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FEDERAL REGISTER

Vol. 91 Wednesday,
No. 159 August 19, 2026

Pages 53521–53712

OFFICE OF THE FEDERAL REGISTER

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31680; Amdt. No. 4232]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective August 19, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 19, 2026.

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

For Examination

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

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

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

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Availability

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

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

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

necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, August 14, 2026.

Rune Duke,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
1–Oct–26	NC	Erwin	Harnett Rgnl Jetport	6/9533	7/29/2026	LOC RWY 5, Orig-C.

[FR Doc. 2026–16888 Filed 8–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31679; Amdt. No. 4231]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective August 19, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 19, 2026.

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

For Examination

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

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

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

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

Availability

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

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

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

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is

unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on August 14, 2026.

Rune Duke,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 29 October 2026

Sand Point, AK, SDP/PASD, NDB RWY 14, Amdt 2, CANCELED
Sand Point, AK, SDP/PASD, NDB RWY 32, Amdt 1, CANCELED
Bessemer, AL, EKY, VOR RWY 5, Amdt 6B, CANCELED
Brewton, AL, 12J, VOR/DME RWY 30, Amdt 8B, CANCELED
Enterprise, AL, EDN, VOR RWY 5, Amdt 4B, CANCELED
Eufaula, AL, EUF, VOR RWY 18, Amdt 8C, CANCELED
Eufaula, AL, EUF, VOR/DME RWY 36, Amdt 3C, CANCELED
Gadsden, AL, GAD, VOR RWY 6, Amdt 14, CANCELED
Huntsville, AL, MDQ, VOR–B, Amdt 7B, CANCELED
Jasper, AL, JFX, VOR/DME–A, Amdt 3A, CANCELED
Montgomery, AL, MGM, VOR–A, Amdt 4D, CANCELED
Ozark, AL, 71J, VOR RWY 31, Amdt 7C, CANCELED
Grand Canyon, AZ, 40G, RNAV (GPS) RWY 1, Orig-D, CANCELED
Grand Canyon, AZ, 40G, RNAV (GPS) RWY 19, Orig-C, CANCELED
Grand Canyon, AZ, 40G, Takeoff Minimums and Obstacle DP, Orig, CANCELED
Ukiah, CA, UKI, VOR–A, Amdt 4A, CANCELED
Holyoke, CO, HEQ, RNAV (GPS) RWY 32, Orig-G
Monte Vista, CO, MVI, RNAV (GPS)-B, Amdt 1, CANCELED
Hartford, CT, HFD, VOR–A, Amdt 10B, CANCELED
Dover/Cheswold, DE, 33N, VOR RWY 27, Orig-C, CANCELED
Georgetown, DE, GED, VOR RWY 4, Orig-A, CANCELED
Georgetown, DE, GED, VOR RWY 22, Amdt 7C, CANCELED
Bartow, FL, BOW, VOR RWY 9L, Amdt 2G, CANCELED
Crestview, FL, CEW, VOR–A, Amdt 12B, CANCELED
Fort Myers, FL, RSW, VOR OR TACAN RWY 24, Amdt 2D, CANCELED
Jacksonville, FL, CRG, VOR RWY 14, Amdt 5A, CANCELED
Jacksonville, FL, VQQ, VOR RWY 27L, Orig, CANCELED
Lakeland, FL, LAL, VOR RWY 10, Amdt 4G, CANCELED
Lakeland, FL, LAL, VOR RWY 28, Amdt 7J, CANCELED
Marianna, FL, MAI, VOR–A, Amdt 13, CANCELED
Ocala, FL, OCF, VOR RWY 36, Amdt 19, CANCELED
Winter Haven, FL, GIF, VOR–A, Amdt 7C, CANCELED
Atlanta, GA, RYY, VOR/DME RWY 9, Amdt 2C, CANCELED
Bainbridge, GA, BGE, VOR–A, Amdt 4A, CANCELED
Brunswick, GA, BQK, VOR/DME–B, Amdt 9A, CANCELED
Cartersville, GA, VPC, VOR–A, Amdt 2D, CANCELED
Greensboro, GA, CPP, VOR–B, Amdt 3B, CANCELED
Jefferson, GA, JCA, VOR RWY 35, Amdt 4, CANCELED
Jekyll Island, GA, 09J, VOR–A, Amdt 10B, CANCELED
Madison, GA, 52A, VOR/DME–A, Amdt 8B, CANCELED
Montezuma, GA, 53A, Takeoff Minimums and Obstacle DP, Amdt 2
Waycross, GA, AYS, VOR–A, Amdt 9A, CANCELED
Ankeny, IA, IKV, ILS OR LOC RWY 36, Amdt 4
Ankeny, IA, IKV, RNAV (GPS) RWY 18, Amdt 3
Ankeny, IA, IKV, RNAV (GPS) RWY 36, Amdt 3
Ankeny, IA, IKV, Takeoff Minimums and Obstacle DP, Amdt 3

Twin Falls, ID, TWF, VOR/DME RWY 8, Amdt 1B, CANCELED
Auburn, IN, GWB, VOR–A, Amdt 10B, CANCELED
Atchison, KS, K59, RNAV (GPS) RWY 9, Orig
Atchison, KS, K59, RNAV (GPS) RWY 27, Orig
Atchison, KS, K59, Takeoff Minimums and Obstacle DP, Orig
Glasgow, KY, GLW, RNAV (GPS) RWY 26, Amdt 2C
Minden, LA, MNE, VOR/DME–A, Amdt 5A, CANCELED
Gardner, MA, GDM, VOR–A, Amdt 6C, CANCELED
Hyannis, MA, HYA, VOR RWY 6, Amdt 10B, CANCELED
Nantucket, MA, ACK, VOR RWY 24, Amdt 14C, CANCELED
Northampton, MA, 7B2, VOR/DME–B, Amdt 5B, CANCELED
Orange, MA, ORE, VOR–A, Amdt 8, CANCELED
Worcester, MA, ORH, VOR/DME RWY 33, Amdt 1C, CANCELED
Baltimore, MD, MTN, VOR OR TACAN RWY 15, Orig-D, CANCELED
Hagerstown, MD, HGR, VOR RWY 9, Amdt 7B, CANCELED
Westminster, MD, DMW, VOR RWY 34, Amdt 4C, CANCELED
Westminster, MD, 2W2, VOR–A, Amdt 5, CANCELED
Old Town, ME, OLD, VOR RWY 22, Amdt 6, CANCELED
Princeton, ME, PNN, RNAV (GPS) RWY 33, Orig-A
Princeton, ME, PNN, Takeoff Minimums and Obstacle DP, Amdt 2
Fergus Falls, MN, FFM, ILS OR LOC RWY 31, Amdt 2C
Minneapolis, MN, MSP, ILS Z OR LOC RWY 35, ILS Z RWY 35 (SA CAT I), ILS Z RWY 35 (CAT II), ILS Z RWY 35 (CAT III), Amdt 6A
Kansas City, MO, MCI, ILS OR LOC RWY 9, Amdt 18
Kansas City, MO, MCI, RNAV (GPS) Y RWY 9, Amdt 5
Kansas City, MO, MCI, RNAV (RNP) Z RWY 9, Amdt 3
Columbus, MS, UBS, VOR–A, Amdt 14, CANCELED
Greenville, MS, GLH, VOR RWY 18R, Amdt 1, CANCELED
Greenwood, MS, GWO, VOR RWY 5, Amdt 13C, CANCELED
Holly Springs, MS, M41, RNAV (GPS) RWY 18, Orig-C
Holly Springs, MS, M41, RNAV (GPS) RWY 36, Orig-B
Oxford, MS, UOX, RNAV (GPS) RWY 9, Amdt 2A
West Point, MS, M83, VOR/DME–B, Amdt 5C, CANCELED
Laurel, MT, 6S8, VOR RWY 22, Amdt 2D, CANCELED
Burlington, NC, BUY, VOR/DME–A, Amdt 2, CANCELED
Shelby, NC, EHO, RNAV (GPS) RWY 23, Orig-C
Alliance, NE, AIA, VOR RWY 12, Amdt 3D, CANCELED
Alliance, NE, AIA, VOR RWY 30, Amdt 3B, CANCELED
Chadron, NE, CDR, NDB RWY 21, Amdt 12D, CANCELED
Chadron, NE, CDR, Takeoff Minimums and Obstacle DP, Amdt 2
Gordon, NE, GRN, NDB RWY 22, Amdt 4C, CANCELED
North Platte, NE, LBF, VOR RWY 35, Amdt 18E, CANCELED
Ogallala, NE, OGA, VOR RWY 26, Amdt 2, CANCELED
Oshkosh, NE, OKS, NDB RWY 12, Amdt 1E, CANCELED
Thedford, NE, TIF, VOR RWY 29, Amdt 1A, CANCELED
Berlin, NJ, 19N, VOR–B, Amdt 2B, CANCELED
Hammonton, NJ, N81, VOR–B, Amdt 2E, CANCELED
Lumberton, NJ, N14, VOR–A, Amdt 4A, CANCELED
Millville, NJ, MIV, VOR–A, Amdt 1D, CANCELED
Mount Holly, NJ, VAY, VOR RWY 26, Amdt 3A, CANCELED
Old Bridge, NJ, 3N6, VOR RWY 24, Amdt 4B, CANCELED
Princeton/Rocky Hill, NJ, 39N, VOR–A, Amdt 8, CANCELED
Robbinsville, NJ, N87, VOR RWY 29, Amdt 11C, CANCELED
Somerville, NJ, SMQ, VOR RWY 8, Amdt 12C, CANCELED
Trenton, NJ, TTN, VOR–A, Orig, CANCELED
Wildwood, NJ, WWD, VOR–A, Amdt 4A, CANCELED
Albany, NY, ALB, VOR RWY 28, Orig-F, CANCELED
Ogdensburg, NY, OGS, LOC RWY 27, Amdt 5
Ogdensburg, NY, OGS, RNAV (GPS) RWY 9, Amdt 1C
Ogdensburg, NY, OGS, RNAV (GPS) RWY 27, Amdt 2D
Syracuse, NY, SYR, VOR RWY 15, Amdt 23D, CANCELED
Hobart, OK, HBR, RNAV (GPS) RWY 17, Amdt 2B
Hobart, OK, HBR, RNAV (GPS) RWY 35, Amdt 2B
Hobart, OK, HBR, VOR RWY 35, Amdt 9B
Bloomsburg, PA, N13, VOR–A, Amdt 1B, CANCELED
Greenville, PA, 4G1, RNAV (GPS)–B, Orig-B
Harrisburg, PA, MDT, VOR RWY 31, Amdt 2D, CANCELED
Mount Joy/Marietta, PA, N71, VOR RWY 28, Amdt 2, CANCELED
Myerstown, PA, 9D4, VOR/DME OR GPS–A, Amdt 1E, CANCELED
Philipsburg, PA, PSB, VOR RWY 24, Amdt 16E, CANCELED
Selinsgrove, PA, SEG, VOR–A, Amdt 7D, CANCELED
Shamokin, PA, N79, VOR RWY 8, Amdt 4, CANCELED
Newport, RI, UUU, VOR/DME RWY 16, Amdt 1D, CANCELED
North Kingstown, RI, OQU, RNAV (GPS) RWY 16, Amdt 2A
North Kingstown, RI, OQU, RNAV (GPS) RWY 34, Amdt 2A
North Kingstown, RI, OQU, VOR RWY 34, Amdt 4A
North Kingstown, RI, OQU, VOR–A, Amdt 7A
Providence, RI, PVD, VOR RWY 5, Amdt 15, CANCELED
Harlingen, TX, HRL, RNAV (RNP) Z RWY 18R, Amdt 1A
Marlin, TX, T15, Takeoff Minimums and Obstacle DP, Orig, CANCELED
Marlin, TX, T15, VOR/DME OR GPS–A, Amdt 7, CANCELED
Stephenville, TX, SEP, RNAV (GPS) RWY 14, Orig-C
Victoria, TX, VCT, VOR RWY 13, Orig-B
Victoria, TX, VCT, VOR RWY 31, Amdt 1
Waco, TX, CNW, RNAV (GPS) RWY 17L, Amdt 2A
Waco, TX, CNW, RNAV (GPS) RWY 35R, Amdt 2B
Salt Lake City, UT, SLC, RNAV (RNP) Z RWY 16R, Orig-A
Salt Lake City, UT, SLC, RNAV (RNP) Z RWY 34L, Amdt 1A
Burlington, VT, BTV, VOR RWY 1, Amdt 1A, CANCELED
Riverton, WY, RIW, VOR RWY 10, Amdt 10B, CANCELED
Riverton, WY, RIW, VOR RWY 28, Amdt 10B, CANCELED
Torrington, WY, TOR, NDB RWY 10, Amdt 3, CANCELED

[FR Doc. 2026–16887 Filed 8–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2017–F–4399]

Food Additives Permitted in Feed and Drinking Water of Animals; Chromium DL-methionine Chelate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; order.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is amending the regulations for food additives permitted in feed and

drinking water of animals to provide for the safe use of chromium DL-methionine chelate as a nutritional source of chromium in cattle feed. This action is in response to a food additive petition filed by Zinpro Corp.

DATES: This order is effective August 19, 2026. See section V, Objections and Hearing Requests, for further information on the filing of objections. Either electronic or written objections and requests for a hearing on the final amendment must be submitted by September 18, 2026.

ADDRESSES: You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections 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 September 18, 2026. Objections 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 objections in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting objections. Objections submitted electronically, including attachments, to *https://www.regulations.gov,* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection 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 objection, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection 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 objections submitted to the Dockets Management Staff, FDA will post your objection, 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–F–4399 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Chromium DL-methionine Chelate.'' Received objections, 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 an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies in 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 objections. 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 objections 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: Wasima Wahid, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 240–402–5857, *Wasima.Wahid@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a document published in the **Federal Register** of September 22, 2017 (82 FR 44367), FDA announced that we had filed a food additive petition (animal use) (FAP 2300) submitted by Zinpro Corp., 10400 Viking Dr., Suite 240, Eden Prairie, MN 55344. The petition proposed that the regulations for food additives permitted in feed and drinking water of animals be amended to provide for the safe use of chromium DL-methionine as a nutritional source of chromium in cattle feed.

II. Conclusion

FDA concludes that the data establishes the safety and utility of chromium DL-methionine chelate as a nutritional source of chromium in cattle feed and that the food additive regulations should be amended as set forth in this document. This final order is expected to result in expanded production options and is considered an E.O. 14192 deregulatory action.

The Agency found during review of the proposed use of the food additive that a different name for the substance better describes the additive. Additionally, to ensure consistency with the regulation for chromium propionate in 21 CFR 573.304 and due to the additive's composition being consistent with a chelate, the name of the additive is changed as indicated in the regulation. The proposed food additive name was changed from chromium DL-methionine in the notice of petition to chromium DL-methionine chelate in this final order.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure.

IV. Analysis of Environmental Impact

This action is categorically excluded under 21 CFR 25.32(r), for a substance that occurs naturally in the environment, when the action does not significantly alter the concentration or distribution of the substance, its

metabolites, or degradation products in the environment. The proposed use of this substance falls within the categorical exclusion because chromium DL-methionine chelate completely dissociates into chromium and DL-methionine, both of which are naturally occurring compounds, and excretion of these compounds into the environment by cattle is not expected to significantly alter their concentration or distribution. The Agency is not aware of any extraordinary circumstances. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Objections and Hearing Requests

If you will be adversely affected by one or more provisions of this regulation, you may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. Add § 573.302, to subpart B, to read as follows:

§ 573.302 Chromium DL-methionine chelate.

The food additive, chromium DL-methionine chelate may be safely used as a nutritional source of chromium in cattle feed in accordance with the following prescribed conditions:

(a) The additive is manufactured by the reaction of a chromium salt with excess DL-methionine, at an appropriate stoichiometric ratio, to produce a chelate, tris (DL-methioninato) chromium (III) hydrochloride, and with the empirical formula $Cr[(CH_3S(CH_2)_2CH(NH_2)COO)_3]\cdot HCl$.

(b) The additive is added to complete feed for cattle at a level not to exceed 0.5 milligrams (mg) of chromium from chromium DL-methionine chelate per kilogram (kg) feed.

(c) The additive meets the following specifications:

(1) Total chromium content, 5 to 6 percent.

(2) Chelated chromium content, not less than 98 percent of the total chromium.

(3) Total DL-Methionine content, 80 to 85 percent.

(4) Hexavalent chromium content, less than 20 parts per million (ppm).

(5) Arsenic, less than 0.1 ppm.

(6) Cadmium, less than 0.05 ppm.

(7) Lead, less than 0.1 ppm.

(8) Mercury, less than 0.05 ppm.

(d) The additive shall be incorporated into feed as follows:

(1) It shall be incorporated into each ton of complete feed by adding no less than one pound of a premix containing no more than 453.6 milligrams of added chromium from chromium DL-methionine chelate per pound.

(2) Chromium from all sources of supplemental chromium cannot exceed a level of 0.5 ppm in complete feed for cattle.

(e) To assure safe use of the additive in addition to the other information required by the Federal Food, Drug, and Cosmetic Act:

(1) The label and labeling of the additive, any feed premix, and feed shall contain the name of the additive.

(2) The label and labeling of the additive and any feed premix shall also contain:

(i) Minimum and maximum guarantees for added chromium content.

(ii) Adequate directions for use and cautions for use including this statement: ''Caution: Follow label directions'' and, consistent with the directions for use, the following: ''Chromium from all sources of supplemental chromium cannot exceed 0.5 parts per million intake of the complete feed for cattle.''

(iii) Appropriate warnings and safety precautions concerning the chromium DL-methionine chelate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16942 Filed 8–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260813–0186]

RIN 0648–BN60

Atlantic Highly Migratory Species; North Atlantic Swordfish, South Atlantic Swordfish, North Atlantic Albacore, and Atlantic Bluefin Tuna Quotas

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

ACTION: Final rule; temporary quota adjustment; temporary quota transfer.

SUMMARY: In this final rule, NMFS is implementing binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) on quotas for North Atlantic swordfish, South Atlantic swordfish, North Atlantic albacore tuna (northern albacore), and Atlantic bluefin tuna, including aspects of the management procedures for North Atlantic swordfish and northern albacore. For bluefin tuna, this action implements the increased U.S. baseline quota adopted by ICCAT in 2025, dividing it among the established regulatory domestic subquota categories, and implements changes to the bluefin tuna quota associated with pelagic longline bycatch adopted by ICCAT in 2025. Finally, this action transfers 30.8 metric tons (mt) of bluefin tuna quota from the Longline category to the Reserve category and temporarily adjusts the baseline quotas for U.S. North and South Atlantic swordfish, northern albacore, and the Atlantic bluefin tuna Reserve category for 2026 based on 2025 underharvests and applicable international quota transfers.

DATES: The final rule is effective August 19, 2026. The temporary quota adjustments and transfer are effective August 19, 2026, through December 31, 2026.

ADDRESSES: Additional information related to this final rule, including

electronic copies of the supporting documents are available from the Highly Migratory Species (HMS) Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Carrie Soltanoff, Steve Durkee, or Larry Redd, Jr.

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff (*carrie.soltanoff@noaa.gov),* Steve Durkee (*steve.durkee@noaa.gov*), or Larry Redd, Jr., (*larry.redd@noaa.gov*) at 301–427–8503.

SUPPLEMENTARY INFORMATION: Federal Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan, as amended (HMS FMP) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). HMS are defined at section 3(21) of the Magnuson-Stevens Act (16 U.S.C. 1802(21)), and the provisions for their management are at section 304(g)(1) (16 U.S.C. 1854(g)(1)). ATCA is the implementing statute for binding recommendations of ICCAT. Regulations implementing the HMS FMP are at 50 CFR part 635. Section 635.15 implements the Individual Bluefin Tuna Quota (IBQ) program. Section 635.27(a) divides the U.S. bluefin tuna quota as recommended by ICCAT and implemented by the United States among domestic fishing categories as established under the HMS FMP, provides the annual bluefin tuna quota adjustment process, and implements an incidental catch quota for pelagic longline vessels. Section 635.27(c) implements the ICCAT-recommended U.S. North and South Atlantic swordfish quotas and provides the annual adjustment process. Section 635.27(e) implements the ICCAT-recommended U.S. northern albacore quota and provides the annual northern albacore quota adjustment process. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas established pursuant to relevant international fishery agreements such as the ICCAT Convention.

Through this action, NMFS implements various management measures, including quotas, consistent with measures adopted by ICCAT for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and Atlantic bluefin tuna. Additionally, NMFS: (1) adjusts the 2026 baseline quotas for U.S. North and South Atlantic swordfish, northern albacore, and the Atlantic bluefin tuna Reserve category based on the 2025 underharvest and applicable international quota transfers; and (2) transfers 30.8 mt of bluefin tuna quota from the Longline category to the Reserve category. A brief summary of background information is provided below; additional information can be found in the proposed rule (91 FR 24789, May 7, 2026) and supporting documents (see **ADDRESSES** section). NMFS has prepared a comprehensive document that presents the alternatives considered for this final rule and analyzes their anticipated environmental, social, and economic impacts (''supporting document''). This supporting document consolidates the requirements of a number of Federal statutes and executive orders and includes, among other sections, an Environmental Assessment (EA), Regulatory Impact Review (RIR), and a Final Regulatory Flexibility Analysis (FRFA). A copy of the supporting document prepared for this final rule is available from NMFS (see **ADDRESSES** section).

Consistent with how the quotas are established at ICCAT, weight information for northern albacore and bluefin tuna is shown in mt whole weight (ww), and weight information for swordfish is shown in both dressed weight (dw) and ww. The conversion factor between dw and ww for swordfish is 1.33 and the conversion follows the following formula: dw * 1.33 = ww.

This final rule additionally includes two minor changes to the regulatory text to correct a regulatory reference (see Changes from the Proposed Rule section).

Statutory Authority

Under section 971d(c)(1)(A) of ATCA, NMFS must promulgate such regulations as may be necessary and appropriate to carry out binding recommendations of ICCAT (16 U.S.C. 971d(c)(1)(A)). Further, regulations promulgated shall, to the extent practicable, be consistent with FMPs prepared and implemented under the Magnuson-Stevens Act (see 16 U.S.C. 971d(c)(1)(C)).

The Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) requires measures necessary for the conservation and management of the fishery to be consistent with the 10 National Standards set forth in section 301(a) (16 U.S.C. 1851(a)). The National Standards state, among other things, that conservation and management measures must: (1) prevent overfishing while achieving, on a continuing basis, optimum yield from the fishery (National Standard 1); (2) be based on the best scientific information available (National Standard 2); and (3) take into account and allow for variations among fisheries, fishery resources, and catches (National Standard 6). Furthermore, the Magnuson-Stevens Act authorizes measures to promote the long-term health and stability of the fisheries (§ 303(a)(1); 16 U.S.C. 1853(a)(1)) and to assess and specify the present and probable future condition of optimum yield and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield (§ 303(a)(3)–(4); 16 U.S.C. 1853(a)(3)–(4)). Measures such as annual adjustments of quotas for under- or overharvests are important in achieving these goals. Section 102 of the Magnuson-Stevens Act also provides for management actions to be coordinated through appropriate international organizations to promote conservation and achievement of optimum yield of such species throughout their range, both within and beyond the exclusive economic zone, and to take into account the traditional participation of U.S. fishermen (16 U.S.C. 1812(a) and (b)). Section 304(g)(1), among other things, provides NMFS the authority to implement fishery management plans and plan amendments that provide fishing vessels fishing for Atlantic HMS with a reasonable opportunity to harvest an allocation or quota authorized under an international fishing agreement, such as ICCAT's recommendations, and to ensure that conservation and management measures promote international conservation of HMS fisheries (16 U.S.C. 1845(g)(1)).

Background

On May 7, 2026, NMFS published a proposed rule (91 FR 24789) and released a draft of the supporting document, which included a Draft EA, RIR, and Initial Regulatory Flexibility Analysis (IRFA). The proposed rule and supporting document contain background information relevant to this action that is not fully repeated here. Details about the temporary quota adjustments and inseason transfers for 2026 are included below. The comment period for the proposed rule closed on June 6, 2026. NMFS received 39 written comments during the proposed rule public comment period, as well as verbal comments during a public hearing webinar and an HMS Advisory Panel meeting. The comments received, and the responses to those comments, are summarized in the Response to Comments section.

Overall Quota-Setting Process

Regulations at 50 CFR 635.27(c), (e), and (a) set forth the ICCAT-established U.S. baseline quotas for North and South Atlantic swordfish, northern albacore, and Atlantic bluefin tuna, respectively, as well as the requirements and processes for annual adjustments of the quotas for underharvest or overharvest required by ICCAT. The process for annually adjusting the baseline quotas for each stock is described in the proposed rule, with details for 2026 described below. When the current baseline quotas for each stock were originally implemented, NMFS took public comment on their respective adjustment processes and ultimately determined that the annual adjustments to those baseline quotas could be made through temporary final rules as long as the adjustments were consistent with the implementing regulations (87 FR 33049, June 1, 2022, for northern albacore and bluefin tuna; 81 FR 48719, July 26, 2016, for North and South Atlantic swordfish).

In this rulemaking, NMFS once again provided an opportunity for the public to comment on the annual quota adjustment processes for each stock. No comments were provided by the public on these processes. As a result, in the future NMFS will adjust the annual baseline quotas with temporary final rules as long as the adjustments are consistent with the implementing regulations as applied in the calculations detailed in the proposed rule and supporting document. This final rule includes temporary 2026 quota adjustments for North and South Atlantic swordfish, northern albacore, and Atlantic bluefin tuna as described below.

North Atlantic Swordfish Annual Quota and Adjustment Process

This final rule implements Recommendation 25–10, which describes the management procedure for North Atlantic swordfish, by adding a reference to that procedure in the swordfish quota regulations at § 635.27(c)(1) (see 91 FR at 24790–24791 (explaining management procedure in proposed rule)). The supporting document analyzes the range of total allowable catches (TACs) that might be derived from the new North Atlantic swordfish management procedure. NMFS is also temporarily adjusting the quota for 2026. In this rulemaking, NMFS is not making any changes to the current U.S. baseline quota, quota adjustment provisions, and domestic quota allocations. These processes are codified at § 635.27(c)(1)(i) and (c)(3) (77 FR 45273, July 31, 2012).

In the future, if ICCAT modifies the North Atlantic-wide swordfish TAC for the next 3-year management period consistent with the management procedure in Recommendation 25–10, NMFS may codify the resulting U.S. baseline quota up to a maximum of 3,446.1 mt dw through a final rulemaking if consistent with the analyses in this action's associated supporting document and if no new circumstances are present or management measures introduced that require additional analysis or opportunity for public comment. If a new TAC is adopted and resulting U.S. quota codified, NMFS could continue to annually adjust the new U.S. baseline quota through a temporary final rule reflecting underharvest carryover (up to a 3,963-mt dw maximum adjusted quota) or overharvest per the process discussed below if consistent with analyses in the supporting document and there are no new circumstances. NMFS would evaluate the need for any additional environmental analyses or proposed and final rulemaking when implementing any new management procedure-derived TAC and associated quotas adopted by ICCAT.

Consistent with the North Atlantic swordfish quota regulations at § 635.27(c), in this action, NMFS adjusts the 2026 U.S. annual North Atlantic swordfish quota for allowable underharvest from 2025. NMFS makes such adjustments consistent with ICCAT carryover limits and when complete catch information for the prior year is available and finalized. The U.S. North Atlantic swordfish baseline annual quota is 2,937.6 mt dw (3,907 mt ww).

As codified at § 635.27(c)(3), the maximum North Atlantic swordfish underharvest that may be carried forward from one year to the next is 15 percent of the baseline quota, which equates to 440.6 mt dw (586 mt ww). For 2025, the adjusted North Atlantic swordfish quota was 3,152.6 mt dw (90 FR 60017, December 23, 2025). In 2025, U.S. landings of North Atlantic swordfish, which include landings and dead discards, were 637.7 mt dw (2,514.9 mt dw less than the 2025 adjusted quota). This underharvest exceeds the 440.6-mt dw underharvest carryover limit allowed; therefore, only 440.6 mt dw may be carried forward to the 2025 fishing year.

Thus, the adjusted 2026 North Atlantic swordfish quota is 3,378.2 mt dw (2,937.6-mt dw baseline quota + 440.6-mt dw underharvest = 3,378.2 mt dw). From the adjusted quota and consistent with § 635.27(c)(1)(i): (1) 50 mt dw would be allocated to the Reserve category for inseason adjustments and research; (2) 300 mt dw would be allocated to the incidental category, which covers recreational landings and landings by incidental swordfish permit holders; and (3) the remainder of the adjusted quota (3,028.2 mt dw) would be allocated to the directed category, which will be split equally between two seasons in 2026 (January through June, and July through December) (table 1).

TABLE 1—2026 NORTH ATLANTIC SWORDFISH QUOTAS

North Atlantic swordfish quota (mt dw)	2025	2026
Baseline Quota	2,937.6	2,937.6
International Quota Transfers*	(−) 225.6	0
Underharvest from Previous Year	2,558.3	2,514.9
Underharvest Carryover from Previous Year†	(+) 440.6	(+) 440.6
Adjusted Quota (Baseline + Carryover − Transfer)	3,152.6	3,378.2
Quota Allocation		
Directed Category	2,802.6	3,028.2
Incidental Category	300	300
Reserve Category	50	50

*Under ICCAT Recommendation 24–10, the United States transferred 225.6 mt dw (300 mt ww) to Costa Rica in 2025.
†Allowable underharvest carryover is capped at 15 percent of the baseline quota (440.6 mt dw).

South Atlantic Swordfish Annual Quota and Adjustment Process

In this rulemaking, NMFS is not making any changes to the current South Atlantic swordfish quota or adjustment process for 2026 or for future years. This process is codified at § 635.27(c) (72 FR 56929, October, 5, 2007). However, consistent with the South Atlantic swordfish quota regulations at § 635.27(c), NMFS is taking action to temporarily adjust the U.S. annual South Atlantic swordfish quota. Specifically, the U.S. South Atlantic swordfish baseline annual quota is 75.2 mt dw (100 mt ww), and the amount of underharvest that the United States can carry forward from one year to the next is 75.2 mt dw (100 mt ww) (table 2). In 2025, there were no landings of South Atlantic swordfish by U.S. fishermen, which is an underharvest of 75.2 mt dw of the 2025 adjusted quota. Of that underharvest, 75.2 mt dw may be carried forward to the 2026 fishing year. Under Recommendations 17–03 and 22–04, the United States continues to transfer a total of 75.2 mt dw (100 mt ww) to other countries. These transfers are 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Côte d'Ivoire, and 18.8 mt dw (25 mt ww) to Belize. Thus, the adjusted 2026 South Atlantic swordfish quota is 75.2 mt dw (table 2).

TABLE 2—2026 SOUTH ATLANTIC SWORDFISH QUOTAS

South Atlantic swordfish quota (mt dw)	2025	2026
Baseline Quota	75.2	75.2
International Quota Transfers*	(−)75.2	(−)75.2
Underharvest from Previous Year	75.2	75.2
Underharvest Carryover from Previous Year†	75.2	75.2
Adjusted quota (Baseline + Carryover + Transfers)	75.2	75.2

* Under ICCAT Recommendations 17–03 and 22–04, the United States transfers 75.2 mt dw (100 mt ww) annually as follows: Namibia (37.6 mt dw, 50 mt ww); Côte d'Ivoire (18.8 mt dw, 25 mt ww); and Belize (18.8 mt dw, 25 mt ww).
† Allowable underharvest carryover is capped at 75.2 dw (100 mt ww) for the South Atlantic.

Northern Albacore Annual Quota and Adjustment Process

In this rulemaking, no changes are being made regarding the U.S. baseline quota and quota adjustment provisions codified at § 635.27(e), as no regulatory changes are necessary for U.S. implementation of the current ICCAT recommendation on northern albacore. However, consistent with the regulations, NMFS is temporarily adjusting the U.S. annual northern albacore quota for 2026. Additionally, NMFS explains the range of adjusted quotas possible under the existing management procedure and provides updated analyses in the supporting document. Implementation of the management procedure and the current quota adjustment processes for northern albacore are codified at § 635.27(e)(2) (87 FR 33049, June 1, 2022).

Consistent with the northern albacore quota regulations at § 635.27(e), NMFS adjusts the U.S. annual northern albacore quota for allowable underharvest in the previous year. NMFS makes these adjustments consistent with ICCAT carryover limits, once complete catch information for the prior year is available and finalized. The baseline quota is 889.4 mt. The maximum underharvest that may be carried forward from one year to the next is 25 percent of its baseline quota (*i.e.,* 222.4 mt).

For 2025, the adjusted quota was 1,111.8 mt (90 FR 60017, December 23, 2025). In 2025, the United States landed 188.8 mt of northern albacore which is 923 mt less than the 2025 adjusted quota. This underharvest exceeds the 222.4-mt underharvest carryover limit allowed under Recommendation 23–05; therefore, only 222.4 mt may be carried forward to the 2026 fishing year. Thus, the adjusted 2026 northern albacore quota is 1,111.8 mt (889.4-mt baseline quota + 222.4-mt carryover = 1,111.8 mt) (table 3).

TABLE 3—2026 NORTHERN ALBACORE QUOTA

Northern albacore quota (mt ww)	2025	2026
Baseline Quota	889.4	889.4
Underharvest from Previous Year	838.9	923
Underharvest Carryover from Previous Year†	(+) 222.4	(+) 222.4
Adjusted Quota (Baseline + Underharvest)	1,111.8	1,111.8

† Allowable underharvest carryover is capped at 25 percent of the baseline quota allocation (222.4 mt ww).

Bluefin Tuna Annual Quota and Subquotas

In this rulemaking, NMFS implements a U.S. bluefin tuna baseline quota of 1,509.98 mt, reflecting adoption of the new quota by ICCAT in Recommendation 25–05. In implementing the new baseline quota, NMFS also modifies the codified quotas and subquotas at 635.27(a), using the currently codified percentages. NMFS also increases the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt, as well as modifies how it is accounted for, consistent with Recommendation 25–05. The current quota adjustment processes and domestic quota allocations for Atlantic bluefin tuna were codified in Amendment 13 to the HMS FMP (87 FR 59966, October 3, 2022) at § 635.27(a). NMFS is not making any changes to the current regulatory formula codified at § 635.27(a) that distributes the U.S. baseline quota among domestic quota categories or the quota adjustment process.

Section 635.27(a) details the current regulatory quota formulas for dividing the baseline bluefin tuna quota among

domestic categories. The baseline category quotas and subquotas that result from applying the regulatory formulas under the quota increase are shown in table 4. The changes to the text of § 635.27(a) are to insert the new quota and resulting category and subquota amounts.

TABLE 4—NEW ANNUAL BASELINE BLUEFIN TUNA QUOTAS AND SUBQUOTAS

Category	Annual baseline quota (mt)	Subquotas	Subquota amounts (mt)
General	815.4		
		January–March	43.2
		June–August	407.7
		September	216.1
		October–November	106.0
		December	42.4
Harpoon	67.9		
Longline	240.1		
Trap	1.5		
Angling	341.3		
		School	157.2
		Reserve:	29.1
		North of 39°18′ N Lat	60.5
		South of 39°18′ N Lat	67.7
		Large School/Small Medium:	173.4
		North of 39°18′ N Lat	81.9
		South of 39°18′ N Lat	91.6
		Trophy:	10.6
		North of 42° N Lat	2.6
		North of 39°18′ N Lat	2.6
		South of 39°18′ N Lat	2.6
		Gulf of America	2.6
Reserve	43.8		
U.S. Baseline Quota			1,509.98
Bycatch set-aside (for use by Longline category)			62.5
Annual Total U.S. quota			1,572.48

Note: Totals subject to rounding.

As explained in the proposed rule, there is outdated language in § 635.27(a) that provides that NMFS may subtract the most recent, complete, and available estimate of dead discards from the annual U.S. quota, and make the remainder available to be retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction. Amendments 7 and 13 to the HMS FMP changed the bluefin tuna quota category calculations so that the codified category percentages are applied directly to the baseline quota, but the dead discards text was inadvertently left in § 635.27(a). Accordingly, this final rule deletes that text.

