the proximity of hauled out California sea lions to the project site, and the fact that on 6 construction days the calculated Level A harassment zone is 243 m (during impact proofing of 30-inch steel at EHW–1), NMFS predicts that it is possible that up to two California sea lions could go unobserved and remain within the calculated Level A harassment zone for a sufficient period to accumulate enough energy to result in AUD INJ. This results in two takes by Level A harassment of California sea lions at this project site.

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated (*i.e.,* 770 takes by Level B harassment − 2 takes by Level A harassment = 768 takes by Level B harassment). This results in 768 takes by Level B harassment and 2 takes by Level A harassment for a total of 770 takes across the 22 days of construction planned at this site.

NS Everett—The Navy requests and NMFS concurs that 35 California sea lions could occur within the Level B harassment zone each construction day. This results in 2,695 takes by Level B harassment across the 77 construction days at this project site.

The Navy plans to shut down at distances slightly larger than the Level A harassment zones associated with this project site (see table 9). However, given the proximity of hauled out California sea lions to the project site (the PSB at this location directly connects to the southwest end of Pier B and runs about 60 m along the southern end of both Piers A and B, and approximately 160 m along the southeastern extent of Pier A), and the fact that on 5 construction days the calculated Level A harassment zone is 38 m (during impact proofing of 18-inch steel fender piles at Piers A, B, and South Wharf), NMFS predicts that it is possible that up to one California sea lion per day could go unobserved and remain within the calculated Level A harassment zone for a sufficient period to accumulate enough energy to result in AUD INJ. This results in five takes by Level A harassment of California sea lions at this project site.

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated (*i.e.,* 2,695 takes by Level B harassment − 5 takes by Level A harassment = 2,690 takes by Level B harassment). This results in 2,690 takes by Level B harassment and 5 takes by Level A harassment for a total of 2,695 takes across the 77 days of construction planned at this site.

NBK Manchester—The Navy requests and NMFS concurs that six California sea lions could occur within the Level B harassment zone each construction day. This results in 768 takes by Level B harassment of California sea lions across 128 construction days at this project site.

No takes by Level A harassment of California sea lions are anticipated at this project site and none are proposed for authorization.

Across all installations, we propose to authorize 4,226 takes by Level B harassment and 7 takes by Level A harassment of California sea lions for a total of 4,233 takes.

Steller Sea Lion

NBK Bangor—The Navy requests and NMFS concurs that four Steller sea lions could occur within the Level B harassment zone each construction day.

This results in 88 takes by Level B harassment of Steller sea lions across the 22 construction days at this project site.

No takes by Level A harassment of Steller sea lions are anticipated at this project site and none are proposed for authorization.

NS Everett—The Navy requests and NMFS concurs that 0.25 Steller sea lions could occur within the Level B harassment zone every construction day, or one Steller sea lion could occur within the Level B harassment zone every 4 construction days. This results in 19 takes by Level B harassment of Steller sea lions across the 77 days at this project site.

No takes by Level A harassment of Steller sea lions are anticipated at this project site and none are proposed for authorization.

Manchester—The Navy requests and NMFS concurs that four Steller sea lions could occur within the Level B harassment zone each construction day. This results in 512 takes by Level B harassment across the 128 construction days at this project site.

No takes by Level A harassment of Steller sea lions are anticipated at this project site and none are proposed for authorization.

Across all installations, we propose to authorize 619 takes by Level B harassment of Steller sea lions. No takes by Level A harassment of Steller sea lions are requested and none are proposed for authorization.

Harbor Seal

NBK Bangor—The Navy requests and NMFS concurs that 16 harbor seals could occur within the Level B harassment zone each construction day. This results in 352 takes by Level B harassment across the 22 construction days at this project site.

The calculated Level A harassment zone expected to occur during 6 days of impact proofing of 30-inch steel piles at EHW–1 is 651 m. The calculated Level A harassment zone expected to occur during impact proofing of 20-inch steel fender piles at Olympic Pier is 190 m (planned on 2 construction days). The Navy plans to maintain a shutdown zone of 200 m (table 9) at this site during all impact pile driving activities. NMFS predicts that three harbor seals could be present in the project area during each of the 6 construction days where the calculated Level A harassment zone exceeds the planned shutdown zone. Additionally, given the regular occurrence of harbor seals at the project site, NMFS predicts that up to three harbor seals per day could go unobserved and remain within the calculated Level A harassment zone for a sufficient period to accumulate enough energy to result in AUD INJ during the 2 construction days where shutdown zone exceeds the calculated Level A harassment zone, but the Level A harassment zone is relatively large and more challenging for PSOs to effectively monitor. As such, we propose to authorize 24 takes by Level A harassment of harbor seals at this project site.

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated (*i.e.,* 352 takes by Level B harassment − 24 takes by Level A harassment = 328 takes by Level B harassment). This results in 328 takes by Level B harassment and 24 takes by Level A harassment of harbor seals for a total of 352 takes across the 22 days of construction planned at this site.

NS Everett –The Navy requests and NMFS concurs that 54 harbor seals could occur within the Level B harassment zone each construction day. Fifty-four represents 25 percent of the harbor seals documented during the Navy's pinniped monitoring, because surveys were recently expanded to include the entire East Waterway. This results in 4,158 takes by Level B harassment across the 77 construction days planned at this site.

The Navy plans to shut down at distances slightly larger than the Level A harassment zones associated with this project site (see table 9). However, given the regular occurrence of harbor seals at the project site, and the fact that on 5 construction days the calculated Level A harassment zone is 104 m (during impact proofing of 18-inch steel fender piles at Piers A, B, and South Wharf), NMFS predicts that it is possible that up to one harbor seal per day could go unobserved and remain within the calculated Level A harassment zone for a sufficient period to accumulate enough energy to result in AUD INJ. As such, we propose to authorize five takes by Level A harassment of harbor seals at this project site.

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated (*i.e.,* 4,158 takes by Level B harassment − 5 takes by Level A harassment = 4,153 takes by Level B harassment). This results in 4,153 takes by Level B harassment and 5 takes by Level A harassment for a total of 4,153 takes across the 77 days of construction planned at this site.

Manchester—The Navy requests and NMFS concurs that 13 harbor seals could occur within the Level B harassment zone each construction day. This results in 1,664 takes by Level B harassment across the 128 construction days planned at this project site.

No takes by Level A harassment of California sea lions are requested at this project site and none are proposed for authorization.

Across all installations, we propose to authorize 6,145 takes by Level B harassment of and 29 takes by Level A harassment of harbor seals for a total of 6,174 takes.

Northern Elephant Seal

Because the occurrence of northern elephant seals in Puget Sound is unpredictable and this species is known to linger, NMFS predicts that one northern elephant seal could occur within the project area on up to 4 days during the project period. This results in four takes by Level B harassment.

No takes by Level A harassment of northern elephant seals are anticipated and none are proposed for authorization.

BILLING CODE 3510–22–P

Table 8 -- Take by stock and harassment type and as a percentage of stock abundance.

Species	Stock	Level A harassment	Level B harassment	Total harassment proposed	Proposed take as a percentage of stock abundance
Gray whale	Eastern N. Pacific	0	8	8	<1
Humpback whale[1]	Mainland Mexico – CA-OR-WA	0	4	4	<1
	Hawai'i				<1
Minke whale	CA-OR-WA	0	4	4	<1
Killer whale	West Coast Transient	0	12	12	3.4
	Southern Resident Killer Whale	0	20	20	27
Dall's Porpoise	CA-WA-OR	4[2]	0	0	<1
Harbor Porpoise	Washington Inland	72	602	674	6.0
California Sea Lion	US	7	4,226	4,233	1.6
Steller sea lion	Eastern U.S.	0	619	619	1.7
Harbor Seal[3]	Washington Inland Hood Canal	24	328	352	12
	Washington Inland Northern Puget Sound	5	4,153	4,158	26
	Washington Inland Southern Puget Sound	0	1,664	1,664	66
Northern elephant seal	California Breeding	0	4	4	<1

[1]According to Curtis *et al.* (2025),the probability that whales encountered in the Salish sea are as follows: Central America DPS (Central America/Southern Mexico stock) (4.3 percent); Mexico DPS (Mainland Mexico - Oregon/California/Oregon stock) (45.7 percent); Hawaii DPS (Hawai'i stock) (50 percent). As such we estimate that 2 takes by Level B harassment would be from the Mainland Mexico – CA-OR-WA stock, and 2 takes by Level B harassment would be from the Hawai'i stock while 0 takes by Level B harassment would be from the Central America/Southern Mexico stock. Because PSOs would not be able to identify the stock of an observed humpback whale, all proposed take is assumed to be from either stock where some occurrence is predicted.