Revisions and Adjustments Related to the 2026 Bluefin Tuna Quotas for the Harpoon, Longline, and Reserve Categories

NMFS recalculates the 2026 Harpoon, Longline, and Reserve category quotas based on the baseline bluefin tuna quota increase and inseason transfers that took place earlier in 2026. In July, NMFS transferred 6.4 mt of Reserve category quota to the Harpoon category resulting in an adjusted Harpoon category quota of 65.6 mt (91 FR 43571, July 16, 2026). With this final rule, the adjusted Harpoon category quota is revised to be 74.3 mt (67.9 mt new baseline Harpoon category quota + 6.4 mt transfer from July).

In February, NMFS transferred 30.8 mt of Reserve category quota to the Longline category resulting in an adjusted Longline category quota of 240.1 mt (91 FR 5855, February 10, 2026). Consistent with § 635.15(e)(1), NMFS provided each IBQ shareholder an equal amount of transferred quota. As discussed in the February **Federal Register** notice, NMFS transferred quota then to optimize fishing opportunities for longline vessels at a time bluefin tuna interactions are more likely in the areas they operate through increasing flexibility in the availability of IBQ quota for leasing amongst vessels as needed. With the new baseline quota in this final rule, the adjusted Longline category quota is 270.9 mt (240.1 mt new baseline Longline category quota + 30.8 mt from the February 2026 transfer). As described below, NMFS has decided to make a further adjustment to this quota.

Following the February and July quota transfers, the Reserve category quota was 1 mt. With the new baseline quota in this final rule, the adjusted Reserve category quota is 6.6 mt (43.8 mt new baseline Reserve category quota − 30.8 mt from the February 2026 transfer − 6.4 mt from the July 2026 transfer). At this time, NMFS is further transferring 30.8 mt of quota from the Longline category to the Reserve category, thus resulting in adjusted quotas of 240.1 mt (Longline) and 37.4 mt (Reserve). As this transfer adjusts the Longline category quota to be equal to the new baseline Longline category quota, NMFS will not be adjusting IBQ allocations as a result of this transfer or the new baseline quota. However, as described below, NMFS is making further adjustments to the IBQ allocations as a result of implementing the changes to the pelagic longline bycatch set-aside quota adopted by ICCAT in 2025.

Regulations at § 635.27(a)(8) authorize NMFS to transfer quota among fishing categories or subcategories after considering the determination criteria provided under § 635.27(a)(7) and other relevant factors. Per § 635.27(a)(6), quota from the Reserve category may be transferred to other fishing categories as

needed throughout the year or utilized for the issuance of exempted fishing and other permitted research needs. A key consideration for this action is that an increased Reserve category quota would provide maximum flexibility for NMFS to transfer quota as needed to the various sectors of the bluefin tuna fishery and optimize fishing opportunities to harvest the increased U.S. bluefin tuna annual baseline quota (§ 635.27(a)(7)(x)) within the remainder of the 2026 fishing year. NMFS also considered catches over the last several years and landings to date this year among each quota category that may receive a future transfer from the Reserve category and the likelihood of closure of those fisheries if no adjustment is made later in the year (§ 635.27(a)(7)(ii)), as well as daily landing trends and the availability of bluefin tuna on fishing grounds (§ 635.27(a)(7)(ix)). As noted earlier, NMFS transferred 30.8 mt of quota to the Longline category in February to optimize fishing opportunities at a time when bluefin tuna interactions are more likely, and thus IBQ usage or leasing are more necessary, where those vessels operate. Historically, bluefin tuna landings within the General and Angling categories increase from June through December. In contrast, Longline category landings over this same time frame tend to decrease as there are fewer interactions with bluefin tuna compared to earlier in the year (*i.e.,* January through March). Adding quota availability to the Reserve category mitigates the risk that NMFS may need to close other fishing categories even though bluefin tuna remain available in the areas where General and Angling category permitted vessels operate, while still allowing for additional Longline category quota needs if bluefin tuna interactions happen to increase later in the year beyond the category's increased baseline quota. Similarly, this transfer considers variations in seasonal distribution, abundance, or migration patterns of bluefin tuna (§ 635.27(a)(7)(vii)). While the quota transfer to the Longline category earlier in the year optimized fishing opportunities for those vessels then, transferring quota from the Longline category to the Reserve category helps to address the diversity of the bluefin tuna fishery with respect to timing during the latter part of the year (*i.e.,* fishing when there tends to be more bluefin tuna available on fishing grounds).

Further, regarding the ability of the vessels fishing under each quota category that may receive a transfer from the Reserve category to harvest the additional amount of bluefin tuna quota that would become available before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered landings in each category over the last several years. Landings are highly variable and depend on access to commercial-sized bluefin tuna and fishing conditions, among other factors. Given the increase in bluefin tuna availability in recent years, a quota transfer to the Reserve quota provides the most likelihood that the quota amount will be harvested before the end of the fishing year, as it could be further transferred to other fishing categories as needed. Finally, NMFS is implementing this transfer with the objective of providing opportunities to harvest available quota without exceeding the annual quota, based on the objectives of the HMS FMP and its amendments, including to achieve optimum yield on a continuing basis and to allow all permit categories a reasonable opportunity to harvest available bluefin tuna quota allocations (§ 635.27(a)(7)(vi) and related to § 635.27(a)(7)(x)). In summary, this transfer results in an adjusted Longline category quota of 240.1 mt and an adjusted Reserve category quota of 37.4 mt.

Adjustment of the 2026 Bluefin Tuna Reserve Category Quota for 2025 Underharvest

Regulations at § 635.27(a)(9) regarding annual adjustments of category quotas provide that, if NMFS determines that catches from the previous year indicate that a bluefin tuna quota for any category or, as appropriate, subcategory has not been reached (underharvest), NMFS may add all or a portion of the underharvest to that quota category or subcategory and/or the Reserve category in the following year. The underharvest that is carried forward may not exceed 100 percent of each category's baseline allocation, and the total of the adjusted fishing category quotas and the Reserve category quota must be consistent with ICCAT recommendations. Consistent with these regulations, the annual adjusted quota is thus calculated as detailed in the proposed rule and supporting document. NMFS makes such temporary adjustments consistent with ICCAT quota adjustment provisions and when complete catch information for the prior year is available and finalized.

Consistent with Recommendation 25–05, the maximum underharvest that the United States can carry forward from one year to the next is 10 percent of its total annual quota, which equates to 134.1 mt for 2025. In 2025, the adjusted U.S. quota was 1,199.94 mt (including the 25-mt set-aside for the Northeast Distant gear restricted area (NED)) (90 FR 60017, December 23, 2025), and the U.S. catch, including landings and dead discards, totaled 1,125.1 mt. Thus, the 2025 underharvest was 74.8 mt. As such, the United States is carrying forward the allowable 74.8 mt underharvest to 2026. Per § 635.27(a)(9), NMFS is augmenting the 2026 Reserve category quota with this 2025 underharvest.

As described above, the transfer to the Reserve category from the Longline category, would result in an adjusted 2026 Reserve category quota of 37.4 mt. With the addition of the underharvest of 74.8 mt, the adjusted 2026 Reserve category quota as of the effective date of this action is 112.2 mt (37.4 mt + 74.8 mt (2025 underharvest carryover in this action)) (table 5).

TABLE 5—2026 BLUEFIN TUNA QUOTAS

Bluefin tuna quota (mt ww)	2025	2026
Baseline Quota	1,316.14	1,509.98
Total Quota (Baseline Quota + Bycatch Allocation)*	1,341.14	1,572.48
Under (+) or over (−) harvest from Previous Year†	−141.2	74.8
Adjusted Quota (Total quota + Carryover)	1,199.94	1,647.28
Baseline Reserve Category Quota	38.2	43.8
Adjusted Reserve Category Quota (Reserve Category Quota + Carryover)	NA	112.2

Values in this table are subject to rounding error.

*The United States is allocated an additional 25 mt in 2025 and 62.5 mt in 2026 to account for bycatch related to pelagic longline fisheries.

†Allowable underharvest carryover is capped at 10 percent of the total annual quota (134.1 mt ww in 2025).

Implementation of Pelagic Longline Bycatch Set-Aside Quota for Bluefin Tuna

Consistent with ICCAT Recommendation 25–05, in this rulemaking, NMFS increases the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt (table 4) and allocates this set-aside quota to pelagic longline IBQ shareholders with IBQ shares designated for the Atlantic region as defined at § 635.15(c)(3). That section defines the Gulf of America region as all waters of the U.S. exclusive economic zone west and north of the boundary stipulated at § 600.105(c) and the Atlantic region as all other waters of the Atlantic Ocean including the NED, a large area whose coordinates are set forth in § 635.2.

In this rule, NMFS also changes how this set-aside quota will be used and distributed. Specifically, NMFS will no longer account for bluefin tuna catch in the NED separately from bluefin tuna catch in the rest of the Atlantic region; instead, NMFS will allocate the pelagic longline bycatch set-aside quota to pelagic longline vessels that have fishing history in the Atlantic region and will annually distribute Atlantic allocation to each IBQ shareholder based on their IBQ share percentage. IBQ shareholders with shares designated for the Gulf region will not receive allocation from the set-aside quota, and Atlantic IBQ allocation cannot be used in the Gulf under existing regulations, which remain in place, the existing gear and bait requirements at § 635.21(c)(2) and (4) specific to pelagic longline vessels fishing in the NED also remain in place.

With this change, for the remainder of 2026, NMFS will distribute the 62.5 mt to 2026 IBQ shareholders that have been issued Atlantic IBQ. Consistent with § 635.15(e)(3), each applicable IBQ shareholder will receive their share percentage. Shareholders should receive this additional amount in their IBQ accounts shortly.

Response to Comments

NMFS received 39 written comments from individual members of the public. All written comments can be found at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0053.* NMFS also received oral comments from the HMS Advisory Panel and during a public hearing webinar. Below, NMFS summarizes and responds to the written and oral comments made on the proposed rule during the comment period.

Comment 1: NMFS received multiple comments supporting the increased U.S. bluefin tuna baseline quota from 1,316.14 mt to 1,509.98 mt as preferred in Alternative C2.

Response: NMFS agrees that implementing the increased bluefin tuna baseline quota under Alternative C2 is appropriate and necessary to provide fishing opportunities consistent with the Magnuson-Stevens Act and ATCA.

Comment 2: NMFS received multiple comments regarding implementation of the pelagic longline bycatch set-aside quota, specifically the incorporation of that quota into the Atlantic IBQ shares for pelagic longline fishermen. Some comments supported preferred Alternative D3 to allocate the pelagic longline bycatch set-aside quota to IBQ shareholders with IBQ shares designated for the Atlantic region, although some other commenters suggested limiting the availability of the set-aside quota to Atlantic IBQ shareholders in only portions of the Atlantic. Some commenters requested that NMFS limit the allocation of this quota to certain IBQ shareholders such that it be used only in areas where bluefin tuna are caught, or creating an IBQ designation line separating the mainland east coast from the Caribbean; they indicate that there are no interactions with bluefin tuna in the Caribbean Sea. One commenter requested a proportional distribution of quota based on where vessels land bluefin tuna. Another commenter suggested that the agency consider the ICCAT bluefin tuna Management Strategy Evaluation (MSE) statistical map in place of the ICCAT bluefin tuna sampling areas map when describing in which areas this quota would apply.

Response: As discussed in Chapters 3 and 4 of the supporting document, research shows that more than 50 percent of commercial-sized bluefin tuna caught in U.S. fisheries are of eastern Atlantic and Mediterranean origin. Given this, NMFS agrees that incorporating the bluefin tuna pelagic longline set-aside quota into the Atlantic IBQ shares pool is appropriate and consistent with ICCAT Recommendation 25–05, paragraph 6, which refers to bycatch related to pelagic longline fisheries in the vicinity of the management area boundary and adjacent areas derived from the eastern Atlantic and Mediterranean bluefin tuna TAC. NMFS does not believe that limiting the use of the 62.5-mt bycatch set-aside quota to only certain portions of the Atlantic is appropriate at this time. Under Alternative D3, NMFS includes all of the areas in the vicinity of the management area boundary. Applying quota to all areas would be consistent with the Recommendation and with providing U.S. fishing opportunities, under the Magnuson-Stevens Act and ATCA. Additionally, Atlantic IBQ shares are applicable to pelagic longline fishing in all of the Atlantic outside the Gulf of America. Sub-dividing Atlantic IBQ use or shares on a geographic basis would require full rulemaking in support of an FMP Amendment and is outside the scope of this rulemaking.

NMFS acknowledges that there are not many pelagic longline interactions with bluefin tuna in the Caribbean Sea. However, pelagic longline effort historically has occurred in the Caribbean Sea for target species such as swordfish and yellowfin tuna. Under the current regulations, NMFS annually distributes IBQ based on fishing effort. This fishing effort is not dependent on bluefin tuna landings, rather it is dependent on the number of sets that individual vessels make in the relevant 36-month period. If pelagic longline vessels are making fishing sets, they are eligible for IBQ regardless of if the vessel's home port is in the Caribbean. As such, under the preferred alternative, NMFS would distribute the pelagic longline bycatch set-aside quota of 62.5 mt to pelagic longline IBQ shareholders with IBQ shares designated for the Atlantic region. There is no distinction in the IBQ program for different areas of the Atlantic region, outside the Gulf of America.

With respect to the suggestion to use the map of bluefin tuna MSE spatial areas, NMFS considered the MSE map to illustrate appropriate areas to apply the pelagic longline bluefin tuna bycatch set-aside quota. However, NMFS chose the ICCAT bluefin tuna sampling areas map to illustrate these alternatives, as a map that is generally more familiar to fishery participants and other stakeholders. The MSE spatial areas reinforce the underlying concept that the area adjacent to the management area boundary is the entire western Atlantic area extending to the shore, and that area is not further subdivided (other than differentiating between the Atlantic and the Gulf of America). As in the current regulations, usage of Atlantic IBQ would not be limited to any certain area under any of the possible maps (domestic or ICCAT) but would continue to apply in the entire Atlantic outside the Gulf of America.

Comment 3: NMFS received a comment requesting that the agency include economic analysis on private anglers for the bluefin tuna quota increase in the Regulatory Flexibility Act (RFA) section of the rule. This

commenter noted that in the RFA section, economic information was presented only on the commercial and for-hire fleets.

Response: Under the RFA, small entities are defined as small businesses, small non-profit organizations, and small governmental jurisdictions. Since private anglers are individuals, they are not considered small entities under the RFA. Thus, analysis of the economic impacts to private anglers is not found in the RFA section of this rule. However, NMFS analyzed the social and economic impacts of implementing the ICCAT bluefin tuna quota increase (preferred Alternative C2) for private anglers in Chapter 4 (EA) and Chapter 5 (RIR) of the supporting document.

Comment 4: NMFS received multiple comments in support of implementing the North Atlantic swordfish management procedure.

Response: NMFS is finalizing the preferred alternative to implement the North Atlantic swordfish management procedure.

Comment 5: NMFS received multiple comments that are outside the scope of this rulemaking including suggestions to: (1) negotiate for a higher U.S. share of the western Atlantic bluefin tuna TAC at ICCAT; (2) change the bluefin tuna retention limits; (3) reconsider the separation of western and eastern Atlantic bluefin tuna stocks; (4) prohibit fishing; and (5) include ''seafood gleaning'' (which is defined as giving a fish that was landed but not sold at some point in the supply chain and providing it to those in need) in fishery management plans. One commenter suggested reimbursing (partially or wholly) anglers for the cost of an HMS Angling permit if the recreational bluefin tuna fishery closes before the end of the year. One commenter noted ICCAT's bluefin tuna management procedure, referencing potential future revisions. Other commenters provided suggestions related to the accounting of recreational landings of bluefin tuna under the U.S. quota.

Response: These comments are outside the scope of this rulemaking. The purpose of this action is to implement the ICCAT recommendations adopting management procedures and current TACs, quotas, transfers, and quota adjustment provisions for North and South Atlantic swordfish, northern albacore, and bluefin tuna (Recommendations 25–10, 22–04, 23–05, and 25–05, respectively), as necessary and appropriate pursuant to ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act. However, note that this final rule does not include any changes to recreational fishing mortality tracking and accounting, reporting or quotas. To the extent that these comments are suggesting development of U.S. proposals at ICCAT, U.S. proposals and priorities for ICCAT generally are discussed in the context of the U.S. ICCAT Advisory Committee meetings, which typically have at least one session per meeting open to the public. For more information on the ICCAT and the ICCAT Advisory Committee meetings, please refer to the website: *https://www.fisheries.noaa.gov/international-affairs/international-commission-conservation-atlantic-tunas.*

Changes From the Proposed Rule

This final rule includes two changes to the regulatory text from the proposed rule to correct a regulatory reference. The final regulatory text for § 635.15(d)(1) and (2) is corrected to reference § 635.15(e)(3) in addition to § 635.15(e)(2).

Classification

NMFS is issuing this final rule and temporary quota actions pursuant to the ATCA section 971d(c)(1)(A) (16 U.S.C. 971d(c)(1)(A), and sections 304(g)(1) and 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1854(g)(1) and 1855(d)). The NMFS Assistant Administrator has determined that this rule and quota actions are consistent with the HMS FMP and its amendments, ATCA, other provisions of the Magnuson-Stevens Act, and other applicable law.

A proposed rule was published on May 7, 2026, to provide prior notice and an opportunity for public comment on implementation of the new Atlantic bluefin tuna quota and pelagic longline bycatch set-aside quota, annual quota adjustment procedures for Atlantic bluefin tuna, swordfish, and albacore tuna and 2026 adjustments, and the North Atlantic swordfish and northern albacore management procedures (91 FR 24789). This final action also includes a temporary bluefin tuna quota transfer from the Longline category to the Reserve category.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and opportunity for public comment on, the temporary quota transfer because it is contrary to the public interest for the following reasons. The regulations implementing the HMS FMP and amendments provide for inseason adjustments and quota transfers to respond to the unpredictable nature of bluefin tuna availability on the fishing grounds, the migratory nature of this species, and the regional variations in the bluefin tuna fishery. Providing prior notice and an opportunity for public comment is contrary to the public interest as various sectors of this fishery are currently underway. Delaying the transfer would decrease the ability to optimize fishing opportunities amongst fishing categories to utilize the new U.S. quota when bluefin tuna are available on fishing grounds and would not provide a comprehensive and transparent account of bluefin tuna quota management among fishing categories. This action does not raise conservation and management concerns and would support effective management of the bluefin tuna fishery. The quota transfer action itself does not affect the overall ICCAT-allocated U.S. bluefin tuna quota. As NMFS has stated previously, the public had an opportunity to comment on the underlying rulemakings that established the inseason adjustment criteria, as well as the new U.S. bluefin tuna quota in the proposed rule published in May 2026. Comments received on the underlying rulemakings were fully considered in the promulgation of those past final rules.

The 30-day delay in effective date requirement does not apply to this final rule because the final rule relieves restrictions on the level of bluefin tuna harvest allowed by the U.S. bluefin tuna fishery (5 U.S.C. 553(d)(1)) and because there is good cause for the rule and temporary quota actions to take effect upon publication in the **Federal Register**. (5 U.S.C. 553(d)(3)).

The fisheries for northern albacore, North and South Atlantic swordfish, and bluefin tuna began on January 1, 2026. Implementation of the increased U.S. bluefin tuna quota and pelagic longline set-aside quota needs to occur as soon as possible to prevent premature closure of bluefin tuna subcategory quotas and unnecessary loss of fishing opportunities.

With respect to the annual quota adjustments, NMFS monitors northern albacore, North and South Atlantic swordfish, and bluefin tuna annual catch and uses the previous year's catch data to calculate the legally allowable quotas for the current year. However, these adjustments to the 2026 quotas could not occur earlier in the year because the final 2025 landings data—which first must be collected, compiled and submitted in association with ICCAT reporting requirements—were not available until now.

Given that these fisheries are currently open and permit-holders are actively fishing, delaying the effective date of this rule's quota increases and

adjustments would in turn lead to premature closure of one or more affected fisheries if the unadjusted quota limit is reached within the next 30 days. Such an event would negatively affect the regulated fisheries' reasonable opportunity to catch the available quotas, contrary to Magnuson-Stevens Act requirements and overall purpose of sound conservation and management of fisheries—including HMS—in a manner that achieves optimum yield. Therefore, this rule taking effect without a 30-day delay in effective date removes a restriction on the fishery and is not subject to the requirement.

Furthermore, delaying the effective date of this rule would delay the application of South Atlantic swordfish quota transfers pursuant to ICCAT obligations to U.S. quota limits, contrary to requirements under ATCA, and delay NMFS' ability to transfer quota inseason, as needed, among bluefin tuna subquota fishing categories to ensure fishing opportunities and avoid premature fishery closures. As with the quota adjustments, such a delay would be contrary to the Magnuson-Stevens Act requirement to allow U.S. vessels reasonable opportunity to harvest HMS allocations and quotas under relevant international fishery agreements such as the ICCAT Convention.

Finally, similar to the reasons noted above regarding a waiver of prior notice for the bluefin tuna quota transfer action, delaying the effective date of the bluefin tuna quota transfer to the Reserve category would decrease the ability to optimize fishing opportunities across the bluefin tuna fishery sectors when bluefin tuna are available on fishing grounds. Therefore, there is good cause for the rule to take effect without a 30-day delay in effective date.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is an Executive Order 14192 deregulatory action.

NMFS has determined that this action 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; therefore, consultation with Tribal officials under Executive Order 13175 is not required, and the requirements of section (5)(b) and (c) of Executive Order 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2) of Executive Order 13175 is not required and has not been prepared.

A FRFA was prepared for this final rule. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, and a summary of the analyses updated in response to the comments and completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES** section). A summary is provided below.

Section 604(a)(1) of the Regulatory Flexibility Act (RFA) requires agencies to state the need for, and objective of, the final action. The need for this action is to implement the ICCAT recommendations adopting management procedures and current TACs, quotas, transfers, and carryforward provisions for North and South Atlantic swordfish, northern albacore, and bluefin tuna (Recommendations 25–10, 22–04, 23–05, and 25–05, respectively), as necessary and appropriate pursuant to ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act.

Section 604(a)(2) of the RFA requires a summary of significant issues raised by the public in response to the IRFA, a summary of the agency's assessment of such issues, and a statement of any changes made in the rule as a result of the comments. NMFS received 39 written comments and additional verbal comments following presentations at the 2026 Spring HMS Advisory Panel meeting and public webinar. Summarized public comments and NMFS' responses to them are included in the final rule associated with this FRFA. Only one comment referred to the IRFA impacts in this rule.

Comment: NMFS received a comment requesting that the agency include economic analysis on private anglers for the bluefin tuna quota increase in the RFA section of the rule. This commenter noted that in the RFA section, economic information was only presented on the commercial and for-hire fleets.

Response: Under the RFA, small entities are defined as small businesses, small non-profit organizations, and small governmental jurisdictions. Since private anglers are individuals, they are not considered small entities under the RFA. Thus, analysis of the economic impacts to private anglers is not found in the RFA section of this rule. However, NMFS analyzed the social and economic impacts of implementing the ICCAT bluefin tuna quota increase (preferred Alternative C2) for private anglers in chapter 4 (EA) and chapter 5 (RIR) of the supporting document.

Section 604(a)(3) of the RFA requires the agency to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made in the rule as a result of such comments. NMFS did not receive any comments from the Chief Counsel for Advocacy of the SBA in response to the proposed rule.

Section 604(a)(4) of the RFA requires agencies to provide descriptions of, and where feasible, an estimate of the number of small entities to which the rule would apply. The SBA has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with SBA's Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In that final rule, effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (North American Industry Classification System (NAICS) 11411) for RFA compliance purposes. NMFS completed a review of the small business size standard on November 24, 2025 (90 FR 52917), that resulted in maintaining the existing size standard. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing. SBA has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector (NAICS code 487210, for-hire), which includes charter/party boat entities. SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than $14 million.

NMFS considers all HMS permit holders, both commercial and for-hire, to be small entities because they had average annual receipts of less than their respective sector's standard of $11 million and $14 million. Regarding those entities that would be directly affected by the preferred alternatives, the average annual revenue per pelagic longline vessel that received IBQ shares

is estimated to be $211,842, based on approximately 76 vessels that produced an estimated $16.1 million in revenue in 2024, which is well below the NMFS small business size standard for commercial fishing businesses of $11 million. No single pelagic longline vessel has exceeded $11 million in revenue in recent years, and all pelagic longline vessel owners have identified themselves as small entities on their permit renewal applications.

Other non-longline HMS commercial fishing vessels typically earn less revenue than pelagic longline vessels and, thus, would also be considered small entities. Based on 2025 permit information, NMFS predicts that the preferred alternatives would apply to the following numbers of non-pelagic longline permit holders that fish commercially or engage in commercial or for-hire activities: 2,420 Atlantic Tunas General category, 4,409 HMS Charter/Headboat, 37 Atlantic Tunas Harpoon category, 73 Swordfish Handgear, 616 Swordfish General Commercial, and 109 Commercial Caribbean Small Boat permits. This final rule would also impact HMS Angling permit holders, but those permit holders are considered individuals and not small entities under RFA.

This action would apply to all participants in the Atlantic swordfish and tuna fisheries. This final rule is expected to directly affect commercial and for-hire fishing vessels that possess an Atlantic Swordfish, Atlantic Tunas, Commercial Caribbean Small Boat, or Atlantic HMS Charter/Headboat permit. It is unknown what portion of HMS Charter/Headboat permit holders actively participate in the swordfish, bluefin tuna, and northern albacore fisheries or provide fishing services for recreational anglers. This constitutes the best available information regarding the universe of permits and permit holders recently analyzed.

NMFS has determined that the preferred alternatives would not likely directly affect any small organizations or small government jurisdictions defined under RFA, nor would there be disproportionate economic impacts between large and small entities.

Section 604(a)(5) of the RFA requires agencies to describe any new reporting, record-keeping, and other compliance requirements. The action does not contain any new collection of information, reporting, or record-keeping requirements.

Section 604(a)(6) of the RFA requires agencies to describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. As described below, NMFS analyzed several different alternatives in this final rulemaking and provides rationales for identifying the preferred alternatives to achieve the desired objectives. The FRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the final action on vessels.

North and South Atlantic Swordfish

Under Alternative A1, the no action alternative for North and South Atlantic swordfish, NMFS would not implement the ICCAT North Atlantic swordfish management procedure and would maintain implementation of relevant South Atlantic swordfish quota measures. NMFS has estimated the average impact maintaining the North Atlantic swordfish and South Atlantic swordfish quotas for all domestic quota categories would have on individual categories and the permit holders within those categories. For North Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative A1 is 3,378.2 mt dw. Assuming the 2024 average ex-vessel price of $4.48 per pound and 100-percent quota utilization, total possible gross revenues across the domestic North Atlantic swordfish fishery would be estimated to be $33,365,000 under Alternative A1. In 2025, there were 150 swordfish directed permit holders, 56 swordfish incidental permit holders, 73 swordfish handgear permit holders, 616 swordfish general commercial permit holders, and 65 incidental squid trawl permit holders. Due to quota tracking complexities, NMFS does not have a proportional breakdown of the total landings by permit type, however, the average annual ex-vessel revenue across all swordfish permit types is $34,755 per vessel ($33,365,000/960 permit holders). Since retention limits are higher for directed permit holders than incidental permit holders, actual per vessel revenue would likely be higher for directed permit holders and lower for incidental permit holders. There would be no change in economic impacts on vessels in the short term under this no action alternative.

For South Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative A1 is 75.2 mt dw. There are no recent landings of South Atlantic swordfish and, thus, no recent ex-vessel prices for the stock, but North Atlantic swordfish prices can be used as a proxy. Assuming the 2024 average ex-vessel price of $4.48 per pound for North Atlantic swordfish and 100-percent quota utilization, total possible gross revenues across the domestic South Atlantic swordfish fishery would be estimated to be $743,000 under Alternative A1. Due to the distance from the U.S. mainland, only pelagic longline vessels operating under a swordfish directed permit are likely to fish for South Atlantic swordfish and, in 2025, there were 150 swordfish directed permits. The long-term estimated potential average annual ex-vessel revenue from South Atlantic swordfish across all swordfish directed permit holders is $4,953 per vessel ($743,000/150 swordfish directed permit holders). Similar to North Atlantic swordfish, there would be no change in economic impacts on vessels in the short term under this no- action alternative.

Under preferred Alternative A2, NMFS would implement the ICCAT North Atlantic swordfish management procedure and would not make changes to implementation of relevant South Atlantic swordfish quota measures. NMFS has estimated the average impact of the North Atlantic swordfish and South Atlantic swordfish quotas under the most recent ICCAT recommendations for all domestic quota categories on individual categories and the permit holders within those categories. For North Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative A2 is 3,963.0 mt dw. Assuming the 2024 average ex-vessel price of $4.48 per pound and 100-percent quota utilization, total possible gross revenues across the domestic North Atlantic swordfish fishery would be estimated to be $39,141,000 under Alternative A2. In 2025, there were 150 swordfish directed permit holders, 56 swordfish incidental permit holders, 73 swordfish handgear permit holders, 616 swordfish general commercial permit holders, and 65

incidental squid trawl permit holders. Due to quota tracking complexities, NMFS does not have a proportional breakdown of the total landings by permit type, however, the average annual ex-vessel revenue across all swordfish permit types is $40,772 per vessel ($39,141,000/960 permit holders). This would be a gain of an estimated $6,017 per vessel in revenue as compared to the no action alternative, A1. Since retention limits are higher for directed permit holders than incidental permit holders, actual per vessel revenue would likely be higher for directed permit holders and lower for incidental permit holders.

Since there is no change in the South Atlantic quota under Alternative A2, there would be no change in impacts on small entities associated with the South Atlantic swordfish quota under Alternative A2 as compared to the status quo under Alternative A1.

Northern Albacore

Under Alternative B1, the no action alternative for northern albacore, NMFS would maintain implementation of the ICCAT northern albacore management procedure. NMFS has estimated the average impact of maintaining the northern albacore quota for all permit holders. For northern albacore, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. northern albacore fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative B1 is 1,111.8 mt. Assuming the 2024 average ex-vessel price of $2.12 per pound and 100-percent quota utilization, total possible gross revenues across the domestic northern albacore fishery would be estimated to be $4,519,000 (1,111.8 mt/1.15 dw conversion factor * $2.12) under Alternative B1. The total number of permit holders that would potentially land northern albacore is 2,662 (2,420 in the Atlantic Tunas General category; 37 in the Atlantic Tunas Harpoon category; 205 in the Atlantic Tunas Longline category). If the entire quota is harvested under this No Action alternative, average annual revenue across all permit holders would be $1,698 ($4,519,000/2,662 permit holders). Under this no action alternative, there would be no short-term economic impact on these vessel owners.

Under preferred Alternative B2, NMFS would maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. NMFS has estimated the average impact of the northern albacore quota under the most recent ICCAT recommendation for all permit holders. For northern albacore, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. northern albacore fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative B2 is 1,187.5 mt. Assuming the 2024 average ex-vessel price of $2.12 per pound and 100-percent quota utilization, total possible gross revenues across the domestic northern albacore fishery would be estimated to be $4,826,000 (1,187.5 mt/1.15 dw conversion factor * $2.12) under Alternative B2. The total number of permit holders that would potentially land northern albacore is 2,662 (2,420 in the Atlantic Tunas General category; 37 in the Atlantic Tunas Harpoon category; 205 in the Atlantic Tunas Longline category). If the entire quota is harvested under this No Action alternative, average annual revenue across all permit holders would be $1,813 ($4,826,000/2,662 permit holders). This is an increase of $115 per vessel in average annual revenue as compared to the no action alternative, B1.

Bluefin Tuna Quota

Under Alternative C1, the no action alternative for bluefin tuna, NMFS would not implement the increased bluefin tuna quota adopted under Recommendation 25–05. NMFS has estimated the average impact maintaining the bluefin tuna quota for all domestic quota categories would have on individual categories and the permit holders within those categories. For bluefin tuna, to calculate the average ex-vessel bluefin tuna revenues under Alternative C1, NMFS first estimated potential category-wide revenues. The calculated 2024 average ex-vessel price for each commercial quota category is used to estimate potential ex-vessel gross revenues under the current subquotas. The current baseline subquotas could result in estimated gross revenues of $11.1 million annually, if fully utilized, broken out by quota category. NMFS notes that these prices are presented in dw. Revenues in each category are as follows: General category: $7.4 million (710.7 mt ww/1.25 dw conversion factor * $5.92/lb dw); Harpoon category: $602,445 (59.2 mt ww/1.25 dw conversion factor * $5.77/lb dw); Longline category: $2.8 million (209.3 mt ww/1.25 dw conversion factor * $7.46/lb dw); the pelagic longline bycatch set-aside: $328,926 (25 mt ww/1.25 dw conversion factor * $7.46/lb dw); and the Trap category: $14,032 (1.3 mt ww/1.25 dw conversion factor * $6.12/lb dw). Note that these revenues are likely an underestimation for the General and Harpoon categories, which typically receive additional quota from the Reserve category (*i.e.,* from the baseline Reserve subquota, and from the up to 10 percent of the U.S. baseline quota that could be carried forward from the previous year's underharvest). These revenues are likely an overestimation for the Longline and Trap categories, which do not typically land their entire quotas allocated for incidental bluefin tuna catch. Additionally, there has been substantial interannual variability in ex-vessel revenues in each category in recent years, due to recent changes in bluefin tuna availability and other factors.

To estimate the potential average ex-vessel revenues for each permit holder that could result from Alternative C1, NMFS divided the potential annual gross revenues for the General, Harpoon, and Trap category by the number of permit holders. For the Longline category, NMFS divided the potential annual gross revenues by the number of permit holders that received IBQ shares in 2026. This is an appropriate approach for bluefin tuna fisheries, because available landings data (weight and ex-vessel value of the fish in price-per-pound) allow NMFS to calculate the gross revenue earned by a permit holder on a successful trip. The available data (particularly from non-Longline permit holders) do not, however, allow NMFS to calculate the effort and cost associated with each successful trip (*e.g.,* the cost of gas, bait, ice), so net revenue for each permit holder cannot be calculated. As a result, NMFS analyzes the average impact of the alternatives among all permit holders in each category using gross revenues.

Success rates for catching and landing bluefin tuna vary widely across permit holders in each category (due to extent of vessel effort and availability of commercial-sized bluefin tuna to permit holders where they fish), but for the sake of estimating potential revenues per permit holder, category-wide revenues can be divided by the number of permits in each category. In 2025, there were 2,420 Atlantic Tunas General category permits, 37 Atlantic Tunas Harpoon category permit, and no Atlantic Tunas Trap category permits. For the longline fishery, category-wide revenue is divided by the number of permit holders who received IBQ shares in 2026 to determine potential revenue per the 76 permit holders, as indicated below. Actual vessel level revenues would depend, in part, on each permit holder's effort. It is unknown what portion of HMS Charter/Headboat

permit holders actively participate in the bluefin tuna fishery. HMS Charter/Headboat vessels may fish commercially under the General category quota and retention limits. Therefore, NMFS is estimating potential General category ex-vessel revenue changes using the number of General category permit holders only.

Estimated potential bluefin tuna revenues on a per permit holder basis under Alternative C1, the no action alternative, considering the number of permit holders and estimated gross revenues listed above, under the current subquotas, could be $3,066 for the General category permit holders; $16,282 for the Harpoon category permit holders; and $40,562 for the Longline category, including the pelagic longline bycatch-set aside quota (using 76 permit holders). Under this no action alternative, there would be no short-term economic impact on these vessel owners.