[2]As described above, because exposure estimates are low and the Level A harassment zones are larger than are likely observable during impact pile driving, NMFS proposes to authorize these four takes as Level A harassment, acknowledging that instead the takes could be by the less severe Level B harassment.

[3]The Washington Inland Hood Canal stock of harbor seal is the only harbor seal stock expected to occur at NBK Bangor. The Washington Inland Northern Puget Sound stock of harbor seal is the only stock of harbor seal expected to occur at NS Everett. The Washington Inland Southern Puget Sound stock of harbor seal is the only stock of harbor seal expected to occur at NBK Manchester.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The mitigation requirements described in the following were proposed by the Navy in its adequate and complete application or are the result of subsequent coordination between NMFS and the Navy. The Navy has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements, and has included them in the proposed IHA.

Shutdown and Clearance Zones

NMFS requires the establishment of both clearance and, where technically feasible, shutdown zones during project activities that have the potential to result in harassment of marine mammals. The purpose of ''clearance'' of a particular zone is to minimize potential instances of harassment and/or minimize the intensity of a harassment event by delaying the commencement of an activity if marine mammals are observed within the defined area. The purpose of a shutdown zone is to prevent or minimize a specific acute impact and/or minimize the intensity or duration of a harassment event by halting the activity that is already underway if a marine mammal is observed within the defined area (or in anticipation of an animal entering the defined area). For very high frequency cetaceans, phocids, and otariids, the clearance zone at all sites for all activities is equivalent to the shutdown zone and are not differentiated. For low frequency cetaceans and killer whales, a minimum clearance zone that is based on the distance that can be reliably observed by PSOs is established in addition to a shutdown zone.

For all large cetaceans and killer whales, the Navy proposes to shut down at distances based on the largest estimated harassment zone for each activity. At Bangor, the largest shutdown zone for these hearing groups is 11.7 km, which corresponds to the maximum Level B harassment distance during a vibratory pile driving activity. At Everett, the largest shutdown zone for these hearing groups is 5.4 km, which corresponds to the maximum Level B harassment distance during a vibratory pile driving activity. At Manchester, the largest shutdown zone for these hearing groups is 13.6 km, which corresponds to the maximum Level B harassment distance during a vibratory pile driving activity. If a large whale or killer whale is observed approaching the Level B harassment zone (*i.e.,* the shutdown zone) the Navy would implement shutdown measures.

Recognizing that the entirety of the Level B harassment zone cannot practicably be monitored by PSOs, the Orca Network would be consulted prior to commencing pile driving each day, and Navy biologists and lead PSOs will have access to text updates (See Proposed Monitoring and Reporting section for more details). If any large cetacean or killer whale is documented near or approaching the shutdown zone (equivalent to the Level B harassment zone during most activities), pile driving would be delayed or stopped until the whale or whales have moved away.

For all other hearing groups and activities, the proposed shutdown zones are primarily based on the estimated Level A harassment isopleths. However, in cases where it would be challenging to detect marine mammals at the Level A harassment isopleth, (*i.e.,* very high-frequency cetaceans and phocids during impact pile driving of 30-in steel piles at NBK Bangor), smaller shutdown zones have been proposed (table 9).

BILLING CODE 3510–22–P

Table 9 -- Proposed Minimum Clearance and Shutdown Zones (m)

Install or remove	Pile size and type	Method	Location	Minimum Clearance Zone - LF and HF (m)[1]	Shutdown zones (m)					Level B harassment zone (m)
					LF	HF	VHF	PW	OW	
NBK Bangor										
Removal	24-in Concrete	Vibratory	Olympic Pier	2,500	7,356	7,356	10	10	10	7,356
		Vibratory	EHW-1	2,500	7,356	7,356	10	15	10	7,356
Install	20-in Steel	Vibratory	Olympic Pier	2,500	5,412	5,412	10	10	10	5,412
		Impact		500	475	475	350	200	75	464
	30-in Steel	Vibratory	EHW-1	2,500	11,660	11,660	10	15	10	11,659
		Impact proofing		750	750	650	350	200	250	631
NS Everett										
Removal	12-in Steel	Vibratory	Piers A, B, and South Wharf	2,200	2,200	2,200	10	10	10	2,154
Install	18-in Steel	Vibratory	Piers A, B, and South Wharf	2,500	5,412	5,412	10	10	10	5,412
		Impact		150	140	140	190	110	50	136
NBK Manchester										
Removal	14-in H Steel	Vibratory	Fuel Pier	1,000	1,000	1,000	10	10	10	1,000
	36-in Steel Casing	Vibratory	Fuel Pier	2,500	13,600	13,600	30	50	15	13,594
Install	36-in Steel Casing	Vibratory	Fuel Pier	2,500	13,600	13,600	30	50	15	13,594
	24-in Concrete	Impact	Fuel Pier	100	90	90	140	80	35	86
Install and Removal	24-in Steel	Vibratory	Fuel Pier	2,500	5,412	5,412	10	20	10	5,412

[1]For low frequency and high frequency cetaceans, a clearance zone is established based on the distance that can practicably be observed by PSOs. For very high frequency cetaceans phocids, and otariids, the clearance zones are equivalent to the shutdown zones and are not differentiated. Prior to commencing pile driving, PSOs must, at minimum, be able to determine that the clearance zones are clear of marine mammals. Shutdowns must be implemented should a marine mammal be observed entering or within a relevant shutdown zone.

BILLING CODE 3510–22–c

Pre-Clearance Monitoring Through Post-Activity Monitoring

Prior to the start of daily in-water construction activities (*i.e.,* pile driving), or whenever a break in pile driving of 30 minutes or longer occurs, PSOs would observe the clearance zones (at minimum) (LF and HF) and shutdown zones and beyond to the extent that PSOs can see for a period of 30 minutes. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the clearance zones (at minimum) (LF and HF) and shutdown zones are clear of marine mammals.

Pile driving may commence following 30 minutes of observation when the determination is made that the clearance zones (at minimum) (LF and HF) and shutdown zones are clear of marine mammals. Monitoring of the clearance zone, shutdown zone, and beyond to the extent that PSOs can see, would continue for the duration of pile driving through 30 minutes post completion of pile driving activity. Monitoring beyond the shutdown zones

enables observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential delay or cessation of activity should the animal enter the zone.

If any marine mammal is observed entering or within the shutdown zones, pile driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the relevant zone, (at minimum), or 15 minutes have passed without re-detection of the animal. If work ceases for more than 30 minutes, the pre-activity monitoring of the clearance zone (at minimum) (LF and HF) and shutdown zones, and beyond to the extent that PSOs can see, would commence.

Construction supervisors and crews, PSOs, and relevant Navy staff must avoid direct physical interaction with marine mammals during all construction activities. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

PSOs

The number and placement of PSOs (described in the Proposed Monitoring and Reporting section) would ensure that the clearance zone (at minimum) (LF and HF) and shutdown zones are visible, such that PSOs are confident of their ability to observe marine mammals at relevant distances. For very high frequency cetaceans, phocids, and otariids, the clearance zones are equivalent to the shutdown zones and are not differentiated. For low frequency and high frequency cetaceans, the clearance zones are based on the distances that can be reliably observed by PSOs. However, PSOs would conduct monitoring beyond the clearance zones to the extent that they can see.

Soft Start

The use of soft-start procedures is believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of three strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure would be conducted a total of three times before impact pile driving begins. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not required during vibratory pile driving activities.

Bubble Curtain

A bubble curtain would be employed during impact installation or proofing of steel piles. Bubble curtains would not be required during vibratory pile driving. If a bubble curtain is used, it would distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. The lowest bubble ring would be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring would ensure 100 percent mudline contact. No parts of the ring or other objects would prevent full mudline contact.

NMFS conducted an independent evaluation of the proposed measures, and has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by the Navy in its adequate and complete application and/or are the result of subsequent coordination between NMFS and the Navy. The Navy has agreed to the requirements. NMFS describes these below as requirements and has included them in the proposed IHA.