Under preferred Alternative C2, NMFS would implement the U.S. bluefin tuna quota and distribute it to domestic categories in accordance with ICCAT Recommendation 25–05 and currently codified quota regulations. NMFS has estimated the average impact of the bluefin tuna quota under the most recent ICCAT recommendations for all domestic quota categories on individual categories and the permit holders within those categories. For bluefin tuna, to calculate the average ex-vessel bluefin tuna revenues under Alternative C2, NMFS first estimated potential category-wide revenues under the maximum potential baseline subquotas. The calculated 2024 average ex-vessel price for each commercial quota category is used to estimate potential ex-vessel gross revenues under the subquotas. The baseline subquotas could result in estimated gross revenues of $13.2 million annually, broken out by quota category. Revenues in each category are as follows: General category: $8.5 million (815.4 mt ww/1.25 dw conversion factor * $5.92/lb dw); Harpoon category: $690,980 (67.9 mt ww/1.25 dw conversion factor * $5.77/lb dw); Longline category: $3.2 million (240.1 mt ww/1.25 dw conversion factor * $7.46/lb dw); pelagic longline bycatch set-aside: $822,315 (62.5 mt/1.25 dw conversion factor * $7.46/lb dw); and Trap category: $16,191 (1.5 mt/1.25 dw conversion factor * $6.12/lb dw). Note that these revenues are likely an underestimation for the General and Harpoon categories, which typically receive additional quota from the Reserve category (*i.e.,* from the baseline Reserve subquota, and from the up to 10 percent of the U.S. baseline quota that could be carried forward from the previous year's underharvest). These revenues are likely an overestimation for the Longline and Trap categories, which do not typically land their entire quotas allocated for incidental bluefin tuna catch. Additionally, there has been substantial interannual variability in ex-vessel revenues in each category in recent years, due to recent changes in bluefin tuna availability and other factors.

To estimate the potential average ex-vessel revenues for each permit holder that could result from this action for bluefin tuna, NMFS divided the potential annual gross revenues for the General, Harpoon, and Trap category by the number of permit holders. For the Longline category, NMFS divided the potential annual gross revenues by the number of permit holders that received IBQ shares in 2026. This is an appropriate approach for bluefin tuna fisheries, in particular, because available landings data (weight and ex-vessel value of the fish in price-per-pound) allow NMFS to calculate the gross revenue earned by a permit holder on a successful trip (*e.g.,* the cost of gas, bait, ice, *etc.*), so net revenue for each permit holder cannot be calculated. As a result, NMFS analyzes the average impact of the alternatives among all permit holders in each category using gross revenues.

Success rates for catching and landing bluefin tuna vary widely across permit holders in each category (due to extent of vessel effort and availability of commercial-sized bluefin tuna to permit holders where they fish), but for the sake of estimating potential revenues per permit holder, category-wide revenues can be divided by the number of permits in each category. In 2025, there were 2,420 Atlantic Tunas General category permits, 37 Atlantic Tunas Harpoon category permits, and no Atlantic Tunas Trap category permits. For the Longline fishery, category-wide revenue is divided by the number of permit holders who received IBQ shares in 2026 to determine potential revenue per the 76 permit holders, as indicated below, and actual revenues would depend, in part, on each permit holder's effort. It is unknown what portion of HMS Charter/Headboat permit holders actively participate in the bluefin tuna fishery. HMS Charter/Headboat vessels may fish commercially under the General category quota and retention limits. Therefore, NMFS is estimating potential General category ex-vessel revenue changes using the number of General category permit holders only.

Estimated potential 2026 bluefin tuna revenues on a per permit holder basis under Alternative C2, the preferred alternative, considering the number of permit holders and estimated gross revenues listed above, under the maximum potential subquotas, could be $3,518 for the General category permit holders; $18,675 for the Harpoon category permit holders; and $52,386 for the Longline category, including the pelagic longline bycatch-set aside quota (using 76 permit holders). If the entire quota was harvested under Alternative C2, permit holders could expect an increase in gross revenues when compared to the no action alternative. For instance, General category permit holders could experience an increase of $452; $2,393 for the Harpoon category permit holders; and $11,824 for the Longline category, including the pelagic longline bycatch set-aside quota (using 76 permit holders).

Bluefin Tuna Longline Bycatch Area

Under Alternative D1, NMFS would maintain the area status quo (*i.e.,* the NED) and allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing specifically in the NED. This alternative would likely result in neutral economic impacts as few vessels currently fish in the NED and catch bluefin tuna. NMFS does not anticipate a change in fishing effort and thus economic impacts under this alternative.

Under Alternative D2, NMFS would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the existing NED area, as well as the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR. Within these areas, pelagic longline vessels would not have to use IBQ allocation to account for bluefin tuna catch until the ICCAT-designated pelagic longline bycatch set-aside quota has been caught. Alternative D2 allows pelagic longline vessels greater flexibility to catch bluefin tuna incidentally without using IBQ allocation in areas with more frequent fishing effort and lower transit costs. NMFS expects this alternative would have neutral to minor beneficial economic impacts dependent on fishing activities. For instance, pelagic longline fishermen that have access to these areas would be able to land target species and bluefin tuna without needing to use or lease IBQ. Furthermore, these vessels would have additional opportunities to generate revenue as they could potentially catch and sell additional bluefin tuna, and catch and sell additional target species, due to the flexibility for more fishing effort. However, pelagic longline fishermen that could not access these

areas and utilize the set-aside quota, due to the set-aside quota being reached, or due to being located prohibitively far from these areas, would likely have neutral impacts as they would have to use their annual IBQ allocations for catches of bluefin tuna. There could be some potential for derby fishing for this set-aside quota if this quota is frequently reached early in the season. Derby fishing could result in reduced profitability and safety at sea concerns if fishing occurs at suboptimal times and at increased intensity in a shorter period.

Under preferred Alternative D3, NMFS would allocate the pelagic longline bycatch set-aside quota to pelagic longline IBQ shareholders with IBQ shares designated for the Atlantic region as defined at § 635.15(c)(3). Under this alternative, NMFS will no longer account for bluefin tuna catch in the NED separately from bluefin tuna catch in the rest of the Atlantic. Instead, NMFS will allocate the pelagic longline bycatch set-aside quota to pelagic longline vessels that have fishing history in the Atlantic and annually distribute Atlantic allocation to each IBQ shareholder based on their IBQ share percentage to account for bluefin tuna catches. Atlantic and Gulf pelagic longline vessels with Atlantic IBQ shares may be more willing to fish for target species and catch additional bluefin tuna incidentally compared to current levels. Furthermore, these vessels may be more willing to lease IBQ to other vessels through the IBQ system. Thus, NMFS expects minor beneficial economic impacts for those vessels in the short term and long term. Pelagic longline vessels that only fish in the Gulf of America are expected to have neutral economic impacts as they would not receive an increase to their IBQ shares designated for the Gulf region. However, these vessels may see a minor beneficial economic impact in future years if they fish in the Atlantic region as they would then qualify to receive a share of the 62.5-mt pelagic longline bycatch set-aside quota. The use of individual quotas to allocate this set-aside quota would eliminate the risk of potential derby fishing (and the associated profitability and safety at sea impacts) that might arise under Alternative D2.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides'' (5 U.S.C. 601). The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS prepared a web page that also serves as a small entity compliance guide. Copies of this final rule and compliance guide are available on the HMS Management Division website (*https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species*).

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: August 13, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 635 as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

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

■ 2. In § 635.15, revise paragraphs (d) and (f)(3)(i), and remove paragraph (f)(6) to read as follows:

§ 635.15 Individual bluefin tuna quotas (IBQs).

* * * * *

(d) *Annual IBQ allocations*—(1) *Annual IBQ allocation from the baseline Longline category quota.* An annual IBQ allocation is the amount of BFT (whole weight) in metric tons corresponding to an IBQ shareholder's share percentage, distributed to their vessel to account for incidental landings and dead discards of BFT during a specified calendar year. NMFS will distribute IBQ allocations only when there is a valid Atlantic Tunas Longline category LAP associated with a vessel. Unless otherwise required under paragraph (f)(4) of this section, an IBQ allocation is derived by multiplying the IBQ share percentage (calculated under paragraph (c)(1) of this section) by the baseline Longline category quota for that year. If the baseline quota is adjusted during the fishing year, the annual IBQ allocation may also be adjusted as specified in paragraph (e)(2) or (e)(3) of this section, as appropriate.

(2) *The IBQ Program and the pelagic longline bycatch set-aside quota.* In addition to the annual IBQ allocation described in paragraph (d)(1) of this section, NMFS will annually allocate the pelagic longline bycatch set-aside quota under § 635.27(a)(3) to IBQ shareholders with ATL shares. The allocation of the pelagic longline bycatch set-aside quota will be derived by multiplying the IBQ share percentage (calculated under paragraph (c)(1) of this section) by the pelagic longline bycatch set-aside quota. The IBQ shares and resultant allocations of the pelagic longline bycatch set-aside quota will be designated as only ATL shares. If the pelagic longline bycatch set-aside quota is adjusted during the fishing year, the annual IBQ allocation may also be adjusted as specified under paragraph (e)(2) or (e)(3) of this section, as appropriate. The BFT accounting requirement of paragraph (f)(3) of this section is applicable.

* * * * *

(f) * * *

(3) * * *

(i) *Catch deduction from IBQ allocations.* All BFT landings must be deducted from the vessel's IBQ allocation at the end of each trip by providing information to and coordinating with the dealer. Dead discards will be deducted from the vessel's IBQ allocation by the Catch Shares Online System when the vessel operator reports dead discards through VMS as required under § 635.69(e)(4)(i).

* * * * *

■ 3. In § 635.27, revise paragraphs (a) introductory text, (a)(1)(i) introductory text, (a)(2) introductory text, (a)(2)(ii), (a)(3) through (5), (a)(6)(i), and (c)(1) introductory text to read as follows:

§ 635.27 Quotas.

(a) *BFT.* Consistent with ICCAT recommendations, the baseline annual U.S. BFT quota will be allocated among the General, Angling, Harpoon, Longline, Trap, and Reserve categories, as described in this section. BFT quotas are specified in whole weight. The baseline annual U.S. BFT quota is 1,509.98 mt, not including an additional annual 62.5-mt pelagic longline bycatch set-aside quota provided in paragraph (a)(3) of this section. This baseline BFT quota is divided among the categories according to the following percentages: General—54 percent (815.4 mt); Angling—22.6 percent (341.3 mt), which includes the school BFT held in reserve as described under paragraph (a)(6)(ii) of this section; Longline—15.9 percent (240.1 mt) (total not including the 62.5-mt pelagic longline bycatch set-

aside quota from paragraph (a)(3) of this section); Harpoon—4.5 percent (67.9 mt); Trap—0.1 percent (1.5 mt); and Reserve—2.9 percent (43.8 mt). NMFS may make inseason and annual adjustments to quotas as specified in paragraphs (a)(8) and (9) of this section.

(1) * * *

(i) Catches from vessels for which Atlantic Tunas General category permits have been issued and certain catches from vessels for which an HMS Charter/Headboat permit has been issued are counted against the General category quota in accordance with § 635.23(c)(3). Pursuant to paragraph (a) of this section, the amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold under the General category quota is 815.4 mt, and is apportioned as follows, unless modified as described under paragraph (a)(1)(ii) of this section:

* * * * *

(2) *Angling category quota.* In accordance with the framework procedures as described under § 635.34, prior to each fishing year, or as early as feasible, NMFS will establish the Angling category daily retention limits. In accordance with paragraph (a) of this section, the total amount of BFT that may be caught, retained, possessed, and landed by anglers aboard vessels for which an HMS Angling permit or an HMS Charter/Headboat permit has been issued is 341.3 mt. No more than 3.1 percent of the annual Angling category quota may be large medium or giant BFT. In addition, no more than 10 percent of the baseline annual U.S. BFT quota, inclusive of the allocation specified in paragraph (a)(3) of this section, may be school BFT. The Angling category quota includes the amount of school BFT held in reserve under paragraph (a)(6)(ii) of this section. The size class subquotas for BFT are further subdivided as follows:

* * * * *

(ii) After adjustment (Angling category quota minus school and large medium/giant subquotas), resulting in a large school/small medium subquota of 173.4 mt, an amount equal to 52.8 percent may be caught, retained, possessed, or landed south of 39°18′ N lat. The remaining large school/small medium BFT Angling category quota may be caught, retained, possessed, or landed north of 39°18′ N lat.

* * * * *

(3) *Longline category quota.* Pursuant to paragraph (a) of this section, the total amount of large medium and giant BFT that may be caught, discarded dead, or retained, possessed, or landed by vessels that possess Atlantic Tunas Longline category permits is 240.1 mt. In addition, pelagic longline vessels with ATL IBQ are allocated, as described in § 635.15(d)(2), a pelagic longline bycatch set-aside quota of 62.5 mt. For purposes of the closure authority under § 635.28(a)(1), regional IBQ allocations under § 635.15(c)(3) and the BFT catch cap for fishing in the Gulf of America (§ 635.15(c)(3)(iii)) are considered quotas.

(4) *Harpoon category quota.* The total amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold by vessels that possess Atlantic Tunas Harpoon category permits is 67.9 mt. The Harpoon category fishery commences on June 1 of each year and closes on November 15 of each year.

(5) *Trap.* The total amount of large medium and giant BFT, that may be caught, retained, possessed, or landed by vessels that possess Atlantic Tunas Trap category permits is 1.5 mt.

(6) * * *

(i) The total amount of BFT that is held in reserve is 43.8 mt, which may be augmented by allowable underharvest from the previous year. Consistent with paragraphs (a)(7) through (9) of this section, NMFS may allocate any portion of the Reserve category quota for inseason or annual adjustments to any fishing category quota. NMFS may also use any portion of the Reserve category quota for adjustments to, or appeals of, IBQ allocations (see § 635.15(e)(1)(i)) and research using quota or subquotas (see § 635.32).

* * * * *

(c) * * *

(1) *Categories.* Consistent with ICCAT recommendations, the ICCAT North Atlantic swordfish management procedure, and domestic management objectives, the fishing year's total amount of swordfish that may be caught, retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction is divided into quotas for the North Atlantic swordfish stock and the South Atlantic swordfish stock. The quota for the North Atlantic swordfish stock is further divided into equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species or taking swordfish recreationally, and a reserve category.

* * * * *

[FR Doc. 2026–16870 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 159
Wednesday, August 19, 2026

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

7 CFR Parts 1924, 4280, and 4290

[Docket #: RHS–26–ADMIN–0331]

RIN 0575–AD54

Rescission of Rural Development's Construction and Repair Regulation

AGENCY: Rural Business-Cooperative Service and Rural Housing, Service USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Business-Cooperative Service (RBCS), Rural Housing Service (RHS), and Rural Utilities Service (RUS), together make up the Rural Development (RD or the Agency) mission area within the U.S. Department of Agriculture (USDA). RD is issuing this proposed rule to rescind its regulation regarding construction and repairs. RD found this regulation to be unnecessary and unduly burdensome. In addition, it makes changes to RBCS regulations by removing references to the construction and repair regulations. The plain language summary of the proposal is available on *Regulations.gov* in the docket for rulemaking.

DATES: *Comment Date:* Comments must be submitted on or before October 19, 2026.

ADDRESSES: Comments may be submitted by going to the Federal eRulemaking Portal, *regulations.gov/.* In the ''Search for dockets and documents on agency actions'' box, enter the docket number, RHS–26–ADMIN–0331, and click ''Search'' button. From the search results: click on or locate the document title: Rescission of Rural Development's Construction and Repair Regulation and select the ''Comment'' button. Before inputting comments, commenters may review the ''Commenter's Checklist'' (optional). To submit a comment: Insert comments under the ''Comment'' title, click ''Browse'' to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box ''I'm not a robot,'' and then select ''Submit Comment''. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available under the site's ''FAQ'' link. All comments will be available for public inspection online at the Federal eRulemaking Portal (*regulations.gov*).

Other Information: Additional information about Rural Development and its programs is available on the internet at *https://www.rd.usda.gov/.*

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found by going to *http://www.regulations.gov* and in the ''Search for dockets and documents on agency actions'' box, enter the following docket number RHS–26–ADMIN–0331.

FOR FURTHER INFORMATION CONTACT: Lane Whitten at *Lane.Whitten@usda.gov,* Confidential Assistant for Rural Housing Service, USDA, 1400 Independence Avenue SW, Washington, DC 20250; or call 202–893–0879.

SUPPLEMENTARY INFORMATION:

I. Background

RD proposes to rescind the standards in 7 CFR 1924 for its housing programs as existing State and local requirements sufficiently protect Federal investments. Local building codes and permitting systems already ensure structural integrity, safety, and compliance for construction and development. Since these locally administered requirements meet the needs previously addressed in Part 1924, USDA determined that additional Federal standards are unnecessary for housing programs. For RBCS programs, RD proposes amendments to Parts 4280 and 4290 to replace obsolete references to Part 1924 and similar Federal regulatory standards with cross-references to constructions and development standards used in the Community Facilities programs at 7 CFR part 1942.

This proposed rescission advances the administration's priority for regulatory reform by repealing outdated, unnecessary, or ineffective regulations. Part 1924 establishes procedures for construction, site development, and defect resolution across RD programs, but these requirements create duplicative processes, additional paperwork, and extra processing steps for RHS property owners. Part 1924 imposes energy-efficiency and thermal-performance standards, as well as environmental considerations in site planning and design, that often exceed State and local requirements, increase construction and compliance costs, and delay the production and repair of housing in rural communities. RD concluded that these prescriptive regulatory overlays exceed requirements under Title V of the Housing Act of 1949 (42 U.S.C. 1471 *et seq.*), which authorizes the Secretary to ensure that dwellings financed under RHS programs are ''decent, safe, and sanitary.'' The statute does not mandate the sorts of prescriptive design standards found in Part 1924.

Requiring compliance with both Federal and local standards adds redundancy, increases costs, and lengthens construction timelines. The costs and delays are passed directly on to borrowers by increasing home prices. Burdensome regulations restrict the number of developers interested in using RHS programs. A longer timeline for housing production and higher construction costs for low- and moderate-income families reduce the number of loans RHS can make and restricts affordability.

This proposed rule will make conforming amendments to Parts 4280 and 4290 to replace obsolete references to Part 1924 and similar Federal regulatory standards. Certain rescinded references, where necessary, will now point to 7 CFR part 1942 subpart C. Unlike the housing industry, RBCS projects do not have robust state and local standards and thus those programs necessitate continued Federal regulatory standards.

Executive Order 14219 (February 19, 2025), ''Ensuring Lawful Governance and Implementing the President's Department of Government Efficiency Deregulatory Initiative,'' directs agencies to review their regulations and rescind those that are unlawful or unnecessary. In response, RD reviewed Part 1924 and determined it is no longer needed.

Executive Order 14394 (March 13, 2026), ''Removing Regulatory Barriers to

Affordable Home Construction,'' directs Federal housing agencies to reform or eliminate burdensome energy-efficiency, water-use, and alternative-energy requirements that increase construction costs. RD determined that Part 1924 contains this type of prescriptive energy and construction standards and falls within the scope of the Executive Order's directives.

This rescission also supports Executive Order 14192 (January 31, 2025), ''Unleashing Prosperity through Deregulation,'' which directs agencies to identify, and repeal outdated, unnecessary, or ineffective regulations that impose costs or hinder economic growth.

Removing obsolete cross-references will further streamline RD's regulatory framework and improve clarity for lenders, builders, and rural borrowers, consistent with the Administration's regulatory reform policies.

II. Summary of Changes

RD is rescinding 7 CFR part 1924 and is making conforming changes to RBCS program regulations to remove such references.

III. Executive Orders/Acts

Executive Orders

Executive Order 12372—Intergovernmental Consultation

This program is not subject to the requirements of Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' as implemented under USDA's regulations at 2 CFR 415, subpart C.

Executive Order 12866 Regulatory Planning and Review

This rule has been determined to be not significant and therefore was not reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

This rule has been reviewed under Executive Order 12988. In accordance with this rule: (1) unless otherwise specifically provided, all State and local laws that conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this rule.

Executive Order 13132—Federalism

The policies contained in this rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This proposed rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes or on the distribution of power and responsibilities between the Federal government and Indian Tribes. Consultation is also required for any regulation that preempts Tribal law or that imposes substantial direct compliance costs on Indian Tribal governments and that is not required by statute.

The Agency has determined that this proposed rule does not, to our knowledge, have Tribal implications that require formal Tribal consultation under Executive Order 13175. If a Tribe requests consultation, the RBCS and/or RHS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Civil Rights Impact Analysis

Rural Development has reviewed this rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex, disability, marital or familial status. Based on the review and analysis of the rule and all available data, issuance of this Proposed Rule is not likely to negatively impact low and moderate-income populations, minority populations, women, Indian tribes or persons with disability, by virtue of their age, race, color, national origin, sex, disability, or marital or familial status. No major civil rights impact is likely to result from this proposed rule.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this final rule as not a major rule, as defined by 5 U.S.C. 804(2).

E-Government Act Compliance

Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, this proposed rule has been reviewed in accordance with 7 CFR part 1b (''National Environmental Policy Act''). The Agency has determined that (i) this action meets the criteria established in 7 CFR 1b.4(c)(31) and (ii) no extraordinary circumstances exist. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

Regulatory Flexibility Act

The rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature on this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program, nor does it require any more action on the part of a small business than required of a large entity.

Unfunded Mandates Reform Act (UMRA)

Title II of the UMRA, Public Law 104–4, establishes requirements for Federal

Agencies to assess the effects of their regulatory actions on State, local, and Tribal Governments and on the private sector. Under section 202 of the UMRA, Federal Agencies generally must prepare a written statement, including cost-benefit analysis, for proposed and Final Rules with ''Federal mandates'' that may result in expenditures to State, local, or Tribal Governments, in the aggregate, or to the private sector, of $100 million or more in any one-year. When such a statement is needed for a rule, section 205 of the UMRA generally requires a Federal Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and Tribal Governments or for the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

USDA Non-Discrimination Statement

In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

a. Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; or

b. Fax: (202) 690–7442; or

c. Email: program.intake@usda.gov.

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List of Subjects

7 CFR Part 1924

Administrative practice and procedure, Agriculture, Claims, Credit, Grant programs-agriculture, Grant programs—housing and community development, Housing standards, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing, Manufactured homes, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 4280

Business and industry, Energy, Grant programs—business, Loan programs—business, Rural areas.

7 CFR Part 4290

Community development, Government securities, Grant programs—business, Reporting and recordkeeping requirements, Rural areas, Securities, Small businesses.

For the reasons stated in the preamble, Rural Development proposes to amend 7 CFR parts 1924, 4280, and 4290 as follows:

PART 1924—CONSTRUCTION AND REPAIR

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

Authority: 5 U.S.C. 301; 7 U.S.C 1989; 42 U.S.C 1480.

■ 2. Remove and reserve part 1924.

PART 1924—[REMOVED AND RESERVED]

PART 4280—LOANS AND GRANTS

■ 3. The authority citation continues to read as follows:

Authority: 7 U.S.C. 1989(a), 7 U.S.C. 2008s.

■ 4. Revise § 4280.410(l) to read as follows:

§ 4280.410 Other laws and regulations that contain compliance requirements for this program.

* * * * *

(l) *Planning and performing construction and other development.* The requirements of 7 CFR part 1942, subpart C, and § 1942.18 or its successor regulations, are applicable to this program.

* * * * *

■ 5. Revise § 4280.427(i) to read as follows:

§ 4280.427 Application.

* * * * *

(i) RBDG construction Project grants must conform with 7 CFR 1942, Subpart C requirements.

* * * * *

PART 4290—RURAL BUSINESS INVESTMENT COMPANY (''RBIC'') PROGRAM

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

Authority: 7 U.S.C. 1989 and 2009cc *et seq.*

■ 7. Revise § 4290.1940(e) to read as follows:

§ 4290.1940 Integration of this part with other regulations applicable to USDA's programs.

* * * * *

(e) *Lead-based paint requirements.* To the extent applicable to this part, the Secretary will comply with 24 CFR 35, subpart B–R. The Secretary has not delegated this responsibility to SBA pursuant to § 4290.45 of this part.

* * * * *

Joseph Gilson,

Chief of Staff, Rural Development, USDA Rural Development.

[FR Doc. 2026–16914 Filed 8–18–26; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8782; Project Identifier MCAI–2025–01560–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A330–941 airplanes. This proposed AD was prompted by an occurrence of a triple ''PRIM FAULT'' in the Flight Control

Primary Computer (FCPC) at touchdown. This proposed AD would require the installation of a new FCPC standard and applicable concurrent modifications. This proposed AD would also prohibit the installation of certain parts The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 5, 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–2026–8782; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–8782.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

SUPPLEMENTARY INFORMATION:

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–2026–8782; Project Identifier MCAI–2025–01560–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 Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0208, dated September 24, 2025 (EASA AD 2025–0208) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–941 airplanes. The MCAI states an occurrence was reported of a triple ''PRIM FAULT'' at touchdown, leading to the loss of ground spoilers, thrust reversers and autobrake. An investigation determined the root cause was an undue triggering of the rudder order ''COM/MON'' monitoring in the three FCPCs. This condition, if not corrected, could result in the loss of autobrake and thrust reverser, possibly resulting in reduced control of the airplane. Airbus issued instructions for the installation of a new FCPC standard. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8782.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0208 specifies procedures for the installation of a new FCPC standard by replacing the FCPCs, replacing the FCPC on board replaceable module (OBRMs), or reprogramming the FCPC OBRMs. EASA AD 2025–0208 further specifies that applicable concurrent modifications to the FCPC must be done (*i.e.,* FCPC, flight management, guidance and envelope computer (FMGEC), flight warning computer (FWC), and electronic instrument system (EIS) standard upgrades). EASA AD 2025–0208 also specifies parts installation restrictions allowing installation of only a serviceable FCPC.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0208 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to

use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0208 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0208 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0208 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0208. Material required by EASA AD 2025–0208 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8782 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 39 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 23 work-hours × $85 per hour = $1,955	Up to $7,542	Up to $9,497	Up to $370,383.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–8782; Project Identifier MCAI–2025–01560–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A330–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0208, dated September 24, 2025 (EASA AD 2025–0208).

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by an occurrence of a triple ''PRIM FAULT'' at touchdown, leading to loss of ground spoilers, thrust reversers and autobrake. The FAA is issuing this AD to update the Flight Control Primary Computer (FCPC) standard, which if not addressed, could result in the loss of autobrake and thrust reverser, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0208.

(h) Exceptions to EASA AD 2025–0208

(1) Where EASA AD 2025–0208 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0208.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

the approval must include the DOA-authorized signature.

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

(j) Additional Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0208, dated September 24, 2025.

(ii) [Reserved]

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

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

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

Issued on August 13, 2026.

Brian Knaup,

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

[FR Doc. 2026–16874 Filed 8–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2026–C–8086]

GNT USA, LLC.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by GNT USA, LLC., c/o Exponent, Inc., proposing that we amend our color additive regulations to provide for the safe use of safflower (*Carthamus tinctorius* L.) extract as a color additive in various foods at levels consistent with good manufacturing practices.

DATES: The color additive petition was filed on July 20, 2026.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this 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.

FOR FURTHER INFORMATION CONTACT: Stephen DiFranco, Office of Food Chemical Safety, Dietary Supplements, and Innovation, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2710.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 5C0338), submitted by GNT USA, LLC., c/o Exponent, Inc., 1150 Connecticut Ave. NW, Suite 1100, Washington, DC, 20036. The petition proposes that we amend our color additive regulations in 21 CFR Part 73 (*Listing of Color Additives Exempt from Certification)* to provide for the safe use of safflower (*Carthamus tinctorius* L.) extract as a color additive in: (1) tortilla wraps; (2) alcoholic beverages; (3) non-alcoholic beverages and beverage bases; (4) colored extruded breakfast cereals; (5) chewing gum; (6) flavored ready-to-drink tea and tea concentrates; (7) pickles, relish, pickled jalapenos, banana pepper rings, and pepperoncini; (8) sugar decorations, frostings (excluding chocolate frosting), and marshmallows; (9) salad dressings (ready-to-use); (10) frozen dairy desserts and mixes; (11) shelf stable ice pops; (12) fillings (excluding chocolate), and ready-to-eat gelatins and puddings; (13) hard candy; (14) flavored milk and milk shakes, flavored yogurt, yogurt drinks, and non-dairy yogurt; (15) soft candy and candy coated nuts; (16) ready-to-use chicken and vegetable broth; and (17) flavored syrups for beverages and desserts (excluding chocolate syrup), at levels consistent with good manufacturing practices.

The petitioner claims that this action is categorically excluded under 21 CFR 25.32(k) because granting this petition would authorize the use of a substance intended to remain in food through ingestion by consumers and is not intended to replace macronutrients in food. In addition, the petitioner states that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16939 Filed 8–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2026–C–8831]

Gardenia Blue Interest Group; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Gardenia Blue Interest Group (GBIG or petitioner), c/o Exponent, Inc., proposing that we amend our color additive regulations to expand the safe use of gardenia (genipin) blue in various foods at levels consistent with good manufacturing practice. The petition also proposes to lower the specification for arsenic in gardenia (genipin) blue.

DATES: The color additive petition was filed on August 4, 2026.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this 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.

FOR FURTHER INFORMATION CONTACT: Stephen DiFranco, Office of Food Chemical Safety, Dietary Supplements, and Innovation, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2710.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 6C0343), submitted by GBIG, c/o Exponent, Inc., 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036. The petition proposes that we amend our color additive regulations in 21 CFR 73.168 (''Gardenia (genipin) blue'') to expand the safe use of gardenia (genipin) blue to include use in: (1) sponge cake; (2) alcoholic mixed drinks; (3) carbonated drinks; (4) powdered beverages; (5) processed breakfast cereals; (6) chewing gum; (7) instant iced tea; (8) wasabi paste and powder; (9) sugar coating; (10) syrup for shaved ice; (11) icing; (12) creamers and whiteners; (13) ice cream and frozen dairy desserts; (14) frozen desserts (edible ices); (15) gelatin, puddings, custards, and pie filling; (16) jam, jellies, and marmalade; (17) flavored milk and both flavored and unflavored yogurt; (18) snack foods; (19) fruit preparation, syrup, and toppings; and (20) chewable tablets, at levels consistent with good manufacturing practice. The petition also proposes to lower the specification for arsenic in gardenia (genipin) blue from ≤2 mg/kg (ppm) to ≤1 mg/kg (ppm). FDA may also consider other changes to the regulation, as appropriate, during the course of our review.

The petitioner claims that this action is categorically excluded under 21 CFR 25.32(k) because granting this petition would authorize the use of a substance intended to remain in food through ingestion by consumers and is not intended to replace macronutrients in food. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16944 Filed 8–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2026–C–8883]

International Association of Color Manufacturers; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by the International Association of Color Manufacturers, proposing that we amend our color additive regulations to provide for the safe use of acetone as a solvent in the manufacture of carrot oil. The petition also proposes to add heavy metal limits and secondary names for carrot oil. FDA may also consider other changes to the regulation, as appropriate, during the course of our review.

DATES: The color additive petition was filed on August 3, 2026. Either electronic or written comments on the petitioner's environmental assessment must be submitted by September 18, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 18, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–C–8883 for ''International Association of Color Manufacturers; Filing of Color Additive Petition.'' 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.'' We will review this copy, including the claimed confidential information, in our 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: Shayla West-Barnette, Office of Pre-Market Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1262.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 5C0339), submitted by the International Association of Color Manufacturers, 1101 17th St. NW, Suite 700, Washington, DC 20036. The petition proposes to amend the color additive regulations in § 73.300 (21 CFR 73.300), *Listing of Color Additives Exempt from Certification,* to provide for the safe use of acetone as a solvent in the manufacture of carrot oil. The petition also proposes to add heavy metal limits and secondary names for carrot oil. FDA may also consider other changes to the regulation, as appropriate, during the course of our review.

We are reviewing the potential environmental impact of this petition. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.5(e)), we are placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Staff (see **ADDRESSES**) for public review and comment.

We will also place on public display, in the Dockets Management Staff and at *https://www.regulations.gov,* any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on our review, we find that an environmental impact statement is not required, and this petition results in a regulation, we will publish the notice of availability of our finding of no significant impact and the evidence supporting that finding with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16943 Filed 8–18–26; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0241; FRL–13590–01–R4]

Air Plan Approval; South Carolina; Minor Source Permit Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing action on changes to South Carolina's State Implementation Plan (SIP) to revise regulations prescribing minor source permitting program requirements, including minor new source review (NSR) requirements, involving, in part, minor source permitting public participation, in SIP revisions submitted by the State of South Carolina through the South Carolina Department of Health and Environmental Control (SC DHEC) on October 1, 2007; July 18, 2011; August 8, 2014; July 27, 2016; and April 24, 2020. This proposal supplements previous proposals the EPA published on August 17, 2017, and January 21, 2025. This proposal is being issued pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before September 18, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0241 at *regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Faith Goddard, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8757. Ms. Goddard can also be reached via electronic mail at *goddard.faith@epa.gov.*

SUPPLEMENTARY INFORMATION: We use multiple abbreviations and terms in this notice of proposed rulemaking (NPRM). While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CFR Code of Federal Regulations
EPA Environmental Protection Agency
FESOP Federally Enforceable State Operating Permit
FR Federal Register
NAAQS National Ambient Air Quality Standard or Standards
NNSR Nonattainment New Source Review
NPRM Notice of Proposed Rulemaking
NSR New Source Review
PSD Prevention of Significant Deterioration
PTE Potential to Emit
SIP State Implementation Plan

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I. Executive Summary

A. What action is the EPA proposing today?

On October 1, 2007; July 18, 2011; August 8, 2014; July 27, 2016; [1] and April 24, 2020, SC DHEC [2] submitted SIP revisions to the EPA for approval that include changes to South Carolina's minor source permitting regulations to clarify and streamline the State's federally approved minor source preconstruction and operating permit program. These regulations require minor stationary sources of air pollutants planning to construct or modify to first obtain a construction permit and to obtain and maintain operating permits in accordance with the South Carolina Code of Regulations Annotated (S.C. Code Ann. Regs.) (hereinafter ''Regulation'') 61–62.1, Section II, *Permit Requirements.* The portion of the SIP-approved minor source permitting program covering construction permits is generally referred to as the minor NSR program. The portion of the SIP-approved minor source permitting program covering operating permits also includes a program referred to as the federally enforceable State operating permit (FESOP) program. The EPA had previously proposed action on these submitted SIP revisions on January 21, 2025. *See* 94 FR 41591. This NPRM is intended to be in supplement to, and not replace, that prior proposed action. Here, the EPA is proposing to approve identified portions of the SIP submissions that make changes to South Carolina's minor source permitting program requirements contingent on the EPA finalizing a recently proposed change to relevant national regulations.[3]

B. What is the legal authority and what are the requirements?

Under CAA section 110(k)(3), the EPA has a statutory obligation to approve SIP submittals that meet all applicable CAA requirements.[4] Pursuant to CAA section 110(k)(3), the EPA may approve portions of a SIP submittal if those portions meet all the applicable CAA requirements.

Additionally, under CAA section 110(l), the EPA cannot approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined by CAA section 171), or any other applicable requirement of the CAA, including CAA section 110(l).[5] The EPA evaluates CAA section 110(l) non-interference on a case-by-case basis considering the circumstances of each SIP revision.

II. Proposed Action

On July 7, 2026, the EPA published a proposal to revise the public participation regulatory requirements for sources subject to NSR programs in SIPs.[6] If the EPA's July 7, 2026, NPRM is finalized as proposed, state and local air agencies would have the discretion to determine whether, and the extent to which, public participation elements are appropriate and reasonable in their minor NSR programs. For more information on the proposed revisions to the Federal minor NSR regulations and the rationale for the July 7, 2026, NPRM, please refer to the July 7, 2026, NPRM [7] and related docket materials.[8] Any comments on those proposed revisions and the EPA's rationale for those changes should be made on the July 7, 2026, NPRM and are not being solicited through this proposed action. If the EPA were to finalize the July 7, 2026, NPRM as proposed, the EPA is proposing to approve changes to South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* subsections II(D), II(E), II(F), II(G), II(I), and II(N), for the reasons discussed in Section IV of this NPRM. This proposal supplements, and does not replace, previous proposals the EPA published on August 17, 2017,[9] and January 21, 2025.[10]

III. Background

A. Minor NSR Program

CAA section 110(a)(2)(C) requires that SIPs include a program to regulate the construction and modification of any stationary source as necessary to assure that the NAAQS are achieved. Additionally, CAA section 110(a)(2)(C) cites to more detailed CAA permitting requirements that pertain to the construction and modification of major sources of air pollution. These CAA requirements for regulating the construction and modification of stationary sources are known collectively as the NSR program. The NSR program is comprised of the Prevention of Significant Deterioration (PSD) program, established in part C of title I of the CAA and applicable to major stationary sources and major modifications in attainment and unclassifiable areas; the Nonattainment NSR (NNSR) program, established in part D of title I of the CAA and applicable to major stationary sources and major modifications located in nonattainment areas; and the minor NSR program, applicable to a universe of new sources and modifications, as

[1] While the July 27, 2016, submittal was signed and dated by SC DHEC on July 25, 2016, it was received via the EPA's SPeCS for SIPs system on July 27, 2016.

[2] On July 1, 2024, SC DHEC was restructured into a health agency, the Department of Public Health, and an environmental agency, the Department of Environmental Services (DES). In a letter dated June 20, 2024, South Carolina represented to the EPA that all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC, including the authority to administer and enforce SIPs, are retained and continued in full force and effect under SC DES. This letter is available in in the docket for this proposed rulemaking. In this NPRM, ''State,'' ''Department,'' ''SC DHEC,'' and ''SC DES'' are interchangeable where applicable.

[3] In this NPRM, the EPA is not proposing to act on a portion of the revisions to Regulation 61–62.1, Section II. Specifically, the EPA is not proposing to act on changes to the following provisions: Section II prefatory text and subsections II(A); II(B); II(C); II(H); II(J); II(K); II(L); II(M); and II(O). The EPA proposed action on these subsections on August 8, 2017, NPRM (82 FR 39083) and on January 21, 2025, NPRM (90 FR 6954). The EPA is also proposed action on a portion of subsection II(B) in a separate NPRM.

[4] *See* 42 U.S.C. 7410(k)(3).

[5] CAA section 110(l) also requires each SIP revision to undergo reasonable notice and public hearing at the State level.

[6] *See* 91 FR 41591, ''Minor New Source Review Program Air Permitting Public Participation Requirements for State Implementation Plans.''

[7] *See* 91 FR 41591.

[8] Docket ID: EPA–HQ–OAR–2025–1212, available at *https://www.regulations.gov/docket/EPA-HQ-OAR-2025-1212.*

[9] *See* 82 FR 39083.

[10] *See* 90 FR 6954.

defined in a State's implementation plan, that fall below major NSR thresholds in any area.[11] Pursuant to CAA section 110(a)(2)(C) and 40 CFR 51.160, SIPs must contain a minor NSR program regulating the modification and construction of stationary sources as necessary to assure that NAAQS are achieved.

The minor NSR program is established under CAA section 110(a)(2)(C), which is the statutory foundation for the portion of the CFR at 40 CFR 51.16051.164. The regulatory requirements at 40 CFR 51.160–51.164 generally apply to all NSR programs but, because of more specific implementing regulations for the PSD and NNSR programs found respectively at 40 CFR 51.166 and 40 CFR 51.165, the implementing regulations at 40 CFR 51.160–51.164 serve primarily as the basis for the EPA's evaluation of minor NSR programs. The requirements at 40 CFR 51.160–51.164 apply to all new minor sources and modifications under a state's minor NSR program in accordance with 40 CFR 51.160. States have discretion to define the scope of their minor NSR programs within the bounds of CAA section 110 and 40 CFR 51.160–51.164. The EPA's implementing regulations at 40 CFR 51.160 set forth requirements for ''legally enforceable procedures'' applicable to minor NSR programs. 40 CFR 51.160(a) requires SIPs to set forth minor NSR programs with legally enforceable procedures that enable a state to determine whether the construction or modification of a source will result in a violation of applicable portions of the control strategy or interference with attainment or maintenance of the NAAQS. 40 CFR 51.160(e) requires such programs to identify the types and sizes of sources subject to review and discuss the basis for determining which sources are subject. Where a State has a defined minor NSR program under 51.160, subject sources cannot subsequently be exempt from that program's requirements, barring a demonstration under 51.160(e) that such sources are not needed for the state's program to meet the requirements of section 110(a)(2)(A) and 40 CFR 51.160.

[11] The EPA's regulations governing the implementation of the NSR permitting programs are contained in 40 CFR 51.160–51.166 (40 CFR part 51 Subpart I); 52.21 and 52.24; and Appendix S to part 51. 40 CFR 51.165 sets forth requirements for the NNSR program in conjunction with 52.24 and Appendix S to part 51; 40 CFR 51.166 sets forth requirements for State PSD programs in SIPs; and 40 CFR 52.21 implements PSD requirements for PSD programs administered by EPA and States with delegated authority.

B. Minor NSR Program Public Participation Requirements

On July 7, 2026, the EPA published a NPRM proposing to revise the Federal public participation requirements for minor NSR programs to be approved into SIPs.[12] In that NPRM, the EPA proposed to revise the Agency's regulations at 40 CFR 51.161 to remove the requirement for public notice and comment as a minimum feature of State and local minor source NSR programs.[13] In that NPRM, the EPA stated that the approach proposed within more closely adheres to the statutory language in CAA section 110(a)(2)(C) as it applies to minor NSR, noting section 110(a)(2)(C) requires only that each SIP provide for the ''regulation of the modification and construction of'' stationary sources ''as necessary to assure that [the NAAQS] are achieved,'' but does not specify, with respect to minor NSR, specifically what air agencies must include for the SIP to be approvable.[14]

If the EPA's July 7, 2026, NPRM is finalized as proposed, state and local air agencies would have the discretion to determine whether, and the extent to which, public participation elements are appropriate and reasonable in their minor NSR programs. For more information on the proposed rule revisions and the rationale for the July 7, 2026, NPRM, please refer to the July 7, 2026, NPRM [15] and related docket materials.[16] Any comments on those proposed revisions and the EPA's rationale for those changes should be made on the July 7, 2026 NPRM and are not being solicited through this proposed action.

C. Minor Source Operating Permitting Program

In contrast to the requirements in CAA section 110(a)(2)(C) and at 40 CFR 51.160–51.164 applicable to minor source construction permitting, there are no statutory or regulatory requirements applicable to the issuance of minor source operating permits or the evaluation of minor source operating permit programs.[17] Furthermore, although the EPA has the authority to approve such programs into SIPs under CAA section 110(a)(2)(B) and (D), state operating permit programs are not a required element in SIPs. A subset of minor source operating permitting programs comprise FESOP programs. FESOPs are federally enforceable permits issued by a state under a SIP-approved minor source operating permit program meeting the criteria identified by the EPA in the preamble to a June 28, 1989, final rulemaking action (1989 Preamble).[18] The 1989 Preamble notes the flexibility states have in conducting public participation for FESOPs, noting that the EPA would consider the public participation practices sufficient ''as long as ample opportunity is provided for comment on permits prior to their final issuance.'' [19] Many States, such as South Carolina, adopted FESOPs as an additional mechanism for creating federally enforceable limits to avoid major source requirements like those applicable to CAA title V sources.

Under the CAA, there are no explicit requirements for minor source operating permit programs in SIPs, which are not required minimum elements of SIPs to begin with.[20] That absence, in contrast with the statutory requirements applicable to minor NSR programs and the detailed statutory requirements applicable to major source operating permit programs prescribed by Congress, indicates that the CAA affords maximum discretion to States in developing their minor source operating permit programs for voluntary inclusion in SIPs within the bounds of CAA section 110, to include the discretion to require public participation, and, if so, to what extent. Furthermore, although the 1989 Preamble sets forth criteria for ''federal enforceability'' applicable to FESOPs, including the criterion that ''permits are issued subject to public participation,'' [21] all permits issued under a SIP-approved minor source permitting program are federally enforceable.[22] This is true even if a SIP-approved minor source permitting program does not provide for public participation for the operating permits issued.

D. South Carolina's Minor Source Permitting Program

South Carolina has a SIP-approved minor source permitting program at Regulation 61–62.1, Section II, that includes requirements for minor NSR

[12] *See* 91 FR 41591, ''Minor New Source Review Program Air Permitting Public Participation Requirements for State Implementation Plans.''

[13] *See* 91 FR 41591, 41600. The July 7, 2026, NPRM does not address and would not affect Federal public participation requirements for FESOP programs. *See* 91 FR 41591, 41598.

[14] *See* 91 FR 41591, 41598.

[15] *Id* at 41591.

[16] Docket ID: EPA–HQ–OAR–2025–1212, available at *https://www.regulations.gov/docket/EPA-HQ-OAR-2025-1212.*

[17] CAA sections 110(a)(2)(C) and 172(b)(5) establish statutory requirements for the operation of major sources which are satisfied by requirements in the EPA's PSD and NNSR regulations.

[18] *See* 54 FR 27274, 27282.

[19] *Id* at 27282, 27283.

[20] *See* 54 FR 27274, 27282.

[21] *Id.*

[22] *See, e.g.,* 40 CFR 52.23.

and minor source operating permitting. In the October 1, 2007, SIP revision submittal letter, the State explains that the revisions to Section II clarify and streamline South Carolina's SIP-approved permitting program, which requires stationary sources planning to construct, alter, or add to a source of air pollutants to first obtain a construction permit from the State and to request an operating permit prior to placing the new or altered source into operation. Minor source permitting programs, such as South Carolina's SIP-approved program under Section II, apply to stationary sources that do not require major source permits, *e.g.,* PSD, NNSR, and/or title V permits.

South Carolina's SIP-approved minor source preconstruction permitting program covers two categories of sources: true minor sources, *i.e.,* sources where the potential to emit (PTE) of regulated NSR pollutants is below applicable major stationary source or major modification thresholds without any enforceable emission limitations to constrain emissions; and synthetic minor sources, *i.e.,* sources that accept enforceable emission limitations to restrict the PTE of regulated NSR pollutants below major source and major modifications applicability thresholds. The EPA originally approved South Carolina's minor NSR regulations into the SIP in 1972 and approved subsequent revisions through June 2, 2008, with additional changes approved on October 13, 2022.[23]

South Carolina's minor source operating permitting program covers two categories of sources: true minor sources, *i.e.,* sources where the PTE of any air pollutant is below applicable major stationary source or major source thresholds without any enforceable emission limitations to constrain emissions; and conditional major sources, *i.e.,* sources where conditional major permits establish enforceable emission limitations to restrict the PTE of any air pollutant below major source applicability thresholds. The EPA originally approved ''the addition of a requirement . . . in Section II . . . that an operating permit be obtained in addition to construction permits which were previously required'' into South Carolina's SIP in 1974 and subsequently approved revisions to those operating permit provisions, *e.g.,* in 1980, 1982, and 1983.[24]

In 1995, South Carolina submitted a voluntary SIP revision to modify its SIP-approved minor source operating permitting program to carve out a FESOP program for ''conditional major'' operating permits at Regulation 61–62.1, subsection II(G). The State created this FESOP program pursuant to the 1989 Preamble to allow it to issue operating permits restricting a source's potential to emit below major source thresholds. The EPA approved that SIP revision on December 11, 1995,[25] as satisfying the five FESOP criteria. In that action, the Agency also recognized that the FESOP program approved in that rulemaking did not cover all minor source operating permits issued by the State under Regulation 61–62.1, subsection II(B), which is SIP-approved and contains the State's generally applicable operating permit provisions that also cover true minor operating permits. Subsection II(B) is recodified and revised, in part, under subsection II(F) in the SIP submissions which are the subject of this NPRM.

E. The EPA's August 17, 2017, and January 21, 2025, Proposals

Through NPRMs published on August 17, 2017,[26] and January 21, 2025,[27] the EPA proposed to act on changes to South Carolina's minor source permitting provisions involving, in part, the State's minor source permitting program regulations, including those involving minor source permitting public participation. The EPA's analyses and rationales for those proposed actions are described in the respective 2017 and 2025 NPRMs. Information specific to the August 17, 2017, NPRM, including comments received, is available in Docket No. EPA–R04–OAR–2017–0359.[28] Docket No. EPA–R04–OAR–2024–0241 contains information specific to the January 21, 2025, NPRM, including comments received.[29]

This proposed action is intended to supplement, and not replace, those prior proposed actions. In this NPRM, the EPA is proposing that the Agency would approve portions of South Carolina's minor source permitting SIP revisions related to public participation if EPA were to finalize the Agency's July 7, 2026, NPRM as proposed. Specifically, if the July 7, 2026, NPRM was finalized as proposed, the EPA is proposing that it would approve changes to Regulation 61–62.1, subsections II(D), II(E), II(F), II(G), II(I), and II(N) submitted by the State on the following dates: October 1, 2007; July 18, 2011; August 8, 2014; July 27, 2016; and April 24, 2020. The EPA's analysis of the changes in the previously listed submittals is discussed below.[30]

IV. Summary of South Carolina's Submittals

This NPRM covers recodification of portions of the regulation, minor and administrative changes to the affected portions of the rule, and certain substantive changes, described below. Specifically, the following paragraphs describe the substantive changes to subsections II(D), II(E), II(F), II(G), II(I), and II(N) under consideration in this NPRM.

A. Subsection II(D)

1. Summary of Subsection II(D) Revisions

The October 1, 2007, SIP revision adds new subsection II(D), ''General Construction Permits.'' In the 2007 SIP revision, subsection II(D), ''Exceptions,'' in the current SIP is renumbered to subsection II(K); however, the EPA is not proposing to act on subsection II(K) in this NPRM.[31] New subsection II(D) allows the State to develop and issue general construction permits applicable to similar stationary sources for new construction projects or minor modifications to existing sources. In the 2007 SIP revision, subsection II(D) provides for the following: (1) general construction permits will incorporate all applicable requirements for construction of similar sources and identify criteria by which sources can qualify for the permit; (2) sources may submit construction permit applications to the State that request coverage under the general permit, the State will grant coverage to sources certifying qualification for and agreeing to the conditions and terms of a general construction permit, and sources later determined not to qualify for a general construction permit are subject to enforcement; (3) authorization to operate under a general construction permit is a final permit action for purposes of judicial review; (4) the application for coverage can deviate from the requirements of subsection II(C) if an application includes all information necessary to determine the source's qualification for and assure

[23] *See* 37 FR 10842, 10892 (May 31, 1972); 37 FR 23085, 23091 (Oct. 28, 1972); 73 FR 31368 (June 2, 2008); and 87 FR 62034 (Oct. 13, 2022).

[24] *See* 39 FR 4082 (Feb. 1, 1974); 45 FR 45581 (July 7, 1980); 47 FR 32123 (July 26, 1982); and 48 FR 50078 (Oct. 31, 1983).

[25] *See* 60 FR 63434.

[26] *See* 82 FR 39083.

[27] *See* 90 FR 6954.

[28] Available at *https://www.regulations.gov/docket/EPA-R04-OAR-2017-0359.*

[29] Available at *https://www.regulations.gov/docket/EPA-R04-OAR-2024-0241.*

[30] The changes to South Carolina's minor source operating permit program are structurally affected by the revisions to the minor NSR permit program addressed in this NPRM. It is prudent to approve the changes to these programs concurrently for improved clarity of all requirements applicable to source owners and operators.

[31] *See* supra note 3.

compliance with a general construction permit; and (5) sources qualifying for coverage under a general construction permit can apply for an individual construction permit in lieu of coverage under a general permit.

The August 8, 2014, SIP revision makes minor edits to subsection II(D), including administrative and minor language changes and restructuring edits. In the 2014 SIP revision, some of the requirements in paragraph II(D)(1) are restructured into new paragraph II(D)(2), shifting the subsequent paragraphs. Similarly, some of the requirements in paragraph II(D)(3), renumbered from II(D)(2), are restructured into new paragraph II(D)(4), shifting the subsequent paragraphs again.

The April 24, 2020, SIP revision makes minor edits to subsection II(D), including administrative and minor language changes and additional restructuring edits. In the 2020 SIP revision, the requirements in paragraph II(D)(3) are restructured into new subparagraph II(D)(3)(a) under paragraph II(D)(3) and a new heading, ''Coverage under a General Construction Permit.'' Under that paragraph, new subparagraph II(D)(3)(b) states that a source that has submitted an individual construction permit application to the State that has not requested coverage under the conditions and terms of a general construction permit for similar sources but which is determined to qualify for coverage under a general permit can be granted coverage under the general permit at the State's sole discretion. The April 24, 2020, SIP submittal notes that this change reflects current Department practices and clarifies and streamlines the permit application process.

2. The EPA's Analysis of Subsection II(D) Revisions

Under minor NSR, general permitting programs can protect the NAAQS and be an effective method of streamlining permitting requirements and procedures for similar sources. General construction permits are preconstruction permits which establish a category of covered sources or modifications, criteria for such sources or modifications to qualify for coverage under the permit, and standardized requirements applicable to all such sources or modifications. General permits can apply to a number of similar emissions units or sources. The CAA offers states enhanced flexibility in designing their minor NSR programs, including the flexibility to use regulatory mechanisms such as general permits as part of such programs, as long as such programs assure attainment and maintenance of the NAAQS. Although the implementing regulations at 40 CFR 51.160–51.164 do not use the term ''general permit'' or expressly describe general construction permits, those regulations do not stipulate that programs to regulate construction must require individual construction permits for every regulated source. Rather, the minor NSR regulations require legally enforceable procedures that meet the requirements set forth therein.[32] The EPA interprets the relevant statutory and regulatory provisions to allow States to develop mechanisms including general construction permits to authorize construction for minor sources and modifications, provided such mechanisms assure that the NAAQS are achieved and meet other applicable requirements.[33] The legally enforceable procedures used by States to develop minor source construction general permits are established as components of the States' broader programs addressing CAA requirements for minor source preconstruction permitting, and, like other minor NSR permitting provisions, are submitted as SIP revisions to the EPA for review and incorporation into the SIP, as South Carolina has done here.

The addition of these general permitting provisions, applicable to the construction and modification of true minor sources, is consistent with applicable statutory and regulatory requirements with the exception of the current public participation requirements in 40 CFR 51.161, which the EPA proposed to revise in its July 7, 2026, NPRM. If that NPRM is finalized as proposed, subsection II(D), which does not require that the subject true minor source general permits undergo public participation, would be consistent with the revised requirements in 51.161.

Furthermore, in the current SIP, and as revised through the April 24, 2020, SIP revision, Regulation 61–62.1, Section II requires public participation for synthetic minor (construction permits) and conditional major (operating) permits, by which sources adopt federally enforceable limitations on PTE to avoid major source status and associated requirements. With the cumulative changes to Section II in the SIP revisions submitted through 2020, SC DES may, but is not required to, administer public participation for additional permitting activities, *i.e.,* true minor NSR permits. Therefore, with respect to public participation, the State's added general permitting provisions applicable to true minor sources, which streamline the permitting process for similar source types, are consistent with the level of public participation already required for other true minor source permits in the SIP. In other words, the addition of subsection II(D), where public participation is concerned, is a neutral change that does not result in the addition or removal of public participation requirements already applicable to the sources subject to the minor source permitting program.

B. Subsection II(E)

1. Summary of Subsection II(E) Revisions

The October 1, 2007, SIP revision revises the State's synthetic minor construction permit requirements. Subsection II(E) sets forth requirements for stationary sources requesting enforceable permit emission limits to restrict PTE to avoid qualifying as a major source under the major NSR programs. The 2007 SIP revision renumbers subsection II(H), ''Synthetic Minor Plant Permits,'' to subsection II(E) and revises the subsection title to ''Synthetic Minor Construction Permits.'' In the 2007 SIP revision, subsection II(E), ''Transfer of Ownership/Operation,'' in the current SIP is renumbered to subsection II(M); however, the EPA is not proposing to act on subsection II(M) in this NPRM.[34] The October 1, 2007, SIP revision also makes minor edits to subsection II(E), including administrative and minor language changes (*e.g.,* clarifying changes to indicate that subsection II(E) pertains to construction permits, to indicate that paragraph II(E)(4) pertains to general synthetic minor construction permits, as distinguished from the general construction permit provisions applicable to true minor sources in new subsection II(D), to further clarify general synthetic minor construction permitting procedures under paragraph II(E)(4), and to add or update cross-references).

[32] *See* 40 CFR 51.160.

[33] As stated in 1995 guidance documents, the EPA noted that a State or local agency could submit a general permit program as a SIP submittal aimed at creating PTE limits for a group of sources; that guidance also noted that general permits could be issued under SIP-approved FESOP programs. *See* Seitz, John S., and Van Heuvelen, Robert I. (January 25, 1995), ''Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act (Act)''; Stein, Kathie A. (January 25, 1995), ''Guidance on Enforceability Requirements for Limiting Potential to Emit Through SIP and § 112 Rules and General Permits.''

[34] *See* supra note 3.

Next, the October 1, 2007, SIP revision expands general synthetic minor construction permit applicability from major sources under PSD to any stationary source, which clarifies that sources can obtain synthetic minor construction permits to avoid triggering NNSR, in addition to PSD. This SIP revision adds language to subparagraph II(E)(2)(b) to require synthetic minor source owners or operators to record and notify the State of construction commencement and the actual date of initial startup and revises that subparagraph to provide that operating permit requests must be submitted within 15 days following, rather than prior to, startup, and to provide that the State may, rather than will, conduct a compliance inspection prior to operating permit issuance.

The changes further remove subparagraphs II(E)(2)(c)–(f), as these requirements are now redundant and covered by other portions of subsection E and Section II. Where the 2007 SIP revision removes subparagraphs II(E)(2)(c)–(f), the requirements referenced in those provisions have been shifted and/or are largely covered elsewhere in subsection II(E) or under Section II, revised through the 2020 SIP revision.

In the current SIP, subparagraph II(E)(2)(c) applies the enforceable permit conditions provisions at current paragraph II(G)(4) to synthetic minor permits, but those requirements now apply through new subparagraph II(E)(3)(a), and, in turn, paragraph II(J)(2), renumbered from paragraph II(G)(4) and revised through the 2020 SIP revision, and new subparagraphs II(E)(3)(b) and (c).[35] Subparagraph II(E)(3)(a) requires synthetic minor construction permits to contain the standard permit conditions listed in paragraph II(J)(1) and any special permit conditions required to verify a source's compliance with emission limitations and operational requirements.

In the current SIP, subparagraph II(E)(2)(d) applies the public participation procedures at current paragraph II(G)(5) to synthetic minor permits, but those requirements still apply through subparagraph II(E)(1)(c), and, in turn, subsection II(N), renumbered from paragraph II(G)(5) and revised through the 2020 SIP revision.[36]

In the current SIP, subparagraph II(E)(2)(e) applies the emergency provision procedures at paragraph II(G)(6) to synthetic minor permits, but those requirements were renumbered to subsection II(L) and revised in SIP revisions submitted on October 1, 2007, August 8, 2014, and November 4, 2016, and approved on October 13, 2022,[37] and now apply generally to Section II in its entirety through subsection II(L).

In the current SIP, subparagraph II(E)(2)(f) applies the permit application provisions of paragraph II(G)(8) to synthetic minor permits, but construction permit application requirements now apply through new subparagraph II(E)(5)(a), and, in turn, new subparagraph II(C)(3), which includes renumbered subparagraphs II(A)(2)(a)–(g), revised through the 2020 SIP revision, and paragraph II(C)(1), renumbered from II(A)(2) and revised through the 2020 SIP revision, which applies generally for construction permit applications.[38] Subparagraph II(E)(5)(a) requires synthetic minor construction permit applications to include the information required in paragraph II(C)(3) and new subparagraphs II(E)(5)(a)(i)–(iii). Some of the changes to Regulation 61–62.1, Section II through the 2020 SIP revision result in comparable, not identical, requirements for synthetic minor construction permit applications.

The October 1, 2007, SIP revision then adds paragraph II(E)(3) to specify requirements for synthetic minor permit conditions, whereas these requirements were previously cross-referenced from provisions for ''conditional major'' permits under subsection II(G). Finally, the 2007 SIP revision adds paragraph II(E)(5) to specify requirements for general synthetic minor construction permit applications whereas these requirements were previously cross-referenced from provisions for ''conditional major'' permits under subsection II(G).

The August 8, 2014, SIP revision makes minor edits to subsection II(E), including administrative and restructuring edits. In the 2014 SIP revision, some of the requirements in subparagraph II(E)(4)(a) are restructured into subparagraphs II(E)(4)(b)–(d), shifting the subsequent paragraphs. The July 27, 2016, SIP revision makes minor language edits to subparagraph II(E)(2)(b).

The April 24, 2020, SIP revision makes minor edits to subsection II(E), including administrative and minor language changes, *e.g.,* clarifying changes to further indicate that paragraph II(E)(4) pertains to general synthetic minor construction permits, and additional restructuring edits. In the 2020 SIP revision, the requirements in subparagraph II(E)(4)(c) are restructured into new subparagraph II(E)(4)(c)(i) under subparagraph II(E)(4)(c) and a new heading, ''Coverage under a General Synthetic Minor Construction Permit.'' Under that paragraph, new subparagraph II(E)(4)(c)(ii) states that a source that has submitted an individual synthetic minor construction permit application to the State that has not requested coverage under the conditions and terms of a general synthetic minor construction permit for similar sources but which is determined to qualify for coverage under a general synthetic minor construction permit can be granted coverage under the general synthetic minor construction permit at the State's sole discretion. The April 24, 2020, SIP submittal notes that this change clarifies current Department work practices and streamlines the permit application process. The 2020 SIP revision also adds new subparagraph II(E)(4)(g), consistent with true minor source general permit requirements, which provides that sources qualifying for coverage under a general synthetic minor construction permit can apply for an individual synthetic minor construction permit in lieu of coverage under a general synthetic minor permit.[39]

2. The EPA's Analysis of Subsection II(E) Revisions

The changes to the State's synthetic minor permitting provisions, applicable to the construction and modification of synthetic minor sources, are consistent with applicable statutory and regulatory requirements with the exception of the current public participation requirements in 40 CFR 51.161, which the EPA proposed to revise in its July 7, 2026, NPRM. If that NPRM is finalized as proposed, subsection II(N), which, as revised through the April 24, 2020, SIP revision, prescribes public participation requirements applicable to individual and general synthetic minor construction permits, would be consistent with the revised requirements in 51.161. Subsection II(N), as revised through the 2020 SIP revision, provides for public participation for synthetic minor construction permits and conditional

[35] Please refer to the August 17, 2017, NPRM for a description of changes to paragraph II(J)(2) proposed for approval for reasons described therein. *See* 82 FR 39083, 39088.

[36] For a description of changes to subsection II(N), please see Section IV.F of this NPRM.

[37] *See* 87 FR 62034.

[38] Please refer to the August 17, 2017, NPRM for a description of changes to paragraphs II(C)(1) and (3) proposed for approval for reasons described therein. *See* 82 FR 39083, 39086.

[39] The EPA's position on general permits, as explained in Section IV.A.2 of this NPRM and applied to South Carolina's general construction permitting provisions for true minor sources, also applies to the State's general synthetic minor construction permitting provisions.

major operating permits, and allows, but does not require, the State to provide for public participation of additional permitting activities that the State determines are subject to its minor source permitting programs.

Furthermore, as previously noted, in the current SIP, and as revised through the April 24, 2020, SIP revision, Section II requires public participation for synthetic minor and conditional major permits, and, with cumulative changes to Section II through the 2020 SIP revision, allows that the State may, but is not required to, require public participation for additional permitting activities. Therefore, with respect to public participation, as it applies to individual and general synthetic minor permits, the State's changes to the provisions applicable to those permits do not revise the level of public participation already required, *i.e.,* 30-day public notice and comment, as described in subsection II(N).[40]

C. Subsection II(F)

1. Summary of Subsection II(F) Revisions

The October 1, 2007, SIP revision revises the State's generally applicable minor source operating permit requirements, which also cover true minor source operating permit requirements. Subsection II(F), ''Operating Permits,'' sets forth operating permit program requirements which are generally applicable, *e.g.,* the requirement to obtain an operating permit and administrative requirements related to requesting an operating permit and providing the State with notice of startup, and requirements for true minor stationary sources, *i.e.,* those sources smaller than major source thresholds and which do not need enforceable emission limits to restrict PTE to avoid major source status under subsection II(G), such as general operating permit requirements applicable to non-conditional major sources. The 2007 SIP revision renumbers subsection II(B), ''Operating Permit'' to subsection II(F) and corrects the subsection title.[41] In the 2007 SIP revision, subsection II(F), ''Exemptions,'' in the current SIP is renumbered to subsection II(B); however, the EPA is not proposing to act on subsection II(B) in this NPRM.[42] The October 1, 2007, SIP revision also makes a number of changes to subsection II(F) to clarify and add operating permit requirements, including administrative and minor language changes and (1) adds paragraph II(F)(1) to require source owners or operators to record and notify the State of the actual date of initial startup and clarify that any source required to obtain a construction permit must also obtain an operating permit and comply with the requirements in subsection II(F); (2) adds paragraph II(F)(2) to require certification that construction was completed in accordance with the specifications of the construction permit and provide that, if construction is so certified, the permittee may operate under the construction permit until operating permit issuance, to require any variances from the construction permit to be addressed, and to assert that construction variances that would trigger new requirements are considered construction without a permit; (3) adds language to clarify provisions related to requesting a new or revised operating permit and that title V sources may comply with subsection II(F) request to operate requirements by submitting a permit modification request pursuant to Regulation 61–62.70.7(e); (4) adds language to clarify that the current requirement to provide a written request to the State for a new or revised operating permit applies to minor sources and major sources not yet covered by a title V permit and to revise the timeframe for requesting an operating permit to provide that operating permit requests must be submitted within 15 days following, rather than prior to, startup; and (5) adds subparagraph II(F)(3)(c) to specify that the written request for a new or revised operating permit must include a list of sources placed into operation and their actual initial startup dates.

The August 8, 2014, and July 27, 2016, SIP revisions make minor language edits in subsection II(F), which do not alter the meaning of the provisions. The April 24, 2020, SIP revision adds new paragraph II(F)(2), shifting the subsequent paragraphs, to provide that when a construction permit includes only emission limits, monitoring, reporting, and/or other requirements that do not establish engineering or construction specifications, a source may operate under the terms and conditions of a construction permit until operating permit issuance and makes minor clarifying changes to indicate that paragraph II(F)(3), renumbered from paragraph II(F)(2), applies when a construction permit includes engineering and/or construction specifications. These changes clarify which operating permits need engineering- and/or construction-related certification.

The April 24, 2020, SIP revision also adds new paragraph II(F)(5), ''General Operating Permits,'' which allows the State to develop and issue general operating permits applicable to similar true minor stationary sources and provides for the following: (1) general operating permits will incorporate all applicable requirements for operation of similar sources and identify criteria by which sources can qualify for the permit; (2) sources may submit operating permit applications to the State that request coverage under the general permit, the State will grant coverage to sources certifying qualification for and agreeing to the conditions and terms of a general operating permit; (3) a source that has submitted an individual operating permit application to the State that has not requested coverage under the conditions and terms of a general operating permit for similar sources but which is determined to qualify for coverage under a general permit can be granted coverage under the general permit at the State's sole discretion; (4) sources later determined not to qualify for a general operating permit are subject to enforcement; (5) authorization to operate under a general operating permit is a final permit action for purposes of judicial review; and (6) sources qualifying for coverage under a general operating permit can apply for an individual operating permit in lieu of coverage under a general permit. The April 24, 2020, SIP submittal notes that the addition of the general operating permit provisions in paragraph II(F)(5) reflects current Department practices and streamlines permit issuance.

2. The EPA's Analysis of Subsection II(F) Revisions

As previously noted, the State's minor source operating permit program applies to true minor sources, where emissions of any air pollutant are below major source thresholds without any enforceable limitations to constrain emissions, and conditional major (synthetic minor) sources, where emissions of any pollutant are at or above applicable major source thresholds and which voluntarily accept one or more enforceable limitations to constrain emissions below major source thresholds.

The EPA has generally not required minor sources to obtain operating

[40] For a description and the EPA's analysis of the changes to subsection II(N) through the April 24, 2020, SIP revision, see Section IV.F of this NPRM.

[41] The October 1, 2007, SIP revision renumbers paragraph II(B)(2), ''Renewal,'' to subsection II(H); the EPA is not proposing to act on subsection II(H) in this NPRM. *See* supra note 3.

[42] *See* supra note 3.

permits,[43] and, as noted above, States are not required to include minor source operating permit programs in their SIP. A SIP-approved FESOP program is a voluntary mechanism by which States can create federally enforceable restrictions on PTE to avoid major source, *e.g.,* title V,[44] permitting requirements. If not for enforceable permit emission limits constraining their emissions, conditional major sources would be subject to applicable major source requirements. As discussed above, South Carolina's FESOP program for conditional major permits is a subset of the SIP-approved minor source operating permit.

The changes to the portion of the South Carolina's minor source operating permit program that comprises its FESOP program applicable to conditional major sources are discussed in Section IV.D of this NPRM. In this section, the EPA discusses the changes to the portion of the minor source operating permit program addressing true minor sources. These sources are not covered by the portion of the State's minor source operating permit program addressing FESOPs. The changes to the State's minor source operating permit program provisions in subsection II(F) are clarifying or strengthening in nature or otherwise streamline the State's process. There are no Federal statutory or regulatory provisions that require public participation for these types of operating permits, and the changes to these non-FESOP minor source operating permit provisions are not inconsistent with any applicable statutory and regulatory requirements. With respect to the added general operating permit requirements for true minor sources, States have broad discretion in developing their optional minor source operating permit programs for voluntary inclusion in their SIPs.[45]

D. Subsection II(G)

1. Summary of Subsection II(G) Revisions

The October 1, 2007, SIP revision revises the FESOP portion of South Carolina's SIP-approved minor source operating permit program, which contains the State's conditional major operating permit requirements. As explained previously, subsection II(G) sets forth requirements for stationary sources requesting federally enforceable permit emission limits to restrict their PTE to avoid qualifying as a major source under applicable major source thresholds. The 2007 SIP revision revises the subsection title from ''Conditional Major Source Permits'' to ''Conditional Major Operating Permits.'' The October 1, 2007, SIP revision also (1) makes minor edits to subsection II(G), including administrative and minor language changes, *e.g.,* changes to clarify subsection II(G) applicability and requirements, to clearly indicate that subsection II(G) pertains to conditional major operating permits and that paragraph II(G)(7) pertains to general conditional major operating permits, as distinguished from the general operating permit provisions applicable to true minor sources under subsection II(F), to further clarify general conditional major operating permitting procedures in paragraph II(G)(7), and to add or update cross-references; [46] (2) adds language to further clarify that subsection II(G) applies to sources requesting federally enforceable limits to restrict PTE below major source thresholds, including those that received a synthetic minor construction permit; (3) adds language to specify that sources that received synthetic minor construction permits and are not subject to title V will receive conditional major operating permits; (4) adds permit shield language to note that if a renewal request is submitted pursuant to subsection II(H), conditional major sources can continue operating under the most recent conditional major permit until the State processes the renewal request; (5) modifies language to provide that requests for synthetic minor construction permits ''conditioned to constrain the operation of the source'' must be submitted within 15 days following, rather than prior to, startup, to clarify that the request needs to include any additional information required in subparagraph II(G)(5), to provide that corresponding conditional major operating permits without substantive limit changes will be issued without further public notice, and to provide that the State may, rather than will, conduct a compliance inspection prior to conditional major operating permit issuance; (6) adds language requiring conditional major operating permits to contain the permit conditions listed in paragraph II(J)(1) and any special permit conditions required to verify a source's compliance with emission limitations and operational requirements; removes subparagraphs II(G)(5)(a)–(e); (7) modifies current language to specify additional requirements for conditional major operating permit applications only and removes requirements pertaining to standard operating permit applications, including removing subparagraphs II(G)(6)(a) and (b), II(G)(6)(b)(i), (iii), (iv), (vii), and (viii), and II(G)(6)(d) and adding language to specify that the general information requirements applicable to construction permit applications in paragraph II(C)(3) also apply to conditional major operating permit applications; and (8) makes clarifying changes to subparagraph II(G)(7)(a) to indicate that sources may submit conditional major operating permit applications to the State that request coverage under the general permit and the State will grant coverage to sources certifying qualification for and agreeing to the conditions and terms of a general conditional major operating permit.