Visual Monitoring

Visual monitoring would be conducted by trained PSOs positioned at suitable vantage points to be able to observe the entirety of the clearance zones (at minimum) (LF and HF), the shutdown zones, and the surrounding area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

During all pile driving activities at all installations the Navy intends to employ three PSOs per location (for a total of nine PSOs on days with work at all three locations), to monitor the clearance zones (at minimum)(LF and HF), the shutdown zones, and the surrounding area. At least one PSO would be placed near the pile driving site during all pile driving and removal activities.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in-water construction activities. In addition, PSOs would record all incidents of marine mammal

occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Coordination With Local Marine Mammal Research Network

The Orca Network receives sighting information from citizen scientists, vessel captains, and researchers throughout the Puget Sound area. Navy biologists and the lead PSO will have access to the Orca Network notification texts, and they can call into the notification system. Prior to pile driving each day, the lead PSO would contact the Orca Network and monitor social media to review updated sighting locations of large whales, including ESA-listed SRKWs and humpback whales. If any large whale or killer whale species are reported approaching, or within the shutdown zone, pile driving would be delayed until the whale or whales have moved away.

Acoustic Monitoring

The Navy may implement hydroacoustic monitoring during impact pile driving of sheet piles with a bubble curtain to verify the sound source levels associated with the use of this attenuation device with this pile type. If hydroacoustic monitoring is planned, Navy would submit a hydroacoustic monitoring plan to NMFS for review and approval no less than 90 days prior to implementation of sound source verification activities. The Navy would conduct its activities consistent with the NMFS-approved plan.

Reporting

The Navy would submit a draft marine mammal monitoring report within 90 calendar days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. The report would include an overall description of the construction work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets (in a queryable electronic format). Specifically, the report would include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (1) number of and type of piles that were driven and the method (*e.g.,* impact or vibratory); and (2) Total duration of driving time for each pile (vibratory driving) and number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance from activities to marine mammals and distance from the marine mammals to the observation point; (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); (7) animal's closest point of approach and estimated time spent within the estimated harassment zone; (8) description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the estimated harassment zones, by species; and,
- Detailed information about implementation of any mitigation (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

Should acoustic monitoring be conducted, an acoustic monitoring report(s) must be submitted, at minimum, on the same schedule as visual monitoring reports (*i.e.,* within 90 days following the completion of activity). The estimated harassment and clearance/shutdown zones may be modified with NMFS' approval following NMFS' acceptance of an acoustic monitoring report. The acoustic monitoring report(s) would need to be submitted to NMFS for review and approval prior to any adjustments to the harassment zones. The acoustic monitoring report must contain the informational elements described in the acoustic monitoring plan.

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report will be considered final. All PSO data would be submitted electronically in a format that can be queried such as a spreadsheet or database and would be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the USACE must report the incident to the NMFS OPR (*PR.ITP.MonitoringReports@noaa.gov* and *itp.fleming@noaa.gov*) and the West Coast Regional Stranding Coordinator as soon as possible. If the death or injury was clearly caused by the specified activity, the USACE must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the LOA. USACE must not resume their activities until notified by NMFS. The report must include the following information:

- time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- species identification (if known) or description of the animal(s) involved;
- condition of the animal(s) (including carcass condition if the animal is dead);
- observed behaviors of the animals(s), if alive;
- photographs or video footage of the animal(s), if available; and
- the general circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact 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 (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers

other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 2, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving and removal associated with this project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for Dall's porpoise, harbor porpoise, California sea lions and harbor seals, Level A harassment, from underwater sounds generated by pile installation and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

No serious injury or mortality is expected, even in the absence of required mitigation measures, given the nature of the activities. Further, for six species of marine mammals (all low frequency and high frequency cetaceans, Steller sea lions, and northern elephant seals), no take by Level A harassment is anticipated, due to the rarity of these species in the project areas (Steller sea lions and northern elephant seals), or due to the relatively small Level A harassment zones (low and high frequency cetaceans). The likelihood of take by Level A harassment occurring is further reduced by Navy's plans to implement mitigation measures such as shutdown zones that encompass all or a portion of the Level A harassment zones (see Proposed Mitigation section).

Level A harassment is proposed for very high-frequency cetaceans (Dall's porpoise and harbor porpoise) and the pinniped species that commonly occur in the project areas (California sea lions, and two out of three stocks of harbor seals). Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ (*i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ.