Where the 2007 SIP revision removes subparagraphs II(G)(5)(a)–(e), the requirements referenced in those provisions are covered elsewhere under Section II, revised through the 2020 SIP revision. The requirements in subparagraphs II(G)(5)(a)–(e) in the current SIP now apply through new subparagraph II(G)(5)(a), and, in turn, paragraph II(J)(2), renumbered from paragraph II(G)(4) and revised through the 2020 SIP revision.[47] As noted above, new subparagraph II(G)(5) requires conditional major operating permits to contain the standard permit conditions listed in paragraph II(J)(1) and any special permit conditions required to verify a source's compliance with emission limitations and operational requirements.

Where the 2007 SIP revision removes subparagraphs II(G)(6)(a) and (b), II(G)(6)(b)(i), (iii), (iv), (vii), and (viii), and II(G)(6)(d), the requirements referenced in those provisions pertain to construction, rather than operating, permit application requirements and/or are covered elsewhere under subsection

[43] There are certain exceptions, *e.g.,* area sources subject to sections 111 or 112. *See* 40 CFR 70.3 and 71.3.

[44] As noted previously, the CAA contains more specific statutory requirements applicable to major source operating permits in title V, including public participation requirements under section 502(b)(6).

[45] Under major source operating permit statutory requirements, CAA section 504(d) gives the EPA the authority to issue general permits for title V sources, and the EPA has regulations in place to authorize the use of general permits covering numerous similar sources under title V programs. *See* 40 CFR 70.6(d) and 71.6(d).

[46] The 2007 SIP revision updates cross-references to information that sources must include when submitting a conditional major operating permit request, but these changes appear to contain typographical errors that are superseded in subsequent SIP revisions. The 2007 SIP revision updates cross-references to paragraph II(G)(8) to II(G)(5). Paragraph II(G)(5) sets forth conditional major operating permit conditions, and subsequent SIP revisions show that the affected provisions require conditional major sources to include the information identified in paragraph II(G)(6)—which sets forth additional requirements for conditional major operating permit requests and contains the requirements formerly found in paragraph II(G)(8) in the current SIP—when submitting a request.

[47] *See* supra note 32.

II(F) or Section II. Those requirements now apply through new subparagraph II(G)(6)(a), and, in turn, new subparagraph II(C)(3), which, as previously noted, includes renumbered subparagraphs II(A)(2)(a)–(g), revised through the 2020 SIP revision, and paragraph II(G)(6)(a), revised through the 2020 SIP revision.[48] Subparagraph II(G)(6)(a) requires conditional major operating permit applications to include the information required in paragraph II(C)(3) and subparagraphs II(G)(6)(a)(i)–(iii), renumbered from subparagraphs II(G)(8)(b)(ii), (v), and (vi) and revised through the 2020 SIP revision. Some of the changes to section II through the 2020 SIP revision result in comparable, not identical, requirements for conditional major operating permit applications.

The July 18, 2011, SIP revision makes a minor edit to paragraph II(G)(4) to revise the paragraph title to ''New or Modified Sources.'' Next, the August 8, 2014, SIP revision makes minor edits to subsection II(G), including administrative and minor language changes and restructuring edits. In the 2014 SIP revision, some of the requirements in subparagraph II(G)(2)(c) are restructured into subparagraph II(G)(2)(d), shifting the subsequent subparagraphs. Similarly, some of the requirements in subparagraph II(G)(7)(a) are restructured into subparagraphs II(G)(7)(b)–(d), shifting the subsequent paragraphs. Additionally, in the August 8, 2014, SIP revision, a change to subparagraph II(G)(2)(c) removes the requirement for renewed conditional major operating permits to undergo public participation pursuant to the procedures in subsection II(N). The July 27, 2016, SIP revision makes a minor language edit in subparagraph II(G)(4)(b).

The April 24, 2020, SIP revision makes minor edits to subsection II(G), including administrative and minor language changes, *e.g.,* clarifying changes to clearly indicate that paragraph II(G)(7) pertains to general conditional major operating permits, as distinguished from other general permit provisions, *i.e.,* those applicable to true minor sources in subsection II(F), and removes permit shield language added in the 2007 SIP revision providing that conditional major sources can operate under the most recent conditional major permit, with a renewal request submitted pursuant to subsection II(H), until the State processes the renewal request, shifting the subsequent subparagraphs.[49]

The April 24, 2020, SIP revision also makes restructuring edits. In the 2020 SIP revision, the requirements in subparagraph II(G)(7)(c) are restructured into subparagraph II(G)(7)(c)(i) under subparagraph II(G)(7)(c) and a new heading, ''Coverage under a General Conditional Major Operating Permit.'' Under that subparagraph, new subparagraph II(G)(7)(c)(ii) states that a source that has submitted an individual conditional major operating permit application to the State that has not requested coverage under the conditions and terms of a general conditional major operating permit for similar sources but which is determined to qualify for coverage under a general conditional major operating permit may be granted coverage under a general conditional major operating permit at the State's sole discretion. The April 24, 2020, SIP submittal notes that this change clarifies current Department work practices and was made to clarify and streamline the permit application process.

The 2020 SIP revision also adds new subparagraph II(G)(7)(g), consistent with true minor source general operating permit requirements in paragraph II(F)(5)(f), which provides that sources qualifying for coverage under a general conditional major operating permit may apply for an individual conditional major operating permit in lieu of coverage under a general conditional major operating permit. The April 24, 2020, SIP submittal notes that the addition of the general conditional major operating permit provisions in paragraph II(G)(7)(g) clarifies a source's ability to request an individual conditional major operating permit in lieu of coverage under a general conditional major operating permit.

2. The EPA's Analysis of Subsection II(G) Revisions

As described above, SIP-approved FESOP programs are voluntary mechanisms by which States can create federally enforceable restrictions on PTE to avoid major source requirements. The changes to the portion of the State's minor source operating permitting program covering FESOPs (conditional major permits) are clarifying or strengthening in nature or otherwise streamline the State's process. The EPA is proposing to determine that these changes are approvable. The SIP would continue to require public participation for individual and general conditional major permits.[50]

E. Subsection II(I)

1. Summary of Subsection II(I) Revisions

The October 1, 2007, SIP revision adds new subsection II(I), ''Registration Permits.'' New subsection II(I) allows the State to develop and issue registration permits, which are a subcategory of general permits that cover the construction and operation of true minor sources in certain industry categories, to streamline the permitting process for specific source categories. The new subsection streamlines the permitting process for those sources and provides for the following: (1) registration permits will be developed by the State and will specify all applicable requirements for construction and operation of sources subject to registration permits; (2) registration permits will be developed only for true minor sources; (3) sources can submit applications for coverage by certifying qualification for, and agreeing to the conditions of, registration permits, and sources later determined not to qualify for the registration permit are subject to enforcement; (4) approval to operate under a permit is a final permit action for the purposes of judicial review; and (5) sources will adhere to general requirements under paragraph II(J)(1) and any other special permit conditions necessary to verify compliance with operational requirements and emission limits.

The July 18, 2011, SIP revision (1) makes administrative edits to subparagraph II(I)(1)(b) to correct punctuation and a typographical error; (2) adds language to assert that, regardless of qualification for registration permits, the State reserves the right to require construction and operating permits on a case-by-case basis; and (3) makes minor language changes to clarify that registration permits shall contain any applicable permit conditions under subsection II(J) as the State finds appropriate, rather than all permit conditions listed in paragraph II(J)(1).

The August 8, 2014, SIP revision makes minor edits to subsection II(I), including administrative and minor language changes and restructuring edits. In the 2014 SIP revision, some of the requirements in subparagraph

[48] *See* supra note 35.

[49] The April 24, 2020, SIP revision adds equivalent language providing that, by submitting a renewal request meeting requirements in paragraphs II(H)(2)–(5), a source owner or operator may continue operating in accordance with the most recent operating permit until the State takes final action on the renewal request. The EPA is not proposing to act on subsection II(H) in this NPRM. *See* supra note 3.

[50] *See* subparagraphs II(G)(2)(a) and II(G)(7)(a), as revised through the April 24, 2020, SIP revision.

II(I)(2)(a) are restructured into subparagraph II(I)(2)(b), shifting the subsequent subparagraph. The 2014 SIP revision also adds language asserting that the State can reopen registration permits for cause or to include new standards or regulations that become applicable during the lifetime of the permit and removes language at subparagraph II(I)(1)(a) requiring the State to provide public notice and the opportunity for public participation prior to the development of new registration permits.

The April 24, 2020, SIP revision makes minor edits to subsection II(I), including administrative and minor language changes and restructuring edits. In the 2024 SIP revision, some of the requirements in II(I)(1)(a) are restructured into subparagraph II(I)(1)(b), shifting the subsequent subparagraph. Similarly, the requirements in II(I)(2)(a) are restructured into subparagraph II(I)(2)(a)(i) under subparagraph II(I)(2)(a) and a new heading, ''Coverage under a Registration Permit.'' [51] Under that subparagraph, new subparagraph II(I)(2)(a)(ii) states that a source that has submitted an individual permit application to the State that has not requested coverage under the conditions and terms of a registration permit for similar sources but which is determined to qualify for coverage under a registration permit may be granted coverage under the registration permit at the State's sole discretion. The April 24, 2020, SIP submittal notes that this change was made to clarify and streamline the permit application process. In the 2020 SIP revision, some of the requirements in subparagraph II(I)(2)(b) are restructured into subparagraph II(I)(2)(c), shifting the subsequent subparagraphs. The 2020 SIP revision also adds new subparagraph II(I)(2)(e), which provides that sources qualifying for coverage under a registration permit may apply for an individual permit in lieu of coverage under a general registration permit.

2. The EPA's Analysis of Subsection II(I) Revisions

Section II, as revised through the April 24, 2020, SIP revision, allows the State to develop minor source general construction and operating permit programs. The State's new registration permit requirements streamline the State's general permitting process for the covered sources under specific source categories, which, pursuant to subparagraph II(I)(1)(c) ''will be developed only for specific stationary source groups with uncontrolled potential to emit less than the threshold for major source groups'' under the State's title V, PSD, and NNSR programs, ''where equipment similarities and simplicity remove the need for in depth, site-specific review.''

Where the State's other minor source general construction and operating permit programs potentially apply to any similar sources that meet certain criteria, *e.g.,* similar units or those with similar overall emissions thresholds, South Carolina's registration permit program applies to true minor stationary sources, *i.e.,* those not seeking to limit their PTE to avoid major source status, that fall within a specified industrial grouping or sector. In the October 1, 2007, SIP submittal, SC DES states that new subsection II(I) allows the State to develop and implement registration permits for various types of true minor sources applicable to the construction or operation of that specific category of stationary sources, thereby eliminating the requirement for such sources to submit typical construction permit applications. The within-grouping or -sector equipment similarities remove the need for in-depth, site-specific permitting review under the State's minor NSR program.

As with other minor source general permitting programs, the EPA interprets the relevant statutory and regulatory provisions to allow States to develop mechanisms such as registration permits to authorize construction and operation for true minor sources, as long as, where the subsection II(I) requirements cover the construction and modification of similar true minor sources for certain industry categories, such mechanisms assure that the NAAQS are achieved and meet other applicable requirements. Where the subsection II(I) requirements cover the construction and modification of similar true minor sources, the addition of these registration permitting provisions is consistent with applicable statutory and regulatory requirements with the exception of the current public participation requirements in 40 CFR 51.161, which the EPA proposed to revise in its July 7, 2026, NPRM. If that NPRM is finalized as proposed, subsection II(I), which does not require that the subject true minor source registration permits undergo public participation, would be consistent with the revised requirements in 51.161.

Similarly, as with other minor source general operating permitting programs, States have broad discretion in developing those optional programs for voluntary inclusion in SIPs. Where the subsection II(I) requirements cover the operation of similar true minor sources for certain industry categories, the addition of and changes to those requirements under the portion of the State's minor source operating permit program covering true minor sources are not covered by the portion of South Carolina's minor operating permit program addressing FESOPs. There are no Federal statutory or regulatory provisions that require public participation for these types of operating permits.

Furthermore, in the current SIP, and as revised through the April 24, 2020, SIP revision, Regulation 61–62.1, Section II requires public participation for synthetic minor and conditional major permits, by which sources adopt federally enforceable limitations on PTE to avoid major source status and associated requirements. With the cumulative changes to Section II in the SIP revisions submitted through 2020, SC DES may, but is not required to, administer public participation for additional permitting activities, *i.e.,* true minor source permits. Therefore, with respect to public participation, the State's added registration permitting provisions applicable to true minor sources, which streamline the permitting process for similar sources for certain industry categories, are consistent with the level of public participation already required for other true minor source permits in the SIP. In other words, the addition of subsection II(I), where public participation is concerned, is a neutral change that does not result in the addition or removal of public participation requirements already applicable to the sources subject to the minor source permitting program.

F. Subsection II(N)

1. Summary of Subsection II(N) Revisions

The October 1, 2007, SIP revision revises the State's public participation requirements. Subsection II(N) sets forth public participation requirements for (1) stationary sources requesting synthetic minor construction permits; (2) general synthetic minor construction permits applicable to similar types of synthetic minor sources; (3) stationary sources requesting conditional major operating permits (FESOPs); and (4) general conditional major operating permits (general FESOPs) applicable to similar types of conditional major sources. The October 1, 2007, SIP revision (1) renumbers the public participation requirements in paragraph II(G)(5) to

[51] In a letter dated May 14, 2026, received by the Agency on May 15, the State clarified that relevant changes submitted in the August 8, 2014, SIP revision were retained in subparagraph II(I)(2)(a) in the April 24, 2020, SIP revision.

standalone subsection II(N); (2) makes minor edits to subsection II(N), including administrative edits, *e.g.,* updating a cross-reference at paragraph II(N)(6), from paragraph II(G)(5) to subsection II(N), and clarifying edits, *e.g.,* clarifying language changes to paragraph II(N)(1); (3) adds discretionary language at paragraph II(N)(1) clarifying that the State can, as it finds appropriate, require public notice and comment for additional permitting activities, even when not otherwise required by the State's regulations; and (4) adds language at paragraph II(N)(1) clarifying that, in addition to notice via a newspaper or the State Register, and mailing list correspondence, the State can use any other means of public notice, as it finds appropriate.

The July 18, 2011, SIP revision makes a minor clarifying edit to paragraph II(N)(5) to reflect that an approved construction permit is required prior to the commencement of construction, *i.e.,* removes a reference to operating permits since the section only involves construction permits. Additionally, the July 18, 2011, SIP submittal makes minor changes to the discretionary language added to paragraph II(N)(1) in the October 1, 2007, SIP revision; where the language added in the 2007 SIP revision provides that the State may use any other means of public notice, as it finds appropriate, in the 2011 SIP submittal, paragraph II(N)(1) states the State may use other means of public notice in addition to notice via a newspaper or the State Register, and mailing list correspondence.

The August 8, 2014, SIP revision makes minor edits to subsection II(N), including administrative, clarifying, and minor language changes and restructuring edits; the 2014 SIP revision also adds language to identify SC DES's website as another method of notifying the public of permitting activity. In the August 8, 2014, SIP revision, the required elements of public notice in paragraph II(N)(2) are restructured into new subparagraphs II(N)(2)(a)–(g) under paragraph II(N)(2) and revised. Similarly, some of the requirements that identify how the State will record and address comments in paragraph II(N)(3) are restructured into new subparagraphs II(N)(3)(a) and (b) under paragraph II(N)(3) and revised by removing the requirement that the State provide a written response to all written comments received by mail or during the public hearing and broadening the State's procedures to note that the State will consider all comments received at any public hearing(s), not just those received in writing.

The April 24, 2020, SIP revision makes administrative changes to subsection II(N) and revises paragraph II(N)(1) to allow the State to provide public notice by posting to any public website identified by the State, rather than just SC DES's website, and to clarify that, in addition to notice via a newspaper or the State Register, and mailing list correspondence, the State can use ''additional'' (rather than ''other'') means of public notice, ''including, but not limited to public meetings,'' clarifying that public notice via a newspaper, the public website, or the State Register, and mailing list correspondence, is required, and additional public notice options beyond those, *e.g.,* public meetings, are also available to the State.

2. The EPA's Analysis of Subsection II(N) Revisions

As noted previously in this NPRM, in the current SIP, and as revised through the April 24, 2020, SIP revision, Regulation 61–62.1, Section II requires public participation for synthetic minor and conditional major permits (FESOPs). With the changes to subsection II(N) in the SIP revisions submitted through 2020, SC DES may, but is not required to, administer public participation for additional permitting activities. Where the subsection II(N) public participation procedures cover the construction and modification of synthetic minor sources, that subsection and the changes to the State's public participation procedures within are consistent with applicable statutory and regulatory requirements with the exception of the current public participation requirements in 40 CFR 51.161, which the EPA proposed to revise in its July 7, 2026, NPRM. If that NPRM is finalized as proposed, subsection II(N), which does not require public participation procedures to permitting activities other than the issuance of synthetic minor and conditional major permits, would be consistent with the revised requirements in 51.161.

The requirements under the portion of the State's minor source operating permit program covering true minor sources are not covered by the portion of South Carolina's minor operating permit program addressing FESOPs, and therefore, the EPA is not evaluating the public participation procedures in subsection II(N) as they relate to these non-FESOP permits under the 1989 Preamble. There are no Federal statutory or regulatory provisions that require the public participation procedures in subsection II(N) to cover these types of operating permits.

As noted above, in the current SIP, and as revised through the April 24, 2020, SIP revision, 61–62.1, Section II requires public participation for synthetic minor and conditional major permits. With the changes to subsection II(N) submitted through 2020, SC DES may, but is not required to, administer public participation for additional permitting activities, *i.e.,* true minor source permits. Therefore, with respect to public participation, the State's revised public participation requirements are consistent with the level of public participation already required for the minor source permits in the SIP. In other words, the changes to subsection II(N), where public participation is concerned, are a neutral change that does not result in the addition or removal of public participation requirements already applicable to the sources subject to the minor source permitting program, except that the State can now require public participation for additional permitting activities, if it determines public participation to be appropriate.

Furthermore, the changes in the SIP revisions through April 24, 2020, to allow for other methods of public notice, including changes to provide that the State may identify and use a public website to provide public notice, are consistent with the current regulations at 40 CFR 51.161. Through 2012 guidance to permitting authorities, the EPA clarified that the regulatory requirement for notice by prominent advertisement in 40 CFR 51.161(b)(3) is media neutral for true minor sources.[52] In a subsequent October 18, 2016, rulemaking, the EPA revised its interpretation and determined that its media neutral interpretation of prominent advertisement also applied to synthetic minor sources.[53] In that 2016 rulemaking, the EPA also clarified that its interpretation of 40 CFR 51.161(b)(3) also applied to the requirement in 40 CFR 51.161(b)(1) and revised 40 CFR 51.161 to allow for e-notice of the draft permit and other information.

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I–V of this preamble, the EPA is proposing to incorporate by reference South

[52] *See* ''Minor New Source Review Program Public Notice Requirements under 40 CFR 51.161(b)(3)'' (April 17, 2012), available at *https://www.epa.gov/sites/default/files/2015-07/documents/pubnot.pdf.*

[53] *See* 81 FR 71613, 71617.

Carolina Regulation 61–62.1, Section II, *Permit Requirements,* subsections II(D), II(E), II(F), II(G), II(I), and II(N), State effective on April 24, 2020. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[54] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

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

Because this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175.[55] Therefore, this action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The Catawba Indian Nation also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by State law or local governing bodies, in accordance with the Settlement Act.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 14, 2026.

Kristy Eubanks,

Deputy Regional Administrator, Performing the functions and duties of the Regional Administrator, Region 4.

[FR Doc. 2026–16930 Filed 8–18–26; 8:45 am]

BILLING CODE 6560–50–P

[54] *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).

[55] *See* 65 FR 67249, November 9, 2000.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0241; FRL–12545–03–R4]

Air Plan Approval; South Carolina; Minor Source Permit Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve changes to South Carolina's State Implementation Plan (SIP) to revise regulations prescribing minor source permit program requirements, including minor new source review (NSR) requirements, in SIP revisions submitted by the State of South Carolina on October 1, 2007, July 18, 2011, August 8, 2014, April 24, 2020, and July 23, 2025. This action is being proposed pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before September 18, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0241 at *regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Faith Goddard, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8757. Ms. Goddard can also be reached via electronic mail at *goddard.faith@epa.gov.*

SUPPLEMENTARY INFORMATION: *Notice of proposed rulemaking (NPRM) acronyms and abbreviations.* The EPA uses multiple acronyms and terms in this NPRM. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act

CFR Code of Federal Regulations
CO Carbon Monoxide
EPA Environmental Protection Agency
FR Federal Register
MMBtu Million British Thermal Units
MSA Metropolitan Statistical Area
NAAQS National Ambient Air Quality Standard or Standards
NEI National Emissions Inventory
NO_X Nitrogen Oxides
NNSR Nonattainment New Source Review
NPRM Notice of Proposed Rulemaking
NSPS New Source Performance Standards
NSR New Source Review
PM Particulate Matter
$PM_{2.5}$ Fine PM
PM_{10} Coarse PM
PSD Prevention of Significant Deterioration
PTE Potential to Emit
SIP State Implementation Plan
SO_2 Sulfur Dioxide
TPY Tons Per Year
VOC Volatile Organic Compound

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I. Executive Summary

A. What action is the EPA taking?

On October 1, 2007, July 18, 2011, August 8, 2014, and April 24, 2020, SC DHEC [1] submitted SIP revisions to the EPA for approval that include changes to South Carolina's minor source permitting regulations to revise the State's federally approved minor source preconstruction and operating permit program. This federally approved program requires minor stationary sources of air pollutants planning to construct or modify to first obtain a construction permit and then obtain and maintain operating permits in accordance with the South Carolina Code of Regulations Annotated (S.C. Code Ann. Regs.) (hereinafter ''Regulation'') 61–62.1, Section II, *Permit Requirements.* The portion of the SIP-approved minor source permitting program covering construction permits is generally referred to as the minor NSR program.[2]

SC DES subsequently submitted a SIP revision on July 23, 2025, updating references to reflect the restructuring of South Carolina DHEC to the South Carolina Department of Public Health and the South Carolina DES.[3] As discussed in the July 23, 2025, SIP submittal and in a letter from South Carolina to the EPA Region 4 dated June 20, 2024, all functions, powers, and duties of the environmental divisions, offices, and programs of DHEC are retained and continued in full force and effect under DES. This includes the authority to administer and enforce SIPs. Therefore, the changes within Regulation 61–62.1, Section II, reflecting the restructuring, are merely administrative in nature.

On May 13, 2026, SC DES submitted supplemental materials, including a letter requesting that the EPA conditionally approve portions of the State's minor source permitting SIP revisions in Regulation 61–62.1 based on a commitment under CAA section 110(k)(4) to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's conditional approval of South Carolina's submissions. Additionally, the supplemental materials included a CAA section 110(l) demonstration to support the corrective changes that the State intended to submit in a corrective SIP revision. The CAA section 110(l) demonstration also applies to a portion of the SIP submittals for which the State did not request conditional approval.

Subsequently, on July 21, 2026,[4] SC DES submitted a letter removing from EPA consideration the subset of provisions in Regulation 61–62.1, Section II, for which the State, in its May 13, 2026, letter, requested conditional approval. That letter supersedes the May 13, 2026, request for conditional approval of those same provisions. Specifically, the July 21, 2026, letter removes from EPA consideration two sentences within subparagraph II(B)(2)(h) [5] and paragraphs II(B)(3), II(B)(5), and II(B)(6), as submitted through the April 24, 2020, SIP revision. South Carolina states that ''the specific text . . . is not before EPA at this time.''

In this proposed action, the EPA is proposing only to approve the portions of the SIP revisions that make changes to South Carolina's minor NSR requirements, as detailed herein. Specifically, the EPA is proposing to proposing to approve minor, administrative, and clarifying changes to South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* subparagraph II(B)(2)(h), as described below, and to approve changes to the State's exemptions from the requirement to obtain a permit at subparagraph II(B)(2)(h), except for the second and third sentences of subparagraph

[1] On July 1, 2024, SC DHEC was restructured into a health agency, the Department of Public Health, and an environmental agency, the Department of Environmental Services (DES). In a letter dated June 20, 2024, South Carolina represented to the EPA that all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC, including the authority to administer and enforce SIPs, are retained and continued in full force and effect under SC DES. This letter is available in the docket for this proposed rulemaking. In this NPRM, ''State,'' ''Department,'' ''SC DHEC,'' and ''SC DES'' are interchangeable where applicable.

[2] The portion of the SIP-approved minor source permitting program covering operating permits is also referred to as the federally enforceable state operating permit (FESOP) program.

[3] On May 28, 2026, the EPA proposed to approve administrative changes, reflecting the Department name change, from the July 23, 2025, SIP revision for other regulations, including Regulations 61–62.1, *Definition and General Requirements,* Section I; 61–62.3, *Air Pollution Episodes;* 61–62.4, *Hazardous Air Pollution Conditions;* 61–62.5, Standard 4, *Emissions from Process Industries;* and 61–62.96, *Nitrogen Oxides (NO_X) Budget Program. See* 91 FR 31686.

[4] The EPA notes that the Agency received the letter, which is dated July 20, 2026, on July 21, 2026. For consistency, throughout this document we will refer to this as the July 21, 2026, letter.

[5] Specifically, the State requested that EPA not incorporate into subparagraph II(B)(2)(h) the second and third sentences of the revised subparagraph, reading: ''Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements.''

II(B)(2)(h),[6] for the reasons discussed in section V of this NPRM. Additionally, the EPA is also proposing to approve minor and ministerial changes to South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* paragraph II(K)(5), to reflect the restructuring of SC DHEC to the South Carolina Department of Public Health and SC DES. Section V.C., below, provides the EPA's analysis of the State's CAA section 110(l) non-interference demonstration for the portions that the EPA is proposing to approve.[7]

B. What is the legal authority and what are the requirements?

Under CAA section 110(k)(3), the EPA has a statutory obligation to approve SIP submittals that meet all applicable CAA requirements.[8] Pursuant to CAA section 110(k)(3), the EPA may approve portions of a SIP submittal if those portions meet all the applicable CAA requirements.

Additionally, under CAA section 110(l), the EPA cannot approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined by CAA section 171), or any other applicable requirement of the CAA.[9] Section V.C. of this notice of proposed rulemaking NPRM discusses South Carolina's CAA section 110(l) analysis supporting the changes proposed for approval. The EPA evaluates CAA section 110(l) non-interference demonstrations on a case-by-case basis considering the circumstances of each SIP revision.

II. Proposed Action

The EPA is proposing to approve minor, administrative, and clarifying changes to South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* subparagraph II(B)(2)(h), as described above, and to approve changes to the State's exemptions from the requirement to obtain a permit at subparagraph II(B)(2)(h), except for the second and third sentences of subparagraph II(B)(2)(h).[10] The EPA is proposing to approve the portions of the SIP revisions consisting of the aforementioned changes to subsection II(B) for the reasons discussed in section V of this NPRM. Additionally, the EPA is also proposing to approve minor and ministerial changes to South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* paragraph II(K)(5), to reflect the restructuring of SC DHEC to the South Carolina Department of Public Health and SC DES.

III. Background

A. Minor NSR Program Background

CAA section 110(a)(2)(C) requires that SIPs include a program to regulate the construction and modification of any stationary source as necessary to assure that the national ambient air quality standards (NAAQS) are achieved. Additionally, CAA section 110(a)(2)(C) cites to more detailed CAA permitting requirements that pertain to the construction and modification of major sources of air pollution. These CAA requirements for regulating the construction and modification of stationary sources are known collectively as the NSR program. The NSR program is comprised of the Prevention of Significant Deterioration (PSD) program, established in part C of title I of the CAA and applicable to major stationary sources and major modifications in attainment and unclassifiable areas; the Nonattainment NSR (NNSR) program, established in part D of title I of the CAA and applicable to major stationary sources and major modifications located in nonattainment areas; and the minor NSR program, applicable to a universe of new sources and modifications, as defined in a State's SIP, that fall below major NSR thresholds in any area.[11] Pursuant to CAA section 110(a)(2)(C) and 40 CFR 51.160, SIPs must contain a minor NSR program regulating the modification and construction of stationary sources as necessary to assure that NAAQS are achieved.

The minor NSR program is established under CAA section 110(a)(2)(C). Section 110(a)(2)(C) is the statutory foundation for the portion of the Code of Federal Regulations (CFR) at 40 CFR 51.160–164, which generally applies to all NSR programs but, because of more specific implementing regulations for the PSD and NNSR programs found, respectively, at 40 CFR 51.166 and 40 CFR 51.165, the implementing regulations at 40 CFR 51.160–51.164 serve primarily as the basis for the EPA's evaluation of minor NSR programs. The requirements at 40 CFR 51.160–164 apply to all new minor sources and modifications under a state's minor NSR program in accordance with 40 CFR 51.160.[12] States have discretion to define the scope of their minor NSR programs within the bounds of CAA section 110 and 40 CFR 51.160–164. The EPA's implementing regulations at 40 CFR 51.160 set forth requirements for ''legally enforceable procedures'' applicable to minor NSR programs. 40 CFR 51.160(a) requires SIPs to set forth minor NSR programs with legally enforceable procedures that enable a state to determine whether the construction or modification of a source will result in a violation of applicable portions of the control strategy or interference with attainment or maintenance of the NAAQS. 40 CFR 51.160(e) requires such programs to identify the types and sizes of sources subject to review and discuss the basis for determining which sources are subject. Where a state has a defined minor NSR program under 51.160, subject sources cannot subsequently be exempt from that program's requirements barring a demonstration under 51.160(e) that such sources are not needed for the state's program to meet the requirements of section 110(a)(2)(A) and 40 CFR 51.160.

B. South Carolina's Minor Source Permitting Program

South Carolina has a SIP-approved minor source permitting program at Regulation 61–62.1, Section II, that includes requirements for minor NSR permitting.[13] In the October 1, 2007, SIP revision submittal letter, the State explains that the revisions to Section II clarify and streamline the State's SIP-approved permitting program, which requires stationary sources planning to construct, alter, or add to a source of air pollutants to first obtain a construction permit from the State and to request an

[6] The second and third sentences the EPA is not incorporating by reference are the following: ''Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements.''

[7] *See* Section V.A. of this NPRM for more information.

[8] *See* 42 U.S.C. 7410(k)(3).

[9] CAA section 110(l) also requires each SIP revision to undergo reasonable notice and public hearing at the state level.

[10] The second and third sentences the EPA is not incorporating by reference are the following: ''Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements, These applicable requirements include federally applicable limits or requirements.''

[11] The EPA's regulations governing the implementation of the NSR permitting programs are contained in 40 CFR 51.160–166 (40 CFR part 51 Subpart I); 52.21 and 52.24; and Appendix S to part 51. 40 CFR 51.165 sets forth requirements for the NNSR program in conjunction with 52.24 and Appendix S to part 51; 40 CFR 51.166 sets forth requirements for State PSD programs in SIPs, and 40 CFR 52.21 implements PSD requirements for PSD programs administered by the EPA and States with delegated authority.

[12] In this NPRM, where ''state'' means a state air agency, it also means local air agency, as applicable.

[13] Regulation 61–62.1, Section II also contains a minor source operating permitting, *i.e.,* FESOP, program. For additional information on FESOP programs generally, see the EPA's FESOP guidance at 54 FR 27274.

operating permit prior to placing the new or altered source into operation. Minor source permitting programs, such as South Carolina's SIP-approved program under Section II, apply to stationary sources that do not require major source permits, *e.g.,* PSD, NNSR, and/or Title V permits.

South Carolina's SIP-approved minor source preconstruction permitting program covers true minor sources (*i.e.,* sources where the potential to emit (PTE) of regulated NSR pollutants is below applicable major stationary source or major modification thresholds without any enforceable emission limitations to constrain emissions) and synthetic minor sources (*i.e.,* sources that accept enforceable emission limitations to restrict the PTE of regulated NSR pollutants below major source and major modification applicability thresholds). The EPA originally approved South Carolina's minor NSR regulations into the SIP in 1972 and approved subsequent revisions through June 2, 2008, with additional changes approved on October 13, 2022.[14]

C. The EPA's August 17, 2017, and January 21, 2025, Proposals

Through NPRMs published on August 17, 2017,[15] and January 21, 2025,[16] the EPA proposed to act on changes to South Carolina's minor source permitting provisions involving, in part, the State's minor NSR program regulations. In the August 17, 2017, NPRM, the EPA proposed to approve SIP revisions submitted by the State on October 1, 2007, July 18, 2011, June 17, 2013, August 8, 2014, January 20, 2016, and July 27, 2016. The EPA received adverse comments on portions of the 2017 NPRM. On January 21, 2025, the EPA proposed to disapprove certain provisions that received adverse comment and certain provisions that did not receive adverse comment. In the same NPRM, the Agency also re-proposed approval of certain provisions that received adverse comment. Additionally, the Agency did not reconsider or seek additional comments on certain provisions evaluated in the 2017 NPRM that did not receive comment. In that 2025 NPRM, the EPA also proposed to act on a subsequent SIP revision submitted by the State on April 24, 2020. The EPA's analyses and rationales for those proposed actions are described in the respective 2017 and 2025 NPRMs. Information specific to the August 17, 2017, NPRM, including comments received, is available in Docket No. EPA–R04–OAR–2017–0359.[17] Docket No. EPA–R04–OAR–2024–0241 contains information specific to the January 21, 2025, NPRM, including comments received.[18]

In this proposed action, the EPA is not reconsidering or seeking additional comment on certain provisions evaluated in the August 17, 2017, NPRM that did not receive comment.[19] Likewise, the EPA is also not reconsidering or seeking additional comment on certain provisions evaluated in the January 21, 2025, NPRM that did not receive comment.[20]

In this NPRM, the EPA is proposing to approve portions of South Carolina's minor source permitting SIP revisions that were proposed for disapproval in the January 21, 2025, NPRM. Specifically, in this NPRM, the EPA is proposing to approve changes to a portion of Regulation 61–62.1, subparagraph II(B)(2)(h) submitted by the State on the following dates: October 1, 2007; July 18, 2011; August 8, 2014; and April 24, 2020.[21] [22]

Furthermore, as described above, SC DES submitted a SIP revision on July 23, 2025, which includes edits in the State's minor source permitting regulation merely to reflect the administrative restructuring of the State's public health and environmental agencies, from DHEC to the Department of Public Health and to SC DES. Therefore, in this NPRM, the EPA is proposing to approve changes to reflect this restructuring within Regulation 61–62.1, paragraph II(K)(5), submitted on July 23, 2025.[23]

The EPA's analysis of the changes proposed for approval in the previously noted submittals is discussed below.

IV. Summary of South Carolina's Submittals

In this NPRM, the EPA is proposing to approve portions of South Carolina's minor source permitting regulation as submitted in several SIP revisions. The changes cover recodification of portions of the regulation, changes to the scope of sources subject to minor source permitting, and minor and administrative changes to the affected portions of the rule. The following paragraphs describe the changes under consideration in this NPRM in greater detail.

The October 1, 2007, SIP revision revises the State's minor NSR exemption provisions. The 2007 SIP revision renumbers subsection II(F), ''Exemptions'' to subsection II(B) and revises the subsection title to ''Exemptions From the Requirement to Obtain a Construction Permit.'' In the 2007 SIP revision, subsection II(B), ''Operating Permit,'' in the existing SIP is renumbered to subsection II(F). The EPA is not proposing to act on subsection II(F) in this NPRM.[24] The renumbered subsection II(B), ''Exemptions,'' sets forth exemptions from the minor source preconstruction permitting program requirements. The October 1, 2007, SIP revision also renumbers subparagraph II(F)(2)(g) to

[14] *See* 37 FR 10842, 10892 (May 31, 1972); 37 FR 23085, 23091 (Oct. 28, 1972); 73 FR 31368 (June 2, 2008); and 87 FR 62034 (Oct. 13, 2022).

[15] *See* 82 FR 39083.

[16] *See* 90 FR 6954.

[17] Available at *https://www.regulations.gov/docket/EPA-R04-OAR-2017-0359.*

[18] Available at *https://www.regulations.gov/docket/EPA-R04-OAR-2024-0241.*

[19] In the August 17, 2017, NPRM, the EPA proposed to approve and did not receive comments on changes to the following subsections in Regulation 61–62.1: subsections II(A) (and a prefatory introductory paragraph to subsection II); II(C); II(F); II(G); II(H); II(J); II(M); and II(O); the EPA also proposed to approve and did not receive comments on changes evaluated in the 2017 NPRM to paragraphs II(B)(1), (2)(a), (2)(c)–(e) and (2)(g), and (4) under subsection II(B); paragraphs II(E)(1), (2), (3), and (5) under subsection II(E); and paragraphs II(N)(2), (3), (4), and (5) under subsection II(N). However, in the 2025 NPRM, the EPA proposed to disapprove Regulation 61–62.1, subsections II(E), II(F), II(G), and II(N) in their entireties.

[20] In the January 21, 2025, NPRM, the EPA proposed to approve and did not receive comments on changes to the following subsections in Regulation 61–62.1: subsections II(C), II(H), and II(K); the EPA also proposed to approve and did not receive comments on changes evaluated in the 2025 NPRM to paragraph II(B)(2), subparagraphs II(B)(2)(b) and (f), and paragraph II(B)(7) under subsection II(B); additionally, in the 2025 NPRM, the EPA proposed to approve administrative edits to the entirety of Regulation 61–62.1, Section II.

[21] For clarity and consistency, in this NPRM, the EPA refers to the section II regulatory provisions the Agency is proposing to act on, which were revised in the October 1, 2007, July 18, 2011, August 8, 2014, and April 24, 2020, submittals using the formatting conventions for rule references established in the April 24, 2020, SIP revision.

[22] In this NPRM, the EPA is not proposing to act on certain other changes to Section II included in the October 1, 2007, July 18, 2011, August 8, 2014, and April 24, 2020, submittals and in June 17, 2013, January 20, 2016, and July 27, 2016, SIP revisions.

[23] In this NPRM, the EPA is not reopening other changes Section II(K), which EPA proposed to approve in the January 21, 2025, NPRM. The EPA is narrowly proposing to approve subsequent changes to paragraph II(K)(5), only, received in the July 23, 2025, submittal, as detailed below.

[24] As previously noted in the August 17, 2017, NPRM, the EPA proposed to approve and did not receive comments on changes to Regulation 61–62.1, subsection II(F); however, in the January 21, 2025, NPRM, the EPA proposed to disapprove, in part, Regulation 61–62.1, subsection II(F) in its entirety for reasons discussed therein. In this NPRM, the EPA is not proposing to act on changes to Section II(F), which sets forth operating permit program requirements for true minor stationary sources. The Agency will act on the changes to subsection II(F) and certain other Section II provisions submitted in SIP revisions through April 24, 2020, in a separate proposed rulemaking addressing certain Section II provisions that were proposed for disapproval in the January 2025 NPRM based on inadequate public notice procedures.

II(B)(2)(h) and expands the existing SIP-approved exemptions from minor NSR permitting therein for sources with uncontrolled emissions of particulate matter (PM) less than one pound per hour (lb/hour) and volatile organic compounds (VOCs) less than 1,000 lb/month to include sources with uncontrolled emissions of sulfur dioxide (SO_2), nitrogen oxides (NO_X), and carbon monoxide (CO) less than one lb/hr. The 2007 SIP revision also modifies the exemption language which requires sources to submit information to the State and currently provides that the State will determine whether the source needs a permit, taking into consideration certain factors to instead provide that sources may require subsequent construction or operating permit review to ensure the NAAQS are not affected and to note that information on exemptions for air toxic pollutants is found in Regulation 61–62.5, Standard No. 8.

The July 18, 2011, SIP revision revises subparagraph II(B)(2)(h) by adding language requiring that sources maintain, and provide to the State on request, emissions calculations and other information needed to document qualification for the exemption. The August 8, 2014, SIP revision further revises subparagraph II(B)(2)(h) to clarify that uncontrolled emission rate means uncontrolled PTE and revises the exemption thresholds for PM, SO_2, NO_X, and CO from one lb/hour to five tons per year (tpy).

In addition to the changes described above, the EPA is proposing to approve minor, administrative, and clarifying edits to subparagraph II(B)(2)(h) submitted through the April 24, 2020, SIP revision, including formatting updates, administrative and minor language changes, and restructuring edits. Finally, the EPA is proposing to approve ministerial changes to paragraph II(K)(5) to reflect the updated structure of South Carolina's environmental agency, SC DES, submitted on July 23, 2025. The EPA is proposing to approve these minor and editorial changes because they are consistent with CAA section 110.

V. The EPA's Evaluation of the State's Submittals

A. Subparagraph II(B)(2)(h)

As noted previously, SC DES submitted changes to recodify and revise subparagraph II(F)(2)(g) in the October 1, 2007, July 18, 2011, and August 8, 2014, submittals. Consistent with South Carolina's May 13, 2026, and July 21, 2026, requests, the EPA is proposing to approve the following text into the SIP under subparagraph II(B)(2)(h):

> Sources with a total uncontrolled potential to emit (PTE) of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled PTE of less than 1000 pounds per month (lbs/month) of VOCs will not require construction permits. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61–62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request.

The EPA is also proposing to approve the change to subparagraph II(B)(2)(h) transmitted in the April 24, 2020, submittal placing the alphanumeric provision divider in parentheses. Thus, if the EPA takes final action to approve the portion of subparagraph II(B)(2)(h) which remains before the Agency, the following phrase will be excluded from the SIP: ''Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements.''

B. Paragraph II(K)(5)

Subsection II(K) sets forth factors that the State will consider in determining whether to impose alternative emissions limits, compliance schedules, or other restrictions. South Carolina previously submitted changes to subsection II(K), which the EPA proposed to approve in the January 21, 2025, NPRM. Subsequently, the State submitted final changes to various regulations on July 23, 2025, to reflect the restructuring of South Carolina DHEC to the South Carolina Department of Public Health and the South Carolina DES. Consistent with the State's request in the July 23, 2025, submittal, the EPA is proposing to approve changes to remove the phrase ''Upon approval by the Board'' and to replace ''this'' with ''the'' in the second sentence of paragraph II(K)(5). Thus, if the EPA takes final action to approve these changes, the revised paragraph II(K)(5) text would read ''Any request under this section will be subjected to public notice and opportunity for a public hearing. The recommendations of the Department shall be sent to the Administrator, or his designated representative, for approval or disapproval.''

The EPA is proposing to approve these changes because they are administrative in nature and therefore would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA.

C. South Carolina's CAA Section 110(l) Demonstration

As previously described, on May 13, 2026, SC DES submitted a supplemental CAA section 110(l) demonstration in support of the State's minor source permitting exemptions requested for approval and its anticipated corrections to the provisions and portions thereof requested for conditional approval.[25]

Portions of the demonstration apply to the section of subparagraph II(B)(2)(h), as revised through the April 24, 2020, SIP revision, that sets forth the previously described five tpy total uncontrolled PTE exemption thresholds for sources of PM, SO_2, NO_X, and CO and the 1,000 lb/month uncontrolled PTE exemption threshold for sources of VOCs. Additionally, portions of the demonstration apply to the State's anticipated corrections to subparagraph II(B)(2)(h) applicable to the case-by-case exemption for sources with potential emissions greater than the five tpy total uncontrolled PTE exemption thresholds for PM, SO_2, NO_X, and CO and the 1,000 lb/month total uncontrolled PTE exemption threshold for VOCs, which South Carolina committed, in its May 13, 2026, letter, to revise and submit to the EPA in a SIP revision no later than 12 months from a final conditional approval.

However, as detailed above, the State submitted a letter on July 21, 2026, letter which supersedes the May 13, 2026, request for conditional approval of the previously described case-by-case exemption within subparagraph II(B)(2)(h) and related provisions at paragraphs II(B)(3), II(B)(5), and II(B)(6), and instead South Carolina has removed the subset of regulations it requested to be conditionally approved from the EPA's consideration. The Agency's assessment in this NPRM focuses on the State's CAA section 110(l) demonstration supporting the State's exemptions under its minor NSR program as it relates to the defined exemptions of five tpy for PM, NO_X,

[25] South Carolina's May 13, 2026, CAA section 110(l) demonstration also functions to demonstrate that the SIP revisions are consistent with the requirements for minor NSR programs in SIPs in CAA section 110(a)(2)(C) and 40 CFR 51.160.

SO_2, and CO and 1,000 lb/month for VOCs.[26]

1. CAA Section 110(l) Demonstration—South Carolina's Minor Source Permitting Exemptions

Generally, South Carolina's CAA section 110(l) demonstration asserts that the exemptions included in the State's regulations are consistent with CAA sections 110(l) and 110(a)(2)(C) and the implementing regulations for minor NSR programs in SIPs under 40 CFR 51.160(a)–(b) and (e).[27] Further, the State explains that these exemptions include appropriate safeguards to ensure that any exempt source: will comply with the NAAQS; will be below major source or major modification thresholds; and will not be subject to applicable requirements that would necessitate a source permit.

South Carolina's CAA section 110(l) demonstration includes emissions data to support its exemptions, which the State asserts indicates that the exemptions are well-founded without having any meaningful emissions impact. Specifically, the State's demonstration includes a figure juxtaposing economic and aggregate emissions trends with pollutant trends;[28] 2020 national emissions inventory (NEI) data pie charts by source category and sector;[29] long-term air quality design value trends by highest metropolitan statistical area (MSA) monitor;[30] and triennial title V major source emissions from 2008 through 2023.[31]

First, the State points to economic and aggregate emissions trends from 2008–2024 juxtaposed with common pollutants to support its request for approval of the new five tpy threshold exemptions for SO_2, NO_X, and CO and the revised five tpy threshold exemption for PM. The State explains that, since 2008, air quality monitoring and emissions inventory trends reflect emissions reductions. SC DES also notes that all State ambient air quality monitors reflecting all emissions demonstrate attainment for all pollutants and further explains that, despite significant population growth and resulting higher mobile source emissions, aggregate emissions continue to fall,[32] and the State remains in attainment for all criteria pollutants.[33] SC DES also notes that, between 2008 and 2024, the State's gross domestic product (GDP) increased 117 percent, but total emissions of common air pollutants fell 37 percent.

Next, the State points to emissions data in Appendix A to its CAA section 110(l) demonstration, which categorizes NEI emissions in pie charts by source type and sector for NO_X, PM, SO_2, VOCs, and CO to broadly support that exempt emissions represent an insignificant fraction of State emissions and do not affect ongoing NAAQS attainment. The percentages of pollutant emissions by various sectors in the figures under Appendix A are derived from 2020 NEI emissions data divided into the following source categories: point,[34] nonpoint, onroad, and nonroad sources. Stationary sources subject to the State's minor NSR program and any sources qualifying for exemptions from minor NSR permitting fall into some sectors of the nonpoint source category (*e.g.,* stationary source fuel combustion and industrial processes), which includes emissions estimates for sources which are individually too small to report as point sources. Other nonpoint emissions sectors include agricultural emissions, fires, biogenic emissions, commercial marine vessels, locomotives, and road dust. SC DES explains that a limited portion of NEI emissions in 2020 were attributable to minor stationary sources and asserts its available 2020 NEI data indicates that emissions that would be exempt with approval of the requested SIP revisions would comprise a very small portion of overall emissions in the State. The State also notes examples of existing SIP exemptions such as categorical exemptions for certain types and capacities of fuel combustion sources and the existing SIP-approved exemption thresholds for PM and VOCs. SC DES further asserts that, while nonpoint source emissions include some industrial minor stationary sources, those emissions from sources that would be exempt represent such a minimal contribution to total emissions that this small aspect of the Department's minor source permitting program does not have any meaningful emissions impact. The State concludes that emissions attributable to the exemption provisions under review comprise ''necessarily a sliver'' of the State's emissions as shown in the NEI.

Next, South Carolina points to ambient air quality data in Appendix B to its CAA section 110(l) demonstration, which includes long-term air quality design value trends across the State for ozone, PM, SO_2, and NO_2 from 2008 through 2025 and for CO from 2010 through 2025, corresponding to the highest monitor design value in each MSA by pollutant and its corresponding NAAQS.[35] The State also points to emissions data from title V point sources in Appendix C to the demonstration, which contains the State's triennial total point source emissions for CO, PM, NO_X, SO_2, and VOCs from 2008 through 2023. As previously noted, the State explains that since 2008, air quality monitoring and emissions inventory trends reflect emissions reductions across the state, and that all ambient air quality monitors reflecting all emissions demonstrate attainment for all criteria pollutants. The State points to the NEI and other collective data as amply demonstrating that any sources and emissions exempt under these provisions do not and will not affect its attainment. The State's 2020 NEI data for NO_X, PM, SO_2, VOC, and CO emissions; design value trends for ozone, PM, SO_2, CO, and NO_2; and other relevant data are described further in Subsection V.C.3. of this NPRM, which contain the EPA's analyses of the State's emissions data and air quality.

Finally, the State points out that it has implemented these exemptions for more than a decade.[36] The State asserts that, because its SIP revisions which are the subject of this NPRM are focused on reducing regulatory burdens on industrial sources and the reviewing authority where there was no environmental benefit, these exemptions are a logical step. SC DES asserts that it has and will retain a

[26] Pollutants which are precursors to ozone or $PM_{2.5}$ (*i.e.,* VOCs, CO, NO_X, and SO_2) are covered under the analyses for ozone and/or PM.

[27] For more information, see Section III.A. of this NPRM, describing the Minor NSR program background.

[28] *See* Figure 1, ''Economic and Pollutant Trends in South Carolina,'' showing the State's GDP, vehicle miles traveled, population, energy consumption, and aggregate emissions for ''six common pollutants,'' on p. 8 of 21 in the State's CAA section 110(l) demonstration.

[29] *See* Appendix A, ''Pollutant-by-Pollutant Pie Charts Based on 2020 NEI,'' starting on p. 10 of 21 in the State's CAA section 110(l) demonstration.

[30] *See* Appendix B, ''Long Term Design Value Graphs,'' starting on p. 16 of 21 in the State's CAA section 110(l) demonstration.

[31] *See* Appendix C, ''Emissions Data,'' on p. 21 of 21 in the State's CAA section 110(l) demonstration.

[32] *See* Figure 1.

[33] *See* Figure B–1 (p. 17 of 21 in the State's CAA section 110(l) demonstration).

[34] SC DES clarifies that ''Type A'' sources (*i.e.,* title V sources with annual emissions at or above certain thresholds listed under Regulation 61–62.1, Section III(B)(1)(a)) comprise the point source category and close to 95 percent of all major source emissions. In the South Carolina SIP, Regulation 61–62.1, Section III(B)(1)(a) sets forth annual PTE thresholds (or an annual actual emissions threshold for lead) above which title V sources are required to submit emissions inventories annually, rather than triennially.

[35] The State has one active CO monitor, located in Columbia, SC.

[36] The latest substantive changes to subparagraph II(B)(2)(h) are contained in the August 8, 2014, SIP revision, which contains the State's ''2013 General Assembly Package Revisions,'' which were state-effective on June 27, 2014.

robust minor source permitting program [37] and that the substantial permitting and regulation of minor stationary sources under its program will not change with the EPA's action on the pending SIP revisions.

2. CAA Section 110(l) Demonstration—South Carolina's Automatic Exemption Thresholds

In this section, the EPA discusses its analysis of the portion of the State's CAA section 110(l) demonstration specifically focused on supporting the addition of the five tpy total uncontrolled PTE exemption thresholds for sources of SO_2, NO_X, and CO and the slightly increased exemption threshold for PM, from one lb/hour to five tpy, which the EPA is proposing to approve in this NPRM. The current SIP-approved exemption, found at subparagraph II(F)(2)(g), applies to sources with an uncontrolled PM emission rate less than one lb/hour and/or an uncontrolled VOC emission rate less than 1,000 lb/month. SC DES asserts its ''2007 SIP submittal narrowed this exemption'' to include only sources with total uncontrolled PTE less than 1,000 lb/month for VOCs *and* one lb/hour for PM, *SO_2, NO_X*, and CO (as opposed to exempting sources based solely on uncontrolled PM and/or VOC emission rates, regardless of SO_2, NO_X, and CO emissions under the current SIP-approved rule).[38] The State adds that, although the August 8, 2014, SIP revision increased the one lb/hour total uncontrolled emission rate exemption thresholds for PM, SO_2, NO_X, and CO from the 2007 revision to five tpy total uncontrolled PTE, the existing PM SIP limit of one lb/hour is ''functionally close'' to five tpy (1.14 lb/hour), from a mathematical standpoint. Further, it explains that ''the added mandate'' to exempt only sources that also have total uncontrolled PTE below five tpy SO_2, NO_X, and CO ''narrows the scope of sources potentially subject to exemption relative to the approved SIP,'' describing the collective changes as ''largely SIP-strengthening in nature'' compared to the existing exemption, which the State asserts ''considers only VOC and PM emissions, as opposed to VOC, PM, SO_2, NO_X, and CO.'' The EPA notes that the current SIP does not include specific exemptions from permitting for sources emitting SO_2, NO_X, or CO. The Agency must therefore evaluate the change to the SIP to include the addition of exemptions for sources of these emissions. Regardless, the State's CAA section 110(l) demonstration evaluates the revised exemption to support the five tpy thresholds for each of these pollutants. Finally, to support the new five tpy total uncontrolled PTE exemption thresholds for sources of SO_2, NO_X, and CO, and the slightly increased exemption threshold for PM, South Carolina again points out that it has implemented the five tpy exemption for PM, SO_2, NO_X, and CO over more than a decade with no issues or concerns.

To demonstrate that the revisions would not interfere with attainment or maintenance of the NAAQS, the State points to its emissions data (*i.e.,* economic and aggregate emissions trends); 2020 NEI pie charts; and long term design values. South Carolina explains that it has maintained attainment of all criteria pollutant standards, despite increases in population and traffic, and asserts that an overall decrease in emissions is reflected in emissions inventory and ambient monitoring data. Based on its data, the State asserts that the level of emissions exempted from permitting due to the revised exemption threshold from one lb/hour for PM to five tpy and the added five tpy exemption thresholds for SO_2, NO_X, and CO has had a statistically insignificant effect on emissions and does not interfere with ongoing NAAQS attainment. The State further asserts that, although precise percentages cannot be quantified, its emissions data indicates that sources below the five tpy exemption thresholds represent a minimal fraction of overall emissions and are inconsequential to the State's ongoing NAAQS attainment.

To further support the five tpy total uncontrolled PTE exemption thresholds for sources of PM, SO_2, NO_X, and CO, the State points to the EPA's Tribal minor NSR FIP. The State cites to the EPA's Tribal minor NSR thresholds, under which sources with lower emissions would typically be exempt from minor NSR, and the Agency's rationale in the preamble to the FIP supporting those thresholds.[39] Specifically, SC DES asserts that the EPA has recognized the appropriateness of such exemption thresholds by establishing similar, including broader, thresholds for exemption from the federal Tribal minor NSR program. The State points to the Agency's Tribal minor NSR exemption thresholds for sources in attainment areas with CO, NO_X, SO_2, PM, and VOC emissions.[40] It also points to the portion of that rulemaking where the EPA stated its belief that sources with emissions below those thresholds will be inconsequential to attainment or maintenance of the NAAQS, based on findings from a national source distribution analysis; that the thresholds would promote an effective balance between environmental protection and source burden; and that, because similar thresholds were included in many minor NSR programs in surrounding States, the thresholds would level the playing field with the surrounding state programs and result in a more cost-effective program by reducing source and reviewing authority burdens.[41] South Carolina asserts that this rationale for the Tribal minor NSR thresholds applies equally in South Carolina and supports the acceptability of the State's five tpy exemption thresholds for PM, SO_2, NO_X, and CO to reduce source and reviewing authority burdens. The State maintains that its exemption thresholds are comparable to and in some cases narrower than the Tribal minor NSR thresholds and asserts that the revised exemption allows South Carolina to focus its permitting efforts on activities that account for most of the State's regulated emissions.

3. The EPA's Analysis

As previously noted, South Carolina's CAA section 110(l) demonstration evaluates the revised exemption to support the five tpy thresholds for PM, SO_2, NO_X, and CO. For the EPA's analysis of South Carolina's emissions data and air quality with respect to the impacts the five tpy PM, SO_2, NO_X, and CO exemption thresholds are likely to have on its ability to maintain compliance with the ozone, NO_2, CO, $PM_{2.5}$, PM_{10}, and SO_2 NAAQS, see Section V.C.3. in this NPRM, below.

South Carolina asserts that the exemption threshold for PM, one lb/hour is functionally close to five tpy, mathematically. The EPA agrees that, when considering uncontrolled PTE, a maximum potential emission rate of one lb/hour (equivalent to 4.38 tpy over the year) is not considerably different than the revised allowable emission rate of 1.14 lb/hour (derived from the five tpy threshold). Additionally, the phrase ''total uncontrolled PTE'' does not account for any possible controls or limits that sources would have in place. This means that the exemption does not

[37] The State estimates that permitted minor stationary sources will pay roughly 12 percent of annual permit fees billed in fiscal year 2026.

[38] The italicized text emphasizes the changes to this portion of the SIP-approved exemption.

[39] *See* 76 FR 38748 (July 1, 2011).

[40] *See* Table 1 to 40 CFR 49.153. The minor NSR thresholds in Table 1 for attainment areas are 10 tpy for CO, NO_X, SO_2, and PM and five tpy for VOCs.

[41] *Id* at 38758.

apply to sources with synthetic limits or other control equipment that restricts the maximum potential emissions to less than five tpy. Thus, the 14 percent increase in allowable emission rate for PM remains small, close to the original one lb/hour threshold, and the universe of sources exempt from construction permitting is not likely to be greatly increased as a result of this specific change. The State asserts that the EPA's Tribal minor NSR thresholds support its above-described exemption thresholds for PM, SO_2, NO_X, CO, and VOCs and that the Agency's supporting rationale set forth in the related FIP applies equally in South Carolina, supporting the acceptability of those exemption thresholds to reduce source and reviewing authority burdens. As the State notes, the EPA set similar, and in some cases, higher thresholds for federal permitting of minor NSR sources in Indian Country where the EPA is the permitting authority and broadly considered the applicability thresholds in state minor NSR permitting programs. The EPA also considered a balance between environmental benefit and program efficiency.[42] The State asserts that this rationale is applicable in South Carolina and mentions the need to reduce administrative burden on the sources and the reviewing authority to allow SC DES to focus permitting efforts on those activities accounting for most of the regulated emissions outside mobile emissions. The EPA agrees that, for similar reasons that supported the adoption of specific emission thresholds for the Tribal Minor NSR FIP, the revisions proposed for approval are consistent with applicable CAA requirements. The EPA agrees that with South Carolina's current air quality status as attainment or attainment/unclassifiable for all NAAQS, and the EPA further agrees that with no violations of the applicable NAAQS at any air quality monitors in the State,[43] five tpy is an appropriate PTE at which to set the scope of the minor NSR preconstruction review program pursuant to 40 CFR 51.160(e) for these pollutants in South Carolina.[44] See Section V.C.3. for analysis of the historical compliance with and margins available to the SO_2, NO_2, CO, ozone, and PM NAAQS and comparisons between the estimated emissions from the categories of sources subject to the state's minor NSR program (including sources that would be exempt from that program) and emissions from other sources in the State.

i. Ozone, NO_2, and CO NAAQS

This section discusses South Carolina's emissions and air quality data with respect to the ozone, NO_2, and CO NAAQS. Specifically, in this section, the EPA evaluates the State's ozone, NO_2, and CO NAAQS attainment history; long term and recent ozone, NO_2, and CO air quality design values and NAAQS margins; and 2020 NEI data for ozone precursors.

1. Ozone NAAQS

VOCs and NO_X comprise two main classes of precursor pollutants to tropospheric (*i.e.,* ground-level) ozone.[45] When an area has lower levels of sunlight resulting in slower photochemical formation of ozone and NO_X concentrations in excess compared to VOCs, the area is considered a VOC-limited regime. In contrast, when an area has NO_X concentrations that are generally low compared to VOCs and is generally warm and sunny, resulting in relatively faster NO_X photochemistry, the area is considered a NO_X-limited regime. NO_X-limited conditions are more common in portions of the country with high biogenic VOC emissions like the Southeast. While anthropogenic sources are important for VOC emissions, in some locations at certain times (*e.g.,* Southeastern states in the summer), the majority of VOC emissions come from vegetation. In Southeastern rural areas, the vast majority of VOC emissions come from plants and trees (biogenic emissions).[46] South Carolina's demonstration references a 2020 EPA integrated science assessment for ozone [47] and a study of ground-level ozone chemical formation [48] to assert that the State is NO_X-limited. The State asserts that a significant majority of VOC emissions in South Carolina derive from biogenic sources, and as a result, ground-level ozone in the State is primarily and most effectively addressed through control of NO_X.

Since its original promulgation in 1971, the EPA has revised the ozone NAAQS several times. The EPA promulgated the first primary and secondary ozone NAAQS, a 0.12 parts per million (ppm) 1-hour standard, on February 8, 1979.[49] [50] On November 6, 1991, the EPA classified Cherokee County, South Carolina, as a Marginal ozone nonattainment area for the 1979 1-hour ozone NAAQS, effective January 6, 1992.[51] On December 15, 1992, the EPA redesignated Cherokee County to attainment and classified it as a maintenance area, effective February 16, 1993.[52]

The EPA promulgated 8-hour primary and secondary ozone standards of 0.080 ppm on July 18, 1997, effective September 16, 1997.[53] [54] On April 30, 2004, the EPA designated three areas—Columbia, South Carolina; Greenville-Spartanburg-Anderson, South Carolina; and Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina—as nonattainment for the revised 1997 8-hour ozone NAAQS, but deferred the effective date for the Columbia and Greenville-Spartanburg-Anderson areas to September 30, 2005, due to their participation in the Early Action Compact program.[55] On April 2, 2008, the EPA redesignated the Columbia and Greenville-Spartanburg, Anderson areas to attainment for the 1997 8-hour ozone NAAQS, effective April 15, 2008.[56] On December 26, 2012, the EPA redesignated the South Carolina portion of the Charlotte-Gastonia-Rock Hill bi-state area to attainment for the 1997 8-hour ozone NAAQS.[57]

On March 27, 2008, the EPA revised the primary and secondary 8-hour ozone NAAQS to 0.075 ppm, effective May 27, 2008.[58] On May 21, 2012, the EPA designated South Carolina as ''Attainment/Unclassifiable,'' with the exception of part of York County, which was designated a Marginal nonattainment area as part of the

[42] *See* 76 FR 38748 (July 1, 2011) and related rulemaking docket materials, available at *https://www.regulations.gov/docket/EPA-HQ-OAR-2003-0076*.

[43] The EPA must still complete air quality designations for the revised 2024 secondary annual SO_2 NAAQS and the revised 2024 primary annual $PM_{2.5}$ NAAQS.

[44] The EPA also notes that, while the Agency developed different Tribal Minor NSR thresholds for nonattainment areas, the State of South Carolina currently has no nonattainment areas, and so separate thresholds for the program need not be considered at this time.

[45] *See* ''Overview of Ozone (O_3) Air Quality in the United States,'' updated July 11, 2025 (hereinafter ''Ozone Overview''), available at *https://www.epa.gov/system/files/documents/2025-07/o3_2024.pdf*.

[46] *Id* at 1, 2, and 4.

[47] U.S. EPA. Integrated Science Assessment (ISA) for Ozone and Related Photochemical Oxidants (Final Report, Apr 2020). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–20/012, 2020. Available via: *https://www.epa.gov/system/files/documents/2026-06/isa_ozone_final-2020.PDF*.

[48] Tian, Y., Wang, S., and Jin, X.: Global patterns and trends in ground-level ozone chemical formation regimes from 1996 to 2022, Atmos. Chem. Phys., 25, 9127–9149, *https://doi.org/10.5194/acp-25-9127-2025,* 2025.

[49] *See* 44 FR 8202.

[50] The EPA revoked the 1979 1-hour ozone NAAQS on June 15, 2005. *See* 69 FR 23951.

[51] *See* 56 FR 56694.

[52] *See* 57 FR 59300.

[53] *See* 62 FR 38856.

[54] The EPA revoked the 1997 8-hour ozone NAAQS on April 6, 2015. *See* 80 FR 12264.

[55] *See* 69 FR 23858.

[56] *See* 73 FR 17897.

[57] *See* 77 FR 75862.

[58] *See* 73 FR 16436.

Charlotte-Rock Hill North Carolina-South Carolina bi-state area, effective July 20, 2012.[59] [60] York County, South Carolina was included in the Charlotte bi-state nonattainment area despite the York County air quality monitor showing design values below the level of the 2008 8-hour ozone NAAQS at the time.[61] On December 11, 2015, the EPA redesignated the York County, South Carolina portion of the Charlotte-Rock Hill bi-state area to attainment for the 2008 8-hour ozone NAAQS.[62]

On October 26, 2015, the EPA revised the primary and secondary 8-hour ozone NAAQS to 0.070 ppm, effective December 28, 2015.[63] On November 16, 2017, the Agency designated all counties in South Carolina as ''Attainment/Unclassifiable'' for the 2015 8-hour ozone standard, effective January 16, 2018, and South Carolina is currently in attainment for each form of the standard.[64]

The EPA's NAAQS regulations at 40 CFR 50.19 and 40 CFR part 50, Appendix U provide that the primary 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient ozone concentration is less than or equal to 70 ppb. Further, a critical fourth-highest daily maximum 8-hour value for ozone is one that would result in a violating 3-year average design value. The most recent (2023–2025) certified design values in South Carolina show that the fourth-highest daily maximum 8-hour average ambient ozone concentrations ranged from 59 ppb (Charleston and Edgefield Counties) to 68 ppb (Spartanburg County).[65] The 2026 critical fourth-highest daily maximum 8-hour concentrations that would result in a violation of the 2015 ozone NAAQS for Spartanburg, which has the highest value to date, is 79 ppb.[66] Spartanburg has had recent historic fourth-highest daily maximum 8-hour concentrations of 71 ppb in 2024, 63 ppb in 2025, and 68 ppb, as of July 20, 2026.[67]

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depict the margins between the State's ozone emissions design values and the NAAQS from 2008–2025. These figures show that the State has maintained the applicable 8-hour ozone standards since 2011, where valid data is available.[68] [69]

2. NO_2 NAAQS

The EPA uses NO_2 as an indicator for NO_X.[70] As noted above, NO_X is also considered a primary precursor of tropospheric ozone. Ambient concentrations of NO_2 are influenced by both direct NO_2 emissions and by emissions of NO, with the subsequent conversion of NO to NO_2 primarily through reaction with ozone (NO_2 can also be photolyzed to reform NO, creating new ozone in the process). Anthropogenic sources account for a large majority of NO_X emissions in the U.S., and highway and off-highway vehicles and stationary fuel combustion are the largest contributors.[71] The EPA originally promulgated primary and secondary NO_2 annual standards in 1971 and, in 2010, promulgated a primary 1-hour NO_2 standard.

The EPA promulgated the first primary and secondary NO_2 NAAQS, 53 parts per billion (ppb) annual standards, on April 30, 1971.[72] On February 9, 2010, the EPA promulgated a primary 100 ppb 1-hour NO_2 primary standard, effective April 12, 2010.[73] The Agency retained the existing annual primary NO_2 standard in 2010.[74] On February 17, 2012, the EPA designated all areas in South Carolina as ''Attainment/Unclassifiable'' for the 2010 primary 1-hour standard, effective February 29, 2012.[75]

40 CFR 50.11 and 40 CFR part 50, Appendix S provide that the primary 1-hour NO_2 NAAQS is attained when the 3-year average of the annual 98th percentile of the daily maximum 1-hour average ambient NO_2 concentration is less than or equal to 100 ppb. Under those regulations, the primary annual NO_2 standard is attained when the annual average ambient NO_2 concentration is less than or equal to 53 ppb. The most recent (2023–2025) certified design values for the 1-hour standard in South Carolina show that the daily maximum 1-hour average ambient NO_2 concentrations range from 30 ppb (Richland County) to 39 ppb (Greenville County),[76] well below the 1-hour NO_2 NAAQS. The most recent (2025) certified design values for the annual standard in South Carolina show that the annual average ambient NO_2 concentrations ranged from 4 ppb (Richland County) to 6 ppb (Charleston and Greenville Counties),[77] well below the annual NO_2 NAAQS.

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depict the margins between the State's NO_2, emissions design values and the NAAQS from 2008–2025. These figures show that the State has attained the annual NO_2 standards throughout the timeframes covered by the figures. Further, South Carolina has never been designated nonattainment for any NO_2 NAAQS and continues to attain each applicable form of the standard.

3. CO NAAQS

CO is formed primarily by incomplete combustion of carbon-containing fuels and photochemical reactions in the atmosphere. Oxidation of anthropogenic and biogenic VOCs constitute important secondary sources of CO.[78] Mobile sources are the largest anthropogenic source of CO emissions in the U.S., and fires (*i.e.,* wildfires, agricultural field burning, and prescribed burns) are

[59] *See* 77 FR 30088.

[60] The Indian country of the Catawba Indian Nation was not included in the designation of York County, SC as nonattainment for the 2008 8-hour ozone NAAQS. Instead, the area comprising Indian country for the Catawba Indian Nation was designated as attainment/unclassifiable. *See* 77 FR 30088 (May 21, 2012).

[61] The EPA considers a number of factors when completing air quality designations, including air quality data, emissions and emissions-related factors, meteorology, geography and topography, and jurisdictional boundaries.

[62] *See* 80 FR 76865.

[63] *See* 80 FR 65292.

[64] *See* 82 FR 54232.

[65] *See* 2025 Ozone Design Value Report (''Ozone Design Values, 2025''), Table 4. County-Level Design Values for the 2015 8-hour Ozone NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/8/2026), available at *https://www.epa.gov/system/files/documents/2026-06/o3_designvalues_2023_2025_final_06_08_26.xlsx.*

[66] From the EPA's Ozone Watch, available at *https://www.epa.gov/outdoor-air-quality-data/ozone-watch,* accessed July 20, 2026.

[67] *Id.*

[68] Valid design values are not available from 2018 through 2021 (*see* note to p. 16 of 21 in the State's CAA section 110(l) demonstration).

[69] As explained above, the EPA found the State of South Carolina to be contributing to the violation of the 2008 8-hour ozone NAAQS, which led to York County, South Carolina being included in the bi-state Charlotte, NC–SC nonattainment area.

[70] *See* ''Overview of Nitrogen Dioxide (NO_2) Air Quality in the United States,'' updated December 15, 2025 (hereinafter ''Ozone Overview''), available at *https://www.epa.gov/system/files/documents/2026-02/no2_2024_0.pdf.*

[71] *Id* at 2.

[72] *See* 36 FR 8186 (Apr. 30, 1971).

[73] *See* 75 FR 6474.

[74] *See id.*

[75] *See* 77 FR 9532.

[76] *See* 2025 Nitrogen Dioxide Design Value Report (''Nitrogen Dioxide Design Values, 2025''), Table 4b. County-Level Design Values for the 2010 1-hour Nitrogen Dioxide NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/2/2026), available at *https://www.epa.gov/system/files/documents/2026-06/no2_designvalues_2023_2025_final_06_02_26_0.xlsx.*

[77] *Id.* at Table 4a. County-Level Design Values for the 1971 Annual Nitrogen Dioxide NAAQS.

[78] *See* ''Overview of Carbon Monoxide (CO) Air Quality in the United States,'' updated July 11, 2025, available at *https://www.epa.gov/system/files/documents/2025-07/co_2024.pdf.*

another important source of CO emissions.