Additionally, the amount of take by Level A harassment of these 4 species proposed for authorization is very low. NMFS expects no more than 4 takes by Level A harassment for Dall's porpoise, 72 takes by Level A harassment for harbor porpoise, 7 takes by Level A harassment for California sea lions, and 29 takes by Level A harassment for harbor seals (across 2 out of 3 stocks). For all hearing groups, if hearing impairment occurs, it is most likely that the affected animal would lose only a few dB in its hearing sensitivity. Due to the small degree anticipated, any AUD INJ potentially incurred would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff, 2006). The Navy has conducted multi-year activities potentially affecting marine mammals at some of the installations considered herein (NBK Bangor and NBK Manchester). Reporting from these activities has similarly reported no apparently consequential behavioral reactions or long-term effects on marine mammal populations (Callaghan *et al.,* 2024; Hamer Environmental, 2021; Sandoval and Johnson, 2022; DoN, 2022; DoN, 2021). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring.

If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

Some individual marine mammals in the project areas, such as California sea lions, harbor seals or harbor porpoises, may be present and be subject to repeated exposure to sound from pile driving activities on multiple days. Repeated exposures of individuals to relatively low levels of sound outside of preferred habitat areas are unlikely to significantly disrupt critical behaviors. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any effects on rates of reproduction and survival of the stock.

Additionally, pile driving and extraction would not likely occur on every day at each installation, and these individuals would likely return to normal behavior during gaps in pile driving activity within each day of construction and in between work days. As discussed above, individuals could temporarily relocate during construction activities to reduce exposure to elevated sound levels from the project. While vibratory driving associated with some project components may produce sound at distances of many kms from the pile driving site, thus intruding on higher-quality habitat, the project sites

themselves and the majority of sound fields produced by the specified activities are within industrialized areas. Therefore, we expect that animals displaced by project sound would simply avoid the area.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause a low level of turbidity in the water column and some fish may leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with the exception of gray whales and SRKWs, there are no habitats of known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

There is a BIA for feeding gray whales that intersects with the project area associated with NS Everett, but it is active between February and May (Calambokidis *et al.,* 2024), which does not intersect with the majority of the time period when the project activities are planned (mid-July through mid-February at NS Everett). This suggests that impacts from the project would have minimal to no impact on foraging gray whales and would therefore be unlikely to affect reproduction and survival.

ESA critical habitat for SRKW occurs in Puget Sound (see the Description of Marine Mammals in the Area of Specified Activities section of this notice) but excludes the areas around military installations which would be most impacted by pile driving sound. NMFS did not identify in-water sound levels as a separate essential feature of critical habitat, though anthropogenic sound is recognized as one of the primary threats to SRKW (NMFS, 2019). The exposure of SRKW to sound from the proposed activities would be minimized by the required proposed mitigation measures (*e.g.,* shutdown zones equivalent to the Level B harassment zones). The effects of the activities on SRKW habitat generally, such as sedimentation and impacts to availability of prey species, are expected to be limited both spatially and temporally, constrained to the immediate area around the pile driver(s) at each pier and returning to baseline levels quickly. Additionally, the timing of the in-water work window for the projects is intended to limit impacts to ESA-listed fishes, which would accordingly reduce potential impacts to SRKW prey.

As described above, increased sightings of gray whale strandings have been reported in Puget Sound. We do not expect authorized takes to exacerbate or compound upon these increased strandings. As discussed above, no injury, serious injury or mortality is expected or proposed, and the impact of Level B harassment takes of these species will be minimized through the incorporation of mitigation measures. The strandings do not provide cause for concern regarding population-level impacts. Despite the strandings, the Eastern North Pacific population of gray whales remains healthy.

Finally, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the reproduction or survival of any individuals, much less these stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities would have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or proposed for authorization;
- Any Level A harassment is anticipated to cause only slight auditory injury, including PTS of a few decibels within the lower frequencies associated with impact pile driving of 18-in steel at Everett and 30-in steel at Bangor, and not encompassing a species' full hearing range.
- At worst, the anticipated incidents of Level B harassment would result in temporary behavior modifications or a small degree of TTS that would resume to baseline at the cessation of activities or as animals move away from the source;
- The project areas at all three installations are industrialized; therefore, individuals taken are likely habituated to anthropogenic activities and behavioral reactions are expected to be minor and temporary;
- The project areas at all three installations are small relative to the overall habitat range of each species, and overlap with known habitats of particular importance is minimal;
- Effects on marine mammal prey species from the activities are primarily expected to be short-term, and any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations;
- The proposed mitigation measures are expected to minimize the severity of the effects of the specified activity.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

We propose to authorize incidental take of 15 marine mammal stocks (table 8). The total amount of taking proposed for authorization is less than 33.3 percent for 14 stocks, which meets the definition stated above.