The EPA promulgated primary and secondary CO NAAQS on April 30, 1971, at 35 ppm (1-hour standard) and 9 ppm (8-hour standard).[79] The EPA has since retained the primary standards three times and revoked the secondary standards.[80]

Under 40 CFR 50.8, the design value for the primary 1-hour CO standard of 35 ppm is based on the second-highest hourly concentration in each year of the most recent 2-year period, and the design value is the higher of these two annual second maximum values. Under this regulation, the design value for the primary 8-hour CO standard of 9 ppm is based on the second-highest non-overlapping 8-hour average concentration for the most recent two years and then calculated as the higher of the two maximum values. The most recent (2024–2025) certified design values for the 1-hour and 8-hour standards in Richland County, South Carolina, are 1.2 ppm[81] and 0.7 ppm,[82] respectively, well below the well below the respective CO NAAQS.

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depict the margins between the State's CO emissions design values and the NAAQS from 2010–2025 for CO. These figures show that the State has attained the CO 1-hour and 8-hour standards throughout the timeframes covered by the figures. Further, South Carolina has never been designated nonattainment for any CO NAAQS and continues to attain each applicable form of the standard.

4. 2020 NO_X, VOCs, and CO NEI Data

As previously described, South Carolina's CAA section 110(l) demonstration also includes the State's 2020 NEI data for certain pollutants, including the ozone precursors. Appendix A to the CAA section 110(l) demonstration includes Figures A–1, A–5, and A–6, which display the State's NEI emissions data in pie charts by source type and sector with total 2020 pollutant emissions in tons for NO_X, VOCs, and CO, respectively. These figures characterize the proportion of emissions regulated under the State's minor NSR program, which includes the small proportion of emissions that would be exempt from that program with approval of the changes to subparagraph II(B)(2)(h). The charts divide emissions by four primary source categories: point, nonpoint, onroad, and nonroad. NEI point sources include emissions estimates for larger stationary sources (*e.g.,* large industrial facilities and electric power plants and smaller industrial, non-industrial, and commercial facilities, as defined at 40 CFR 51.50).[83] NEI nonpoint sources include emissions estimates for sources which are individually too small in magnitude to report as point sources. As noted at 40 CFR 51.50, these sources are typically too small, numerous, or difficult to inventory using methods for other classes of sources. NEI onroad and nonroad sources include emissions from on-road vehicles and off-road mobile sources, respectively, that use gasoline, diesel, and other fuels.

Under South Carolina's minor source permitting SIP revisions that have been proposed for approval thus far,[84] including those proposed for approval in this NPRM, sources that could qualify for exemption from minor source construction permitting would be those exempt under Regulation 61–62.1, subsection II(B), as revised through the April 24, 2020, SIP revision, with the exception of certain provisions detailing a case-by-case exemption which the State has removed from the EPA's consideration to address through parallel processing. Any sources exempt from minor NSR permitting under these provisions would fall exclusively into the nonpoint source category.[85] Therefore, all emissions that would be exempt as a result of the changes to the SIP addressed in this NPRM are included as a subset of the nonpoint source category.

Specifically, under the subset of nonpoint source emissions from minor sources, the smaller fraction of exempt sources would be those that are currently approved into the SIP, those proposed for exemption in this NPRM, and those proposed for exemption in previous NPRMs,[86] at paragraph II(B). This includes those sources under the five tpy uncontrolled PTE thresholds for SO_2, NO_X, CO, and PM proposed for approval in this NPRM, and those proposed to be exempt in the August 17, 2017, and January 21, 2025, NPRMs. This also includes those already exempt under the existing SIP. In the August 17, 2017, NPRM, the EPA proposed to approve the State's changes to clarify that subset of auxiliary boilers and space heaters of less than 1.5 MMBtu/hour rated input capacity that burn only virgin liquid or virgin solid fuels are exempt. In the January 21, 2025, NPRM, the EPA proposed to exempt auxiliary boilers and space heaters of less than 10 MMBtu/hour rated input capacity that burn only virgin gas fuels and proposed to modify the existing exemption for emergency generators. As noted above, the EPA is not taking further comment on these prior proposed approvals. The sources exempt under the existing SIP and which are not otherwise being proposed for modification include certain emergency generators, natural gas-fired boilers, oil-fired boilers rated 50 MMBtu/hour or less, and coal-fired boilers rated 20 MMBtu/hour or less which were constructed prior to February 11, 1971, and which are not located at a facility defined as a major source as defined in South Carolina's federally approved title V (40 CFR part 70) permitting program, and sources with VOC emissions less than 1,000 lb/month.

Figure A–1 indicates that of the 127,711 tons of NO_X emissions reported in the 2020 NEI, on-road, non-road, and point sources comprised 73.42 percent of total NEI NO_X emissions, contributing 93,765 tons, while nonpoint sources comprised only 26.58 percent. The nonpoint emissions are divided into five subcategories, and emissions from minor sources included in the NEI and regulated under the State's minor NSR program are covered by just one sector, stationary source fuel combustion, which is a small fraction of overall nonpoint NO_X emissions.[87] This one sector includes the small fraction of minor sources proposed for exemption in this NPRM and the 2017 and the 2025 NPRMs, and those already exempt under the existing SIP. Stationary source fuel combustion emissions comprised 6.68 percent of total NEI NO_X

[79] *See* 36 FR 8186.

[80] *See* 50 FR 37484 (Sep. 13, 1985); 59 FR 38906 (Aug. 1, 1994); 76 FR 54294 (Aug. 31, 2011).

[81] *See* 2025 Carbon Monoxide Design Value Report (''Carbon Monoxide Design Values, 2025''), Table 4b. County-Level Design Values for the 1971 1-hour Carbon Monoxide NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/2/2026), available at *https://www.epa.gov/system/files/documents/2026-06/co_designvalues_2024_2025_final_06_02_26.xlsx.*

[82] *Id.* at Table 4a. County-Level Design Values for the 1971 8-hour Carbon Monoxide NAAQS.

[83] Specifically, the point sources reported for the purposes of the Air Emissions Reporting Rule that provides the information for the NEI are title V major sources for one or more criteria air pollutants, as defined at 40 CFR 51.50.

[84] The Agency proposed certain subsection II(B) provisions for approval in the August 17, 2017, and January 21, 2025, NPRMs, which it is not reconsidering or seeking additional comments on.

[85] South Carolina does not regulate motor vehicles under its minor NSR permitting program. Therefore, any source that would be exempt under South Carolina's minor NSR permitting program would fall under the nonpoint source category.

[86] See supra note 83.

[87] The four remaining nonpoint sectors for NO_X are agricultural emissions and fires; biogenic emissions; commercial marine vessels, locomotives; and open burning.

emissions (or 25.13 percent of NEI nonpoint source NO_X emissions), meaning 2020 NO_X contributions from minor sources included in the NEI and regulated under the State's minor NSR program were just over 8,531 tons. As noted above, of the 25.13 percent NEI nonpoint NO_X emissions, only a small portion of those emissions are from sources proposed for exemption in this NPRM and the 2017 and the 2025 NPRMs, and those already exempt under the existing SIP.

Figure A–5 indicates that of the 1,005,847 tons of VOC emissions reported in the 2020 NEI, 93.34 percent of NEI nonpoint VOC emissions were from nonpoint sources, and biogenic emissions comprised 86.78 percent of them (or 81.53 percent of total NEI VOC emissions), contributing 814,736 tons. The agricultural emissions and fires subcategory comprised 5.85 percent of NEI nonpoint VOC emissions (or 5.46 percent of total NEI VOC emissions), totaling 54,919 tons. Together, biogenic and agricultural emissions and fires comprised just under 87 percent of total NEI VOC emissions and over 92 percent of NEI nonpoint VOC emissions. Minor sources included in the NEI and regulated under the State's minor NSR program fall under the storage and transport, stationary source fuel combustion, and solvent utilization sectors, which comprised 5.85 percent of total NEI VOC emissions (or 6.27 percent of NEI nonpoint source VOC emissions), meaning 2020 VOC contributions from minor sources included in the NEI and regulated under the State's minor NSR program were just over 58,842 tons.[88] As noted above, of the 6.27 percent NEI nonpoint VOC emissions, only a small portion of those emissions are from sources proposed for exemption in this NPRM and the 2017, and the 2025 NPRMs, and those already exempt under the existing SIP.

Figure A–6 indicates that of the 968,725 tons of CO emissions reported in the 2020 NEI, on-road, non-road, and point sources comprised 61.06 percent of total NEI CO emissions, contributing 591,503 tons, while nonpoint sources contributed to 38.95 percent of CO emissions, totaling 377,318 tons. The nonpoint sources are divided into the following sectors: agriculture and fires; biogenic emissions; commercial marine vessels, locomotives; industrial processes; stationary source fuel combustion; and open burning. The nonpoint emissions from sources that would be regulated under, or exempt from, the State's minor NSR program represent a small fraction of overall nonpoint CO emissions and would fall under the industrial processes and stationary source fuel combustion subcategories. Figure A–6 indicates that industrial processes and stationary source fuel combustion comprised 2.92 percent of total NEI CO emissions (or 7.5 percent of NEI nonpoint source CO emissions), meaning 2020 CO emissions from minor sources included in the NEI and regulated under the State's minor NSR program were just under 28,287 tons. This includes the small fraction of minor sources proposed for exemption in this NPRM and those already exempt under the existing SIP. Agricultural emissions and fires comprised 23.04 percent of total NEI CO emissions and 59.15 percent of NEI nonpoint source CO emissions, contributing 223,194.24 tons.

As previously noted, South Carolina relies on its 2020 NEI data to broadly support its position that emissions attributable to the exemptions from its minor NSR program, as revised through the April 24, 2020, SIP revision, including the five tpy thresholds for SO_2, NO_X, CO, and PM, comprise a sliver of the State's emissions, as shown in its 2020 NEI data, and represent an insignificant fraction of the State's emissions and do not affect ongoing NAAQS attainment. The State asserts, and the EPA agrees, that its available 2020 NEI data indicates that the proportion of emissions that would be automatically exempt, as described above, comprise a very small portion of overall emissions in the State. More specifically, the State asserts, and the EPA agrees, that only a limited portion of 2020 NEI emissions were attributable to minor stationary sources, both permitted and those that would be exempt, and further that the emissions from the subset of potentially exempt minor stationary sources comprises an even smaller fraction.

The EPA agrees that the previously described 2020 NEI data reflects that the subset of potential emissions contributions that would be exempt under the automatic exemption thresholds for NO_X, VOCs, and CO comprise very small proportions of 2020 NEI emissions across the State. The State acknowledges that not all minor stationary source emissions are accounted for in the NEI, because South Carolina's state emissions inventory is limited to major sources. However, generally, small stationary source sector emissions are accounted for with the NEI nonpoint source category, which utilizes activity data, such as employment or population data, multiplied by emission factors.[89] South Carolina states that, despite state emissions inventory limitations owing to only major sources submitting emissions inventory information directly, NEI and other collective data amply demonstrate that sources and emissions exempt under the automatic exemption thresholds do not and will not affect attainment in South Carolina.

5. Ozone, NO_2, and CO NAAQS Analysis

With respect to the ozone, NO_2, and CO NAAQS, given the previously described rationale, air quality design value margins, and 2020 NEI data, the EPA does not expect the added five tpy PTE automatic exemption thresholds for NO_X and CO to interfere with the State's attainment or maintenance of the ozone, NO_2, or CO NAAQS. As explained earlier, since South Carolina is a NO_X-limited area, limiting emissions of NO_X, rather than VOCs, is critical to limiting the formation of ozone; therefore, controlling NO_X emissions is more effective than controlling VOCs to reduce ozone formation. As described above, South Carolina has maintained attainment or attainment/unclassifiable status for the ozone NAAQS since York County, SC was redesignated to attainment for the 2008 8-hour NAAQS in 2015 and has never been designated nonattainment for NO_2 or CO. The State's long-term air quality design value figures indicate that the State has maintained the applicable 8-hour ozone standard since 2011, where valid data is available, has maintained the NO_2 and CO NAAQS since at least the starting point in the figures of 2008, and that margins exist between the State's design values and the ozone, NO_2, and CO NAAQS. Additionally, 2020 NEI data indicates that VOC, NO_X, and CO emissions regulated under the State's minor NSR program are relatively small, comprising 2.92–6.68 percent of total 2020 NEI emissions, and the State's rationale demonstrates that, of those minor sources, sources that would be exempt comprise an even smaller fraction.

Based on the State's CAA 110(l) demonstration, including the information described above, the EPA finds that the added five tpy exemption thresholds for NO_X and CO would not interfere with any applicable

[88] The remaining nonpoint subcategories for VOCs, other than biogenic emissions, agricultural emissions, and fires discussed above, are open burning and composting, and commercial marine vessels and locomotives.

[89] *See* the EPA's NEI information, available at *https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei* and the 2020 NEI Technical Support Document (TSD), available at *https://www.epa.gov/air-emissions-inventories/2020-national-emissions-inventory-nei-technical-support-document-tsd*.

requirement concerning attainment and reasonable further progress, as defined in section 171, or any other applicable requirement of the CAA.

ii. Fine Particulate Matter ($PM_{2.5}$), SO_2, and NO_2 NAAQS

This section discusses South Carolina's emissions and air quality data and the EPA's analysis of that data with respect to the $PM_{2.5}$, SO_2, and NO_2 NAAQS. Specifically, in this section, the EPA evaluates the State's $PM_{2.5}$, SO_2, and NO_2 NAAQS attainment history, long term and recent $PM_{2.5}$, SO_2, and NO_2 air quality design values and NAAQS margins, and 2020 NEI data for $PM_{2.5}$, SO_2, and NO_2.

1. $PM_{2.5}$ NAAQS

PM is composed of primary and secondary components.[90] Primary PM is derived from direct particle emissions from specific sources, and secondary PM originates from gas-phase chemical compounds present in the atmosphere. Stationary and mobile sources directly emit primary PM to ambient air, along with secondary PM precursors (*e.g.,* SO_2, NO_X) that contribute to the secondary formation of PM in the atmosphere. In general, sources of PM vary for different size fractions. $PM_{2.5}$ in ambient air is largely emitted directly by sources or through secondary PM formation in the atmosphere and is discussed in this section. PM_{10} is comprised of $PM_{2.5}$ and coarser $PM_{10–2.5}$, which is almost entirely emitted from primary sources (*i.e.,* directly emitted) and is discussed below. Secondary PM accounts for a substantial fraction of $PM_{2.5}$ mass and forms through atmospheric photochemical oxidation reactions of precursors including SO_2 and NO_X. Anthropogenic SO_2 and NO_X are the predominant precursor gases in the formation of secondary $PM_{2.5}$ sulfate and nitrate. Atmospheric oxidation of VOCs, both anthropogenic and biogenic, is an important source of secondary organic PM, often referred to as secondary organic aerosols (SOA), particularly in summer. Natural emissions sources contributing to $PM_{2.5}$ concentrations can be interconnected with anthropogenic emissions through atmospheric chemistry (*e.g.,* modulation of biogenic SOA production by anthropogenic NO_X and SO_2 emissions).

Since its original promulgation in 1997, the EPA has revised the $PM_{2.5}$ NAAQS several times. On July 18, 1997, the EPA established annual primary and secondary $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter ($\mu g/m^3$) and a 24-hour $PM_{2.5}$ NAAQS of 65 $\mu g/m^3$, effective September 16, 1997.[91] On October 17, 2006, the EPA retained the 1997 annual $PM_{2.5}$ NAAQS of 15.0 $\mu g/m^3$ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$, effective December 18, 2006.[92] On January 15, 2013, the EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$, effective March 18, 2013.[93] The Agency retained the existing $PM_{2.5}$ standards in 2020 without revision.[94] On March 6, 2024, the EPA revised the annual primary $PM_{2.5}$ NAAQS to 9.0 $\mu g/m^3$, effective May 6, 2024.[95]

The EPA's NAAQS regulations at 40 CFR 50.20 and 40 CFR part 50, Appendix N provide that the primary annual $PM_{2.5}$ NAAQS is attained when the 3-year average of the annual arithmetic mean ambient $PM_{2.5}$ concentration is less than or equal to 9.0 $\mu g/m^3$, and the primary 24-hour NAAQS is attained when the 3-year average of the 98th percentile 24-hour ambient $PM_{2.5}$ concentration is less than or equal to 35 $\mu g/m^3$. The most recent 2023–2025 certified design values for the annual standard in South Carolina show that the annual arithmetic mean ambient $PM_{2.5}$ concentrations range from 7.1 $\mu g/m^3$ (Charleston County) to 8.5 $\mu g/m^3$ (Spartanburg),[96] below the annual standard with available margin. The most recent 2023–2025 certified design values for the 24-hour standard in South Carolina show that the 24-hour ambient $PM_{2.5}$ concentrations range from 16 $\mu g/m^3$ (Charleston County) to 20 $\mu g/m^3$ (Chesterfield County),[97] well below the 24-hour standard.

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depict the margins between the State's $PM_{2.5}$ emissions design values and the NAAQS from 2008–2025. These figures show that the State has attained the annual and 24-hour $PM_{2.5}$ standards throughout the timeframes covered by the figures. Further, South Carolina has never been designated nonattainment for any $PM_{2.5}$ NAAQS and continues to attain each form of the standard.

2. SO_2 NAAQS

The EPA uses SO_2 as the NAAQS indicator for sulfur oxides, which include SO_2, sulfur monoxide, disulfur monoxide, and sulfur trioxide. SO_2 is both a primary gas-phase pollutant, (*i.e.,* when formed during fuel combustion), and a secondary pollutant (*i.e.,* when formed as the product of reduced sulfur compound oxidation).[98] As noted above, sulfur oxides also appear in the particle phase, as components of PM, and anthropogenic SO_2 is a predominant precursor gas in the formation of secondary $PM_{2.5}$ sulfate. Fossil fuel combustion is the main anthropogenic source of primary SO_2, and anthropogenic SO_2 emissions originate primarily from point sources, including coal-fired electricity generating units and other industrial facilities. Volcanoes and wildfires are the main natural sources of primary SO_2. Industrial chemical and pulp and paper production, smelter and steel mill operations, natural biological activity, and volcanoes are among many sources of reduced sulfur compounds that contribute to the formation of secondary SO_2 through various oxidation reactions in the atmosphere. Since its original promulgation in 1997, the EPA has revised the SO_2 NAAQS twice.

On April 30, 1971, the EPA established primary and secondary SO_2 standards, with a primary 24-hour SO_2 NAAQS of 0.14 ppm and an annual SO_2 NAAQS of 0.03 ppm.[99] The EPA revoked the 24-hour and annual primary SO_2 standards on June 22, 2010, and instead established a 1-hour SO_2 standard of 75 ppb, effective August 23, 2010.[100]

40 CFR 50.17 and 40 CFR part 50, Appendix T provide that the primary 1-hour SO_2 NAAQS is attained when the 3-year average of the annual 99th percentile daily maximum 1-hour average ambient SO_2 concentration is less than or equal to 75 ppb. The most recent 2023–2025 certified design values for the 1-hour standard in South Carolina show that the 1-hour ambient SO_2 concentrations range from 2 ppb (Greenville and Richland Counties) to 6

[90] *See* ''Overview of Particulate Matter (PM) Air Quality in the United States,'' updated August 25, 2025, available at *https://www.epa.gov/system/files/documents/2025-08/pm_2024.pdf.*

[91] *See* 62 FR 38652.

[92] *See* 71 FR 61144.

[93] *See* 78 FR 3086.

[94] *See* 85 FR 82684 (Dec. 18, 2020).

[95] *See* 89 FR 16202.

[96] See 2025 $PM_{2.5}$ Design Value Report (''$PM_{2.5}$ Design Values, 2025''), Table 5a. Site-Level Design Values for the 2024 Annual $PM_{2.5}$ NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/12/2026), available at *https://www.epa.gov/system/files/documents/2026-06/pm25_designvalues_2023_2025_final_06_12_26.xlsx.*

[97] *Id. at* Table 5b. Site-Level Design Values for the 2006 24-hour $PM_{2.5}$ NAAQS.

[98] *See* ''Overview of Sulfur Dioxide (SO_2) Air Quality in the United States,'' updated July 11, 2025, available at *https://www.epa.gov/system/files/documents/2025-07/so2_2024.pdf.*

[99] *See* 36 FR 8186.

[100] *See* 75 FR 35520.

ppb (Charleston County),[101] well below the 1-hour SO_2 NAAQS.[102] [103]

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depict the margins between the State's SO_2 emissions and the NAAQS from 2008–2025. These figures show that the State has attained the 1-hour SO_2 standard throughout the timeframes covered by the figures. Further, South Carolina has never been designated nonattainment for the SO_2 NAAQS and continues to attain the standard.

3. NO_2 NAAQS

As noted above, anthropogenic NO_X is a predominant precursor gas in the formation of secondary $PM_{2.5}$ nitrate. For information regarding the history and status of the NO_2 NAAQS and the State's long-term air quality design value trends, please refer to the section of this NPRM discussing the ozone, NO_2, and CO NAAQS. For information regarding South Carolina's recent certified NO_2 design values, please refer to the section of this NPRM discussing the ozone, NO_2, and CO NAAQS.

As previously noted, the EPA agrees with South Carolina's assertion that it has been maintaining attainment of all criteria pollutant standards for more than a decade. The previously described long-term and recent certified design values for $PM_{2.5}$, SO_2, and NO_2 demonstrate that the State is attaining the $PM_{2.5}$, SO_2, and NO_2 NAAQS and that margins exist between the State's long-term air quality design values and the $PM_{2.5}$, SO_2, and NO_2 NAAQS.

4. 2020 $PM_{2.5}$, SO_2, and NO_2 NEI Data

As previously described, South Carolina's CAA section 110(l) demonstration also includes the State's 2020 NEI data for certain pollutants, including $PM_{2.5}$ and the $PM_{2.5}$ precursors SO_2, NO_X, and VOCs.[104] Appendix A to the CAA section 110(l) demonstration includes Figures A–1, A–3, A–4, and A–5 which display the State's NEI emissions data in pie charts by source type and sector with total 2020 pollutant emissions in tons for NO_X, $PM_{2.5}$, SO_2, and VOCs, respectively. These figures characterize the proportion of emissions regulated under the State's minor NSR program which includes the small proportion of emissions which would be exempt from that program (*e.g.,* the proposed changes at subparagraph II(B)(2)(h) in the NPRM).

Figure A–3 indicates that, of the 71,358 tons of $PM_{2.5}$ emissions reported in the 2020 NEI, nonpoint sources contributed 87.48 percent (or 62,424 tons). The nonpoint emissions sources in Figure A–3 are divided into the following sectors: open burning; stationary source fuel combustion; industrial processes; commercial marine vessels, locomotives, and road dust; and agriculture and fires. Emissions from sources that would qualify for exemption from minor NSR permitting would fall, as a small fraction of overall nonpoint $PM_{2.5}$ emissions, in the stationary source fuel combustion and industrial process categories, which comprised 22.45 percent of total NEI $PM_{2.5}$ emissions (and 25.66 percent of NEI nonpoint source $PM_{2.5}$ emissions). This means 2020 $PM_{2.5}$ contributions from minor sources included in the NEI and regulated under the State's minor NSR program were less than or equal to approximately 16,020 tons. As mentioned previously, of the 25.66 percent NEI nonpoint $PM_{2.5}$ emissions, only a small portion of those emissions are from sources proposed for exemption in this NPRM and the 2017, and the 2025 NPRMs, and those already exempt under the existing SIP.

Figure A–4 indicates that, of the 18,805 tons of SO_2 emissions reported in the 2020 NEI, point sources comprised 77.36 percent of total NEI SO_2 emissions, while nonpoint sources comprised 21.65 percent. Nonpoint sources were divided into the following sectors: agriculture and fires; commercial marine vessels, locomotives, and road dust; stationary source fuel combustion; and open burning. Sources that are exempt in the current SIP or would be exempt based on the changes proposed in this, the 2017, and the 2025 NPRMs fall in the stationary source fuel combustion category, which comprised 6.89 percent of total NEI SO_2 emissions (or 31.82 percent of NEI nonpoint source SO_2 emissions), meaning 2020 SO_2 contributions from minor sources included in the NEI and regulated under the State's minor NSR program were less than or equal to approximately 1,296 tons. As noted above, of the 31.82 percent NEI nonpoint SO_2 emissions, only a small portion of those emissions are from sources proposed for exemption in this NPRM and the 2017 and 2025 NPRMs, and those already exempt under the existing SIP.

As discussed above with respect to the ozone, NO_2, and CO NAAQS, the State relies on its 2020 NEI data to broadly support its position that the proportion of potentially exempt emissions, as described above, comprise a very small portion of overall emissions in the State, and that a limited portion of 2020 NEI emissions were attributable to minor stationary sources. Further, the State asserts, and the EPA agrees, that a very small portion of overall State emissions would be exempt because the subset of potentially exempt minor sources' emissions comprises a smaller fraction of the minor stationary sources under the 2020 NEI.

The EPA agrees that the previously described 2020 NEI data reflects that the subset of potential emissions contributions that would be exempt under the automatic exemption thresholds for NO_X and SO_2 comprise small proportions of 2020 NEI emissions across the State. As noted previously, the State acknowledges its state emissions inventory limitations, but states that, regardless, NEI and other collective data amply demonstrate that sources and emissions exempt under the automatic exemption thresholds do not and will not affect attainment in South Carolina.

5. $PM_{2.5}$, SO_2, and NO_2 Analysis

With respect to the $PM_{2.5}$, NO_2, and SO_2 NAAQS, given the previously described rationale, air quality design value margins, and 2020 NEI data, the EPA does not expect the five tpy PTE automatic exemption thresholds for PM, NO_X, and SO_2 to interfere with the State's attainment or maintenance of the $PM_{2.5}$, NO_2, and SO_2 NAAQS. As described above, South Carolina has never been designated nonattainment for $PM_{2.5}$, NO_2, or SO_2. The State's long-term air quality design value figures indicate that margins exist between the State's design values and the $PM_{2.5}$, NO_2, and SO_2 NAAQS. Additionally, 2020 NEI data indicates that NO_X, SO_2,

[101] *See* 2025 SO_2 Design Value Report (''Sulfur Dioxide Design Values, 2025''), Table 4a. County-Level Design Values for the 2010 1-hour Primary Sulfur Dioxide NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/2/2026), available at *https://www.epa.gov/system/files/documents/2026-06/so2_designvalues_2023_2025_final_06_02_26.xlsx.*

[102] The EPA completed its ''Round 3'' air quality designations for the 2010 SO_2 NAAQS for South Carolina in 2018, including designations for Berkely County, Richland County, and York County based in part on air quality modeling information where there was no appropriately sited ambient air quality monitor. All areas in the State were designated as attainment/unclassifiable. *See* 83 FR 1098 (Jan. 9, 2018).

[103] South Carolina submits annual reports to the EPA including SO_2 emissions for sources characterized with air quality modeling of actual emissions in accordance with 40 CFR 51.1205(b).

[104] As previously noted, NO_X is a precursor in the formation of secondary $PM_{2.5}$, and atmospheric VOC oxidation is an important source of secondary organic PM. For information regarding South Carolina's 2020 NEI NO_X and VOC emissions, please refer to the section of this NPRM discussing the ozone, NO_2, and CO NAAQS.

and VOC emissions regulated under the State's minor NSR program are relatively small, comprising 5.85–6.89 percent of total 2020 NEI emissions, and the State's rationale demonstrates that, of those minor sources, sources that would be exempt comprise an even smaller fraction.

While the fraction of $PM_{2.5}$ 2020 NEI emissions attributable to minor NSR sources (22.45 percent) is relatively higher than the fractions for the other pollutants evaluated, the on-road and non-road emissions are relatively lower for $PM_{2.5}$ than for NO_X and VOCs, as expected. Additionally, $PM_{2.5}$ emissions are expected to be more disparate across nonpoint sectors than emissions for SO_2, where sulfur is limited in many commercially available fuels that are combusted. As with the added exemption thresholds for the other pollutants, the State's rationale supporting its slightly increased PM exemption threshold demonstrates that, of the subset of nonpoint sources regulated under the State's minor NSR program, sources of $PM_{2.5}$ that would be exempt comprise a smaller fraction. However, unlike the new exemption thresholds for CO, SO_2, and NO_X, the current SIP already contains an exemption for sources with an uncontrolled particulate matter emission rate of less than one lb/hour (or 4.38 tpy), and the revised exemption represents a small increase in PM emissions, as discussed above. Moreover, the sources exempt at a five tpy total uncontrolled PTE threshold for PM would need to consider particulate matter emissions, which represents larger fractions of PM than $PM_{2.5}$ and PM_{10}. Thus, a source with a total uncontrolled PTE below five tpy of $PM_{2.5}$ may not in itself qualify for the automatic exemption because the source may emit additional forms of particulate matter, all of which may sum to higher than the five tpy threshold. Finally, the nonpoint category covers sources across the entire range of PTE up to the title V major source thresholds, which for $PM_{2.5}$ is up to 100 tpy. If a facility is a title V major source for PM_{10}, however, the $PM_{2.5}$ emissions are likely also reported as point source emissions.[105] In sum, the fraction of the $PM_{2.5}$ emissions that would be exempt at less than five tpy total uncontrolled PTE over the relevant nonpoint sectors is expected to be significantly smaller than the 22.45 percent of the total inventory of $PM_{2.5}$ emissions attributable to minor NSR sources. The EPA therefore agrees that the subset of $PM_{2.5}$ emissions contributions that would be exempt under the five tpy PTE automatic exemption threshold for PM comprises a small proportion of 2020 NEI emissions.

Based on the State's CAA section 110(l) demonstration, including the information described above, the EPA finds that the revised five tpy exemption threshold for PM, as it concerns $PM_{2.5}$, and the added five tpy exemption thresholds for NO_X and SO_2 would not interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA.

iii. Coarse Particulate Matter (PM_{10}) NAAQS

This section discusses South Carolina's emissions and air quality data and the EPA's analysis of that data with respect to the PM_{10} NAAQS. Specifically, in this section, the EPA evaluates the State's PM_{10} NAAQS attainment history, long term and recent PM_{10} air quality design values and NAAQS margins, and PM_{10} 2020 NEI data.

1. PM_{10} NAAQS

As previously noted, PM_{10} is comprised of $PM_{2.5}$, and the remaining fraction of more coarse particles, $PM_{10-2.5}$, is almost entirely directly emitted from primary sources. The coarse portion of PM_{10} is produced by surface abrasion or by suspension of sea spray or biological materials and resuspension of dust.

On July 1, 1987, the EPA established a primary 24-hour PM_{10} NAAQS of 150 $\mu g/m^3$ and a primary annual PM_{10} NAAQS of 50 $\mu g/m^3$, effective July 31, 1987.[106] On July 18, 1997, the EPA retained the annual PM_{10} standard, and revised the form, but not the level, of the 150 $\mu g/m^3$ 24-hour PM_{10} standard, effective September 16, 1997.[107] However, following promulgation of the revised 1997 $p.m._{10}$ standards, petitions for review were filed by a large number of parties which ultimately resulted in vacatur of the 1997 $p.m._{10}$ standards by the U.S. Court of Appeals for the District of Columbia Circuit,[108] leaving the 1987 standards in place.[109] On October 17, 2006, the EPA retained the level and form of the 1987 150 $\mu g/m^3$ 24-hour PM_{10} standard and revoked the annual PM_{10} standards.[110]

As previously described, South Carolina's CAA section 110(l) demonstration includes the State's long-term air quality design value trends in several figures which depicts the margins between the State's PM_{10} emissions design values and the NAAQS from 2008–2025. These figures show that the State has attained the 24-hour PM_{10} standard throughout the timeframe covered by the figures. Further, South Carolina has never been designated nonattainment for any PM_{10} NAAQS and continues to attain the applicable form of the standard.

The EPA's NAAQS regulations at 40 CFR 50.6 and 40 CFR part 50, Appendix K provide that the primary 24-hour PM_{10} NAAQS is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is less than or equal to one. The most recent 2023–2025 certified design values for the 24-hour standard in Greenville County, South Carolina, show that there were no estimated exceedances of the 24-hour PM_{10} NAAQS.[111]

As previously noted, the EPA agrees with South Carolina's assertion that it has been maintaining attainment of all criteria pollutant standards for more than a decade. The previously described long-term and recent certified design values for PM_{10} demonstrate that the State is attaining the PM_{10} NAAQS and that a margin exists between the State's long-term air quality design values and the 24-hour PM_{10} NAAQS.

2. 2020 PM_{10} NEI Data

As previously described, South Carolina's CAA section 110(l) demonstration also includes the State's 2020 NEI data for certain pollutants, including PM_{10}. Appendix A to the CAA section 110(l) demonstration includes Figure A–2 which displays the State's PM_{10} NEI emissions data in a pie chart by source type and sector with total 2020 pollutant emissions in tons. That figure characterizes the proportion of emissions regulated under the State's minor NSR program, including the

[105] The Air Emissions Reporting Rule excludes from the definition of ''point source'' the 40 CFR part 70 (title V) major sources which are only major due to emissions or PTE of hazardous air pollutants. *See* 40 CFR 51.50.

[106] *See* 52 FR 24634.

[107] *See* 62 FR 38652.

[108] *See American Trucking Associations* v. *EPA,* 175 F.3d 1027 (D.C. Cir. 1999), rehearing granted in part and denied in part, 195 F.3d 4 (D.C. Cir. 1999), affirmed in part and reversed in part, *Whitman* v. *American Trucking Associations,* 531 U.S. 457 (2001).

[109] *See* 69 FR 45592 (July 30, 2004), 65 FR 80776 (Dec. 22, 2000), 69 FR 45592 (July 30, 2004).

[110] *See* 71 FR 61144.

[111] See 2025 $p.m._{10}$ Design Value Report (''PM_{10} Design Values, 2025''), Table 4a. County-Level Maximum Average Estimated Exceedances for the 1987 24-hour PM_{10} NAAQS (AQS Data Retrieval: 6/2/2026; Last Updated: 6/2/2026), available at *https://www.epa.gov/system/files/documents/2026-06/pm10_designvalues_2023_2025_final_06_02_26_0.xlsx.*

small proportion of emissions that would be exempt based on the proposed changes at subparagraph II(B)(2)(h) in the NPRM.

Figure A–2 indicates that, of the 209,790 tons of PM_{10} emissions reported in the 2020 NEI, nonpoint sources (divided into the following subcategories: open burning; agricultural emissions and fires; commercial marine vessels, locomotives, and road dust; stationary source fuel combustion; and industrial processes) comprised 93.89 percent of total NEI PM_{10} emissions, contributing 196,972 tons. Emissions from sources regulated under the State's minor NSR program fall under the stationary source fuel combustion and industrial processes categories, which, combined, accounted for 14.31 percent of total NEI PM_{10} emissions (or 15.24 percent of NEI nonpoint source PM_{10} emissions), meaning 2020 p.m.$_{10}$ contributions from minor sources included in the NEI and regulated under the State's minor NSR program were less than or equal to approximately 30,021 tons. This includes the small fraction of minor sources proposed for exemption in this NPRM and the 2017 and the 2025 NPRMs, and those already exempt under the existing SIP.

As discussed with respect to the ozone, NO_2, CO, and SO_2 NAAQS, the State relies on its 2020 NEI data to broadly support its position that emissions attributable to the exemption provisions under review represent an insignificant fraction of the State's emissions and do not affect ongoing NAAQS attainment. The State asserts, and the EPA agrees, that a very small portion of overall State emissions are potentially exempt because the subset of potential exempt minor sources comprises an even smaller fraction of the minor stationary sources under the 2020 NEI.