Though the most recent SAR includes an unreliable population estimate for the Washington Inland Southern Puget Sound stock of harbor seal because it is more than 8 years old, Pearson *et al.* (2024) reports that the peak population estimate for this stock is 2,832. The total number of authorized takes for the Washington Inland Southern Puget Sound stock of harbor seals, if assumed

to accrue solely to new individuals, is 66 percent of the total stock abundance. However, these numbers represent the estimated incidents of take, not the number of individuals taken. Harbor seals in the Puget Sound region are known to exhibit site fidelity and generally remain close to their primary haulout location; those that move further from their primary haulout tend to stay at a new location for several weeks (Peterson *et al.,* 2012). Given the relatively short duration of the proposed projects at each site, NMFS believes that it is highly unlikely that each exposure would affect a new individual. Rather, NMFS predicts that a relatively small subset of this population will be harassed by project activities.

Given that the specified activity will be stationary within an area not recognized as being of any special significance that would serve to attract or harbor seals, we therefore believe that the estimated numbers of takes, were they to occur, likely represent repeated exposures of a much smaller number of individual harbor seals and that these estimated incidents of take represent small numbers of harbor seals.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species, in this case the West Coast Regional Office.

NMFS is proposing to authorize take of SRKW, as well as one stock of humpback whale (Mainland Mexico—CA-OR-WA), which are listed under the ESA.

The Permits and Conservation Division has requested initiation of section 7 consultation with the West Coast Regional Office for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization. Due to the inability of PSOs to determine stock in the field, our consultation also includes information relevant to the ESA-listed Central America/Southern Mexico—CA-OR-WA stock of humpback whales although no take of this stock is expected nor is it proposed for authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Navy for conducting the 2026 MPR Project in Puget Sound, Washington, Washington, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed construction project. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: August 13, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–16817 Filed 8–17–26; 8:45 am]

BILLING CODE 3510–22–P

Reader Aids

Federal Register

Vol. 91, No. 158

Tuesday, August 18, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–741–6000**

Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, 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
52475–53180 14
53181–53356 17
53357–53520 18

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
11054.....53355

Executive Orders:
14417.....51059
14418.....51991
14419.....51993
14420.....53173

Administrative Orders:
Notices:
Notice of August 3, 2026.....50659
Notice of August 12, 2026.....53179
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

2.....52475
3.....52475
5.....52475
6.....52475
9.....52475
10.....52475
11.....49072
230.....49072
315.....49072
316.....49178
330.....49178
351.....49178, 49230
353.....49178
359.....49178
362.....49178
430.....49178
432.....49072
532.....52479
550.....52479
731.....49034
751.....49072
752.....49072
1201.....51997

7 CFR

984.....53181

Proposed Rules:
272.....53200
274.....53200
277.....53200
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:
Ch. XV.....53368
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, 52484, 52487, 52490, 52494, 52496,

52499
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, 52551, 53200, 53391
61.....51398
71 .....48785, 49372, 50739, 51403, 51405, 51602, 51604, 52271, 53203, 53204, 53393
121.....50496

15 CFR

700.....50701
740.....52501
744.....52501
774.....52501

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
864.....53184
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, 53205
876.....53205, 53209
878.....53205
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, 52553, 53217

27 CFR

9.....53191
Proposed Rules:
9 .....52576, 52588, 52592, 52598

28 CFR

0.....53357
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, 52508

33 CFR

100 .....50711, 51067, 51590, 52018, 52019, 52529
147.....53359
151.....51592
152.....51592
159.....51592
165 .....49278, 50482, 50714, 50716, 50717, 51067, 51395, 51592, 52023, 52530, 52531, 52533, 53194, 53361, 53362
334.....51594
Proposed Rules:
110.....53395
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, 52534
81.....52249
174.....51068
180.....51071, 53196
271.....50721
180.....48772, 49279
Proposed Rules:
52 .....50742, 50746, 51635, 51640, 52272, 52604, 52609, 52617
81.....51644
174.....53221
180.....53221

41 CFR

101–4.....52537
101–6.....52537
101–8.....52537
105–10.....52537

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, 52626
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
1011.....53362
1152.....53362
1244.....53362
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
635.....52653

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

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.