Like the fraction of $PM_{2.5}$, discussed above, the EPA notes that the overall fraction of PM_{10} emissions from minor sources (14.31 percent) is relatively higher than those for NO_X, CO, VOCs, and SO_2, and the on-road and non-road emissions are relatively lower for PM_{10} than for NO_X and VOCs. Notably, road dust emissions are included in the nonpoint sector for ''commercial marine vessels, locomotives, and road dust.'' Additionally, the $PM_{2.5–10}$ fraction of PM_{10} is primarily derived from surface abrasion or by suspension of sea spray or biological materials and resuspension of dust, as noted previously. The lower fraction of point source emissions relative to the total 2020 NEI inventory for PM_{10} compared to other pollutants (save VOCs) reflects that the industrial sources most likely to generate the coarser fraction of PM are more commonly minor sources. As with the added exemption for the other pollutants, the State's rationale supporting its slightly increased PM exemption threshold demonstrates that, of the subset of nonpoint sources regulated under the State's minor NSR program, sources of PM_{10} that would be exempt comprise a smaller fraction. Likewise, the current SIP contains an existing exemption for sources with an uncontrolled particulate matter emission rate of less than one lb/hour (or 4.38 tpy), and the revised exemption represents a small increase in PM emissions, as discussed above. Moreover, as with $PM_{2.5}$, the five tpy total uncontrolled PTE exemption threshold in subparagraph II(B)(2)(h) is based on PM emissions, of which PM_{10} is a subset. Thus, sources with a total uncontrolled PTE less than five tpy of PM_{10} may not themselves qualify for the automatic exemption. Finally, the nonpoint category covers sources across the entire range of PTE up to the title V major source thresholds, which for PM_{10} is up to 100 tpy. In sum, the fraction of the PM_{10} emissions that would be exempt at less than five tpy total uncontrolled PTE over the relevant nonpoint sectors is expected to be significantly smaller than the 14.31 percent of the total emissions inventory for PM_{10}. The EPA therefore agrees that the 2020 NEI data reflects that the subset of PM_{10} emissions contributions that would be exempt under the five tpy PTE automatic exemption threshold for PM comprises a small proportion of 2020 NEI emissions.

3. PM_{10} Analysis

With respect to the PM_{10} NAAQS, given the previously described rationale, air quality design value margins, and 2020 NEI data, the EPA does not expect that the revised five tpy PTE automatic exemption threshold would interfere with the State's attainment or maintenance of the PM_{10} NAAQS. As described above, South Carolina has never been designated nonattainment for PM_{10}. The State's long-term air quality design value figures indicate that a significant margin exists between the State's design values and the 24-hour PM_{10} standard, approximately 50 percent of the NAAQS. Additionally, 2020 NEI data indicates that PM_{10} emissions regulated under the State's minor NSR program are relatively small, comprising 14.31 percent of total 2020 NEI emissions. Further, the State's rationale demonstrates that, of those minor sources, potentially exempt sources comprise an even smaller fraction. Based on the State's CAA section 110(l) demonstration, including the information described above, the EPA finds that the revised five tpy exemption threshold for PM, as it concerns PM_{10}, would not interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA.

4. Summary of the EPA's Findings From South Carolina's CAA Section 110(l) Demonstration

The previously described data and the State's supporting rationale, including rationale related to its historical implementation of the minor NSR program exemptions, demonstrate that the added or revised exemption thresholds would not interfere with attainment or maintenance of the NAAQS or with any other applicable CAA requirement. As noted above, the State has implemented the five tpy total uncontrolled PTE exemption thresholds for sources of SO_2, NO_X, CO, and PM for more than a decade. The 1,000 lb/month total uncontrolled PTE exemption threshold for VOCs and the similar one lb/hour PM exemption threshold are currently SIP-approved and have been implemented for an even longer period of time. Further, because the air quality design values described above show the State remains below the relevant NAAQS with available margins, and because the State does not expect significant increases in emissions to result from these exemptions, South Carolina does not expect future interference with attainment or maintenance of the NAAQS. Further information on the State's rationale for its exemptions and the EPA's analyses of the State's emissions data and air quality with respect to each relevant NAAQS [112] are found in Section V.C.3. of this NPRM. The EPA agrees, based on the State's rationale and supporting emissions data and air quality, that the revised exemption for PM to five tpy and the new five tpy exemptions for NO_X, CO, and SO_2 would not interfere with attainment or maintenance of the NAAQS. The EPA also agrees that the State has articulated the basis for setting the scope of its minor NSR program pursuant to CAA section 110(a)(2)(C) and 40 CFR 51.160(e).

[112] The proposed changes are not anticipated to have any impact on lead, so the non-interference analysis focuses on the impact the changes have on the other NAAQS.

VI. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in section V of this preamble, the EPA is proposing to incorporate by reference South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* subparagraph II(B)(2)(h), state effective on April 24, 2020, with the exception of the following two sentences: ''Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements.'' The EPA is also proposing to incorporate by reference South Carolina Regulation 61–62.1, Section II, *Permit Requirements,* paragraph II(K)(5), state effective on May 23, 2025. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[113] Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

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

Because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The Catawba Indian Nation also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

List of Subjects in 40 CFR Part 52

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

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

[113] *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Dated: August 14, 2026.

Kristy Eubanks,

Deputy Regional Administrator performing the functions and duties of the Regional Administrator, Region 4.

[FR Doc. 2026–16937 Filed 8–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2025–0017; FRL–13063–01–R4]

Air Plan Partial Approval and Partial Conditional Approval; South Carolina; Control of Oxides of Nitrogen and Source Testing Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to partially approve and partially conditionally approve changes to South Carolina's State Implementation Plan (SIP) to revise source testing requirements and regulations prescribing control requirements for certain stationary sources of nitrogen oxides (NO_X) submitted by the State of South Carolina, through the South Carolina Department of Environmental Services (SC DES), on October 1, 2007; July 27, 2016; September 5, 2017; April 24, 2020; and February 4, 2022. This action is being proposed pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before September 18, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2025–0017 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For

additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Faith Goddard, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8757. Ms. Goddard can also be reached via electronic mail at *goddard.faith@epa.gov.*

SUPPLEMENTARY INFORMATION: *Notice of proposed rulemaking (NPRM) acronyms and abbreviations.* The EPA uses multiple acronyms and terms in this NPRM. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CEMS Continuous Emissions Monitoring System
CFR Code of Federal Regulations
CHP Combined Heat and Power
EPA Environmental Protection Agency
FR Federal Register
MMBtu Million British Thermal Units
NAAQS National Ambient Air Quality Standard or Standards
NESHAP National Emission Standard for Hazardous Air Pollutants
NOX Nitrogen Oxides
NNSR Nonattainment New Source Review
NPRM Notice of Proposed Rulemaking
NSPS New Source Performance Standards
NSR New Source Review
PEMS Predictive Emissions Monitoring System
PPMV Parts per Million by Volume
PSD Prevention of Significant Deterioration
PTE Potential to Emit
SIP State Implementation Plan

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I. Executive Summary

A. What action is the EPA proposing?

On October 1, 2007, July 27, 2016,[1] September 5, 2017,[2] and February 4, 2022,[3] SC DES [4] submitted SIP revisions that include changes to South Carolina's NO_X control requirements in the South Carolina Code of Regulations Annotated (S.C. Code Ann. Regs.) Regulation 61–62.5, *Air Pollution Control Standards,* Standard No. 5.2, *Control of Oxides of Nitrogen (NO_X)* (hereinafter ''Regulation 61–62.5, Standard No. 5.2'').[5] Additionally, SC DES submitted a SIP revision on April 24, 2020, that includes changes to the State's source testing requirements in S.C. Code Ann. Regs. Regulation 61–62.1, *Definitions and General Requirements,* Section IV, *Source Tests* (hereinafter ''Regulation 61–62.1, Section IV'').[6]

On May 13, 2026, SC DES submitted supplemental materials, including a

[1] The EPA received the July 27, 2016, SIP revision, dated July 25, 2016, on July 27, 2016. Therefore, the EPA considers July 27, 2016, to be the official SIP revision submission date and refers to that SIP revision in this NPRM as the ''July 27, 2016,'' SIP revision.

[2] The EPA received the September 5, 2017, SIP revision, dated September 1, 2017, on September 5, 2017. Therefore, the EPA considers September 5, 2017, to be the official SIP revision submission date and refers to that SIP revision in this NPRM as the ''September 5, 2017,'' SIP revision.

[3] The EPA received the February 4, 2022, SIP revision, dated February 3, 2022, on February 4, 2022. Therefore, the EPA considers February 4, 2022, to be the official SIP revision submission date and refers to that SIP revision in this NPRM as the ''February 4, 2022,'' SIP revision.

[4] On July 1, 2024, the South Carolina Department of Health and Environmental Control (SC DHEC) was restructured into a health agency, the Department of Public Health, and an environmental agency, the Department of Environmental Services (SC DES). In a letter dated June 20, 2024, South Carolina represented to the EPA that all the functions, powers, and duties of the environmental divisions, offices, and programs of SC DHEC, including the authority to administer and enforce SIPs, are retained and continued in full force and effect under SC DES. This letter is in the rulemaking docket for this proposed action. The terms ''State,'' ''Department,'' and ''SC DES'' are used interchangeably throughout this Notice of Proposed Rulemaking (NPRM).

[5] The April 24, 2020, SIP revision originally transmitted changes to Regulation 61–62.5, Standard No. 5.2 from South Carolina's ''2018 General Assembly Package'' SIP revision. However, in the letter submittal to the February 4, 2022, SIP revision, SC DES re-submitted a substantively identical version of the April 24, 2020, SIP revision with respect to Regulation 61–62.5, Standard No. 5.2, except for a correction. In the 2022 letter, SC DES states that the April 24, 2020, SIP revision transmitted ''a preexisting error'' that was subsequently identified and removed in the Department's ''2016 End of Year Revisions'' in 2017, noting that the previously removed error reappeared in the subsequent April 24, 2020, 2018 General Assembly Package SIP Revision and was subsequently corrected.

[6] The October 1, 2007, July 27, 2016, September 5, 2017, and April 24, 2020, SIP revisions contain revisions to other provisions in the South Carolina SIP that are not addressed in this NPRM.

letter requesting that the EPA conditionally approve portions of the State's NO_X control SIP revisions based on a commitment under CAA section 110(k)(4) to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed. Additionally, the supplemental materials include a CAA section 110(l) demonstration to support the corrective changes that the State intends to submit in a corrective SIP revision. Section IV, below, provides the EPA's analysis of the State's non-interference demonstration. On May 13, 2026, SC DES also submitted to the EPA a letter addressing subsection III(A) as revised in the July 25, 2016, SIP revision and paragraph I(B)(3) and subsection II(K) as added and revised in the February 4, 2022, SIP revision, respectively, stating that ''the specific text identified . . . is no longer before EPA at this time.''

Subsequently, on July 21, 2026,[7] SC DES submitted a letter removing from the EPA's consideration one provision in Regulation 61–62.5, Standard No. 5.2 for which the State, in its May 13, 2026, letter, requested conditional approval. This letter supersedes the May 13, 2026, request for conditional approval of paragraph I(B)(2). The July 21, 2026, letter removes from EPA consideration ''I(B)(2), as submitted on July 25, 2016, and February 3, 2022.'' The States notes that in planned changes, the State will be ''striking the referenced provision within Standard No. 5.2'' and that ''[t]herefore, the specific text . . . is not before the EPA at this time.'' [8] The EPA is therefore proposing to approve or conditionally approve the remainder of the revised Regulation 61–62.5, Standard No. 5.2 provisions and Regulation 61–62.1, Section IV, in its entirety.

In this NPRM, the EPA is proposing to approve changes to South Carolina's regulations regarding source testing. Additionally, the EPA is proposing to approve portions of, and conditionally approve other portions of, the SIP submissions that make changes to South Carolina's NO_X control rule requirements. Section IV, below, provides the EPA's analysis of the State's CAA section 110(l) non-interference demonstration for the provisions that the EPA is proposing to act on in this NPRM.

B. What is the legal authority and what are the requirements?

Under CAA section 110(k)(3), the EPA has a statutory obligation to approve SIP submittals that meet all applicable CAA requirements.[9] Pursuant to CAA section 110(k)(3), the EPA may approve portions of a SIP submittal if those portions meet all the applicable CAA requirements.

Under CAA section 110(k)(4), the EPA may conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. If the state fails to meet its commitment within one year of the final conditional approval, the conditional approval will be treated as a disapproval. If South Carolina fulfills its commitment within one year of final conditional approval, the requirements of the conditionally approved NO_X control SIP revision will remain a part of the SIP until the EPA takes final action approving or disapproving the corrective SIP revision.

Additionally, under CAA section 110(l), the EPA cannot approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) (as defined by CAA section 171), or any other applicable requirement of the CAA.[10] Section IV of this NPRM discusses South Carolina's CAA section 110(l) analysis supporting these changes that the EPA is proposing to act on in this NPRM. The EPA evaluates CAA section 110(l) non-interference demonstrations on a case-by-case basis considering the circumstances of each SIP revision. In its May 13, 2026, letter, the State clarifies that it ''has not previously implemented'' its discretion and commits not to do so ''while the regulatory revisions are pending.'' Therefore, although the SIP would have discretionary provisions should the EPA finalize this partial conditional approval as proposed, the EPA understands that the State will not exercise its discretion in implementing the provisions of Standard No. 5.2 as the State moves through its process to go through its procedures to adopt the committed changes.

II. Proposed Action

The EPA is proposing to approve the changes to Regulation 61–62.1, Section IV, *Source Tests,* in the April 24, 2020, SIP revision, as detailed in Section IV of this NPRM. The EPA is proposing to approve these changes for the reasons discussed Section IV of this NPRM.

The EPA is also proposing to approve the changes to Regulation 61–62.5, Standard No. 5.2, *Control of Oxides of Nitrogen (NO_X),* in the October 1, 2007, July 27, 2016, September 5, 2017, and February 4, 2022, SIP revisions,[11] as detailed in Section IV of this NPRM, except for the portions of the SIP revisions consisting of the addition of and changes to certain provisions in Regulation 61–62.5, Standard No. 5.2, Section IV, which the EPA is proposing to conditionally approve, as described below. The EPA is proposing to approve the aforementioned changes to the SIP for the reasons discussed Section IV of this notice.

Finally, the EPA is proposing to conditionally approve the portions of the July 27, 2016, September 5, 2017, and February 4, 2022, SIP revisions consisting of the addition of and changes to certain provisions in Regulation 61–62.5, Standard No. 5.2, Section IV, *Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources.* Specifically, the EPA is proposing to conditionally approve the following provisions submitted by the State in the July 27, 2016; September 5, 2017; and February 4, 2022, SIP revision submittals: paragraph IV(A)(1), specifically IV(A)(1)(a)–(d); subparagraph IV(A)(2)(a)–(c); subparagraph IV(B)(2)(a); subparagraph IV(B)(2)(b); paragraph IV(C)(1), specifically IV(C)(1)(a)–(d); subparagraph IV(C)(3)(c); subparagraph IV(C)(3)(d); the second prefatory paragraph of IV(D); subparagraph IV(D)(2)(a); and subparagraph IV(D)(2)(b). The EPA is proposing to conditionally approve the aforementioned changes to the SIP for the reasons discussed Section IV of this notice.

[7] The EPA notes that the Agency received the letter, which is dated July 20, 2026, on July 21, 2026. For consistency, throughout this document we will refer to this as the July 21, 2026, letter.

[8] The State's letter received by the EPA on July 21, 2026, goes on to reiterate that I(B)(2), in addition to I(B)(3), II(K), and III(A), which were originally addressed in a May 13, 2026, letter are ''no longer before EPA.''

[9] *See* 42 U.S.C. 7410(k)(3).

[10] CAA section 110(l) also requires each SIP revision to undergo reasonable notice and public hearing at the state level.

[11] In this NPRM, the EPA is not proposing to approve the addition of and changes to paragraph I(B)(2); the addition of paragraph I(B)(3); the changes to subsection II(K); or the changes to subsection III(A), submitted in SIP revisions through February 4, 2022. The State removed the addition of paragraph I(B)(3) and changes to subsections II(K) and III(A) from Agency consideration in a letter dated May 13, 2026, and the addition of and changes to paragraph I(B)(2) in a letter submitted on July 21, 2026.

III. Background

A. Regulation 61–62.1, Section IV—Source Tests

On April 24, 2020, SC DES submitted a SIP revision to the EPA that includes changes to South Carolina's generally applicable source testing requirements at Regulation 61–62.1, Section IV.[12] [13] Regulation 61–62.1, Section IV provides source testing procedures and schedules applicable to certain sources, including those conducting ''a source test required under an applicable standard or permit condition'' or ''from which data will be submitted to the Department for any purpose.'' In this NPRM, the EPA is proposing to approve all of the changes to Regulation 61–62.1, Section IV in the April 24, 2020, SIP revision. The EPA discusses its proposed action with respect to the changes to Regulation 61–62.1, Section IV in Section III.A. of this NPRM.

B. Regulation 61–62.5, Standard No. 5.2—Control of Oxides of Nitrogen (NO_X)

On October 1, 2007, July 27, 2016, September 5, 2017, and February 4, 2022, SC DES submitted SIP revisions to the EPA that include changes to South Carolina's NO_X emission standards and control requirements for certain new and modified stationary sources at Regulation 61–62.5, Standard No. 5.2.[14] The State added Regulation 61–62.5, Standard No. 5.2, State effective June 25, 2004, as part of its Early Action Compact (EAC) with the EPA to achieve emission reductions needed to attain the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) in certain EAC areas.[15] The regulation is a control measure for new and existing stationary sources that emit or have the potential to emit NO_X from fuel combustion, have not undergone a best available control technology (BACT) analysis for NO_X via prevention of significant deterioration (PSD) permitting, and meet other applicability criteria in Section I of the regulation. Regulation 61–62.5, Standard No. 5.2, was designed primarily to capture smaller sources that fall below PSD applicability thresholds which, for the most part, would not otherwise be required to install NO_X controls.

In a direct final rule published on August 16, 2017, the EPA approved the changes to Regulation 61–62.5, Standard No. 5.2 in the October 1, 2007, SIP revision, subject to the receipt of adverse comment.[16] The EPA's analysis and the rationale for approving the changes to Regulation 61–62.5, Standard No. 5.2 in South Carolina's 2007 SIP revision are described in that direct final rule. Comments on the August 16, 2017, direct final rule were due on or before September 15, 2017. The EPA received one adverse comment on the changes to Regulation 61–62.5, Standard No. 5.2.[17] Due to the receipt of an adverse comment, on October 13, 2017, the EPA withdrew the portion of the August 16, 2017, direct final rule approving the changes to Regulation 61–62.5, Standard No. 5.2 in the October 1, 2007, SIP revision.[18] On August 16, 2017, the EPA also published a NPRM corresponding to the direct final rule, so that, if the EPA received adverse comment on the August 16, 2017, direct final rule and subsequently withdrew that action, any comments received could be addressed in a subsequent final rule based on the NPRM.[19] However, the EPA did not finalize the August 16, 2017, NPRM.

In this NPRM, the EPA is proposing to approve portions and conditionally approve other portions of South Carolina's NO_X control SIP revisions.[20] [21] Specifically, in this NPRM, EPA is proposing to approve changes to a portion of Regulation 61–62.5, Standard No. 5.2, submitted in SIP revisions dated October 1, 2007; July 27, 2016; September 5, 2017; and February 4, 2022. The EPA is proposing to conditionally approve changes to the following provisions submitted by the State in the July 27, 2016; September 5, 2017; and February 4, 2022, SIP revision submittals: IV(A)(1), including IV(A)(1)(a)–(d); IV(A)(2)(a), (b), and (c); IV(B)(2)(a); IV(B)(2)(b); IV(C)(1), including IV(C)(1)(a)–(d); IV(C)(3)(c); IV(C)(3)(d); IV(D)—the second prefatory paragraph; IV(D)(2)(a); and IV(D)(2)(b). The EPA's analysis of the changes proposed for approval or conditional approval in the aforementioned submittals is discussed below.

IV. The EPA's Evaluation of South Carolina's Submittals

A. Regulation 61–62.1, Section IV—Source Tests

The EPA is proposing to approve the changes to Regulation 61–62.1, Section IV in the April 24, 2020, SIP revision. In the April 24, 2020, SIP revision, the changes to Regulation 61–62.1, Section IV revise the State's source testing procedures to make non-substantive administrative and clarifying edits (*e.g.,* reformatting subsections, paragraphs, subparagraphs, and rule references); correcting citations to the Code of Federal Regulations (CFR) by adding the word ''Part,''; clarifying numbers; and substituting the word ''standard'' with ''requirement.'' The EPA is proposing to approve these non-substantive administrative and clarifying edits because they will have no impact on air quality.

The April 24, 2020, SIP revision makes further changes to subsection IV(B), which specifies requirements for the submission and approval of site-specific test plans by a source owner, operator, or representative. In the SIP, subparagraph IV(B)(5)(a) requires the submission of test plans, or a letter amending a previously approved test plan, at least 45 days prior to the proposed test date, except for sources testing for substances listed in the State's regulations applicable to emissions of toxic air pollutants in Regulation 61–62.5, Standard No. 8, for which the submission of test plans or such a letter is required at least 60 days prior to the proposed test date. Subparagraph IV(B)(5)(b) exempts sources that are amending only the facility name, address, telephone number, contact, permit number, and/or source identification number from the requirements in subparagraph IV(B)(5)(a) and requires the submission of such amendments at least two weeks prior to the proposed test date. The April 24, 2020, SIP revision adds

[12] Regulation 61–62.1, Section IV was approved into the South Carolina SIP on August 10, 2004, and last updated on August 21, 2017. *See* 69 FR 48395; 82 FR 39537.

[13] Source tests, which are also known as ''stack tests'' or ''performance tests,'' are used to measure emissions from specific sources.

[14] Regulation 61–62.5, Standard No. 5.2 was approved into the South Carolina SIP on August 26, 2005. *See* 70 FR 50195.

[15] An EAC was an agreement between a state, local governments, and the EPA to implement measures not necessarily required by the CAA to achieve cleaner air as soon as possible designed for areas that approached or monitored exceedances of the 8-hour ozone standard but were in attainment for the 1-hour standard. *See* 70 FR 30396 (May 26, 2005) and 70 FR 50195 (Aug. 26, 2005.

[16] *See* 82 FR 38825.

[17] Comment available at *https://www.regulations.gov/comment/EPA-R04-OAR-2017-0388-0007.*

[18] *See* 82 FR 38865.

[19] *See* 82 FR 47634.

[20] As previously explained, on July 21, 2026, SC DES submitted a letter removing from the EPA's consideration one provision, for which the State, in its May 13, 2026, letter, requested conditional approval in Regulation 61–62.5, Standard No. 5.2. South Carolina states that ''the specific text . . . is not before the EPA at this time.''

[21] In this NPRM, the EPA is not proposing to act on other changes to Regulation 61–62.5, Standard No. 5.2 included in the July 27, 2016, and February 4, 2022, SIP revisions, which the State, in its May 13, 2026, letter, removed from EPA consideration. Specifically, this proposal does not address changes to subsection III(A) submitted in the July 27, 2016, SIP revision or paragraph I(B)(3) or changes to paragraph II(K) submitted in the February 4, 2022, SIP revision, because the portions of the aforementioned SIP revisions containing changes to those provisions are no longer before the Agency.

language at subparagraph IV(B)(5)(a) that allows source owners, operators, or representatives to submit site-specific test plans or a letter which amends a previously approved test plan at least 45 days prior to the proposed test date, ''or as otherwise specified by a relevant federal or state requirement.'' This change would allow an owner, operator, or representative of a source subject to other applicable Federal or State standards (*e.g.,* New Source Performance Standards (NSPS) testing requirements under 40 CFR part 60) to comply with an alternate minimum test plan or amendment letter submission deadline specified in those standards. This change pertains to timing of test plan submissions only and therefore will have no impact on air quality. For these reasons, the EPA is proposing to approve the change to subparagraph IV(B)(5)(a) in the April 24, 2020, SIP revision.

The April 24, 2020, SIP revision makes similar changes to subsection IV(D), which specifies requirements for the notification and conduct of source tests. In the SIP, paragraph IV(D)(1) requires a source owner, operator, or representative to submit a complete written notification that a source test will be conducted at least two weeks prior to the test date. The April 24, 2020, SIP revision adds language that allows source owners, operators, or representatives to submit a complete written notification at least two weeks prior to the test date ''or as otherwise specified by a relevant federal or state requirement.'' Similar to the above-described revision to subparagraph IV(B)(5)(a), the change to paragraph IV(D)(1) would allow a source owner, operator, or representative to comply with an alternate source testing notification deadline specified in an applicable Federal or State standard to which the source is subject. This change pertains to timing of source testing notifications only and therefore will have no impact on air quality. For these reasons, the EPA is proposing to approve the change to paragraph IV(D)(1) in the April 24, 2020, SIP revision.

The April 24, 2020, SIP revision also makes a change to paragraph IV(D)(5), which, in the SIP, requires that source tests be conducted ''while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested,'' unless otherwise approved by the Department. The April 24, 2020, SIP revision adds to that requirement ''or as otherwise specified in a relevant federal or state requirement.'' This change would allow an owner, operator, or representative of a source subject to other applicable Federal or State source testing standards, *e.g.,* performance testing standards NSPS or National Emission Standards for Hazardous Air Pollutants (NESHAPs), to comply with alternate source testing procedures specified in those standards.[22] This change to paragraph IV(D)(5) does not materially alter the existing SIP provision because the discretionary language in SIP-approved paragraph IV(D)(5) already allows the State to authorize such alternate source testing procedures. This change to paragraph IV(D)(5) does not materially alter the existing SIP provision because the discretionary language in SIP-approved paragraph IV(D)(5) already allows the State to authorize such alternative source testing procedures.[23] The State is recognizing that there could be a reason for testing to take place under an operating scenario that differs from the one that results in the highest emissions such as partial load conditions, which would be specified in relevant State or Federal standards. The April 24, 2020, SIP revision explains that this change is being made to clarify the appropriate production rate or operating parameter to be used while conducting a source test for clarity and internal consistency. Under subsection IV(B), the State must approve the test plan, required under subsection IV(C), prior to the source conducting the test. The test plan includes the test objective at paragraph IV(C)(2), which constitutes a description of the overall purpose of the test and the citation of any State or Federal regulation or permit condition requiring the test. Additionally, the State includes in paragraph IV(D)(5) that any source test performed ''at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.'' Therefore, the State is able to evaluate the procedures and whether they meet the objective prior to the testing being conducted. For these reasons, the EPA is proposing to approve the change to paragraph IV(D)(5) in the April 24, 2020, SIP revision.

The April 24, 2020, SIP revision also makes a change to subsection IV(C), which specifies requirements for the content of site-specific test plans. In the SIP, subparagraph IV(C)(3)(b) requires that process descriptions in site-specific test plans include process design rates and normal operating rates. The April 24, 2020, SIP revision adds language requiring process descriptions to also include ''operating rates specified by applicable regulation.'' This change ensures that, if any applicable regulations specify other source operating rates, those rates are included in the site-specific test plan. Therefore, the EPA proposes to approve the change to subparagraph IV(C)(3)(b) in the April 24, 2020, SIP revision.

The EPA is proposing to approve the aforementioned changes to Regulation 61–62.1, Section IV because they will not interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA.

B. Regulation 61–62.5, Standard No. 5.2—Control of Oxides of Nitrogen (NO_X)

The EPA is proposing to approve certain changes and conditionally approve certain other changes to Regulation 61–62.5, Standard No. 5.2 (hereinafter ''Standard No. 5.2'') in the October 1, 2007, July 27, 2016, September 5, 2017, and February 4, 2022, SIP revisions.[24] [25] The EPA discusses the changes to Standard No. 5.2 and the rationale for its proposed action below.

The October 1, 2007, July 27, 2016, September 5, 2017, and February 4,

[22] *E.g.,* performance testing requirements and procedures applicable to new stationary combustion turbines in 40 CFR 60.4340(a) and 40 CFR 60.4400–60.4415; and performance testing requirements and procedures applicable to stationary reciprocating internal combustion engines in 40 CFR 63.6620 and Table 4 to 40 CFR part 63, subpart ZZZZ.

[23] Evaluating the existing discretionary language in Regulation 61–62.1, Section IV, paragraph IV(D)(5) is beyond the scope of this proposed rulemaking action.

[24] In this NPRM, the EPA is not acting on changes to paragraph I(B)(2) in the July 27, 2016, and February 4, 2022, SIP revisions or the changes to subsection III(A) submitted in the July 27, 2016, SIP revision or paragraph I(B)(3) or changes to paragraph II(K) submitted in the February 4, 2022, SIP revision, because the portions of the aforementioned SIP revisions containing changes to those provisions are no longer before the Agency. *See* Section I.A of this NPRM.

[25] Where the EPA is proposing to act on changes to Standard No. 5.2, the Agency is evaluating the existing regulatory text in the SIP as the baseline regulatory text, overlaid by any subsequent changes transmitted in the October 1, 2007, July 27, 2016, and/or February 4, 2022, SIP revisions, if applicable, and, if applicable, any corrective changes that the State intends to submit in a corrective SIP revision, in line with its commitment, as described in the State's May 13, 2026, letter, to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval (*i.e.,* where the State has committed to specific regulatory changes in its request for partial conditional approval of certain Standard No. 5.2 provisions, the EPA is also considering the specific enforceable changes supporting the State's request).

2022, SIP revisions make several non-substantive edits to Standard No. 5.2 that revise the State's NO_X emission standards and control requirements for certain new and modified stationary sources. In the October 1, 2007, SIP revision, the changes to Standard No. 5.2 consist of several minor edits, such as restructuring and clarifying language changes. In the July 27, 2016, SIP revision, the changes to Standard No. 5.2 consist of further administrative changes, such as reformatting subsections and rule references, adjusting punctuation, restructuring, and minor language edits. In the September 5, 2017, SIP revision, changes to Standard No. 5.2 adjust bolded and italicized text, correct a typographical error, and make clarifying language edits. In the February 4, 2022, SIP revision, changes to Standard No. 5.2 reformat subsections and rule references, correct citations to the CFR by adding the words ''Parts'' and ''Part'', adjust punctuation and table headings, correct ''million British thermal units'' (MMBtu) by removing the word ''metric'' after ''million'', correct typographical errors, including typographical rule reference, language, and punctuation errors, and make restructuring and clarifying language edits. The EPA is proposing to approve these non-substantive edits because they are administrative and/or clarifying in nature and will have no impact on air quality. The EPA's proposed action with respect to other changes to Standard No. 5.2 in the October 1, 2007, July 27, 2016, September 5, 2017, and February 4, 2022, SIP revisions is discussed below.

1. Section I—Applicability

a. Subsection I(A)

i. October 1, 2007, SIP Revision

The October 1, 2007, SIP revision makes changes to Section I, which specifies the applicability of Standard No. 5.2. In the SIP, paragraph I(A)(1) states that subject sources include any new source ''permitted to construct after the effective date of this regulation.'' The October 1, 2007, SIP revision revises Standard No. 5.2 applicability in paragraph I(A)(1) to provide that subject sources include any new source ''constructed after June 25, 2004.'' The changes to paragraph I(A)(1) clarify the state effective date of the regulation, June 25, 2004, the date Standard No. 5.2 was finalized in the State Register. The changes are non-substantive and will have no impact on air quality. Therefore, the EPA is proposing to approve the changes to paragraph I(A)(1) in the October 1, 2007, SIP revision.

ii. July 27, 2016, SIP Revision

The July 27, 2016, SIP revision makes changes to subsection I(A) and paragraphs I(A)(2) and (3). In its submittal, South Carolina states that subsection I(A) is revised to explain which sources are subject to Standard No. 5.2. In the SIP, subsection I(A) states that Standard No. 5.2 applies to any stationary source that emits or has the potential to emit (PTE) NO_X from fuel combustion that has not undergone a BACT analysis for NO_X pursuant to the State's prevention of significant deterioration (PSD) regulations in Regulation 61–62.5, Standard No. 7 and meets one or more of the Standard No. 5.2 applicability criteria outlined in paragraphs I(A)(1)–(3). The July 27, 2016, SIP revision revises Standard No. 5.2 applicability at subsection I(A) to remove language limiting applicability to stationary sources of NO_X that have not undergone BACT analyses for NO_X in accordance with SC Regulation 61–62.5, Standard No. 7 and meet one or more the criteria listed in paragraphs I(A)(1)–(3). The SIP revision adds language stating that a stationary source becomes an ''affected source'' [26] under the regulation by meeting one or more of the criteria specified in paragraphs I(A)(1)–(3). Although the revision removes the language specifying applicability to sources that have not undergone PSD BACT for NO_X, the July 27, 2016, SIP revision adds language to Standard No. 5.2 at Subsection I(B) which exempts any source that has undergone a BACT analysis for NO_X pursuant to the State's PSD regulations.[27] For this reason, the changes are non-substantive and will have no impact on air quality. Therefore, the EPA is proposing to approve the changes to Subsection I(A) in the July 27, 2016, SIP revision.

The July 27, 2016, SIP revision makes clarifying changes to paragraph I(A)(2). In the SIP, paragraph I(A)(2) states that Standard No. 5.2 applies to any existing source where a burner assembly is replaced with another burner assembly after the regulation effective date and specifies that the replacement of individual burner assembly components such as burner heads, nozzles, or windboxes does not trigger regulation applicability. The July 27, 2016, SIP revision adds language clarifying that any existing source where a burner assembly is replaced with another burner assembly after the regulation effective date becomes an ''existing affected source'' subject to Sections V, VI, and VII in Standard No. 5.2.[28] This change clarifies that the sources identified in paragraph I(A)(2) are existing affected sources subject to those Sections in the SIP. Another change to paragraph I(A)(2) clarifies that the replacement of individual burner assembly components does not trigger ''affected source status.''

In the SIP, paragraph I(A)(3) states that Standard No. 5.2 applies to any existing source moved from one permitted facility to another after the regulation effective date, with the exceptions of process equipment and commercial or industrial boilers transferred between in-state facilities under common ownership. Further, in the SIP, paragraph I(A)(3) specifies that such transferred sources are considered existing sources under paragraph I(A)(2). The July 27, 2016, SIP revision adds language clarifying that any existing source moved from one permitted facility ''in-state or out-of-state'' to another permitted facility ''in-state'' after the regulation effective date is considered a ''new affected source.'' New affected sources are subject to requirements for new sources in Section III and the new Section IV in the revised Standard No. 5.2. Other changes to paragraph I(A)(3) modify the exemption from new affected source status for existing process equipment and commercial or industrial boiler sources transferred between in-state facilities under common ownership. The revised provision provides that ''[a]ny existing sources''—not just process equipment and commercial or industrial boilers—that are relocated between permitted in-state facilities under common ownership do not become existing affected sources under the regulation until paragraph I(A)(2) ''is triggered,'' (*i.e.,* a burner assembly is replaced, consistent with the Standard No. 5.2 applicability to other existing subject sources).

[26] Definitions for new and existing affected sources were proposed to be added in the July 27, 2016, SIP revision in Standard No. 5.2 at Section II and are discussed in Section IV.B.2.a. of this NPRM. According to those definitions, which the EPA is proposing to approve for reasons explained below, an existing affected source is a source constructed on or before June 25, 2004, that meets the applicability requirements in paragraph I(A)(2) of Standard No. 5.2. A new affected source is a source constructed after June 25, 2004, or that meets the applicability requirements in paragraph I(A)(3) of Standard No. 5.2 (a new affected source will not be considered an existing affected source at burner assembly replacement under Standard No. 5.2, paragraph I(A)(2)).

[27] The EPA's proposed action with respect to the changes to Subsection I(B) is discussed in Section IV.B.1.b. of this NPRM.

[28] Standard No. 5.2, Sections V, VI, and VII in the revised rule set forth requirements for existing affected sources, *i.e.,* those that replace an existing burner assembly. These sections are discussed below in Sections IV.B.5., 6., and 7. of this NPRM.

The changes to paragraph I(A)(3) clarify that existing sources relocated from in- or out-of-state permitted facilities to another permitted in-state facility are considered new, rather than existing, affected sources. Standard No. 5.2, Section III, in the SIP, and as revised, prescribes NO_X emission limits and/or control requirements applicable to new sources as defined in paragraphs I(A)(1) and I(A)(3). In the SIP, paragraph I(A)(3) identifies a category of existing sources as those where any existing source is ''removed from its presently permitted facility and moved to another permitted facility after the effective date of this regulation except process equipment and commercial or industrial boilers that are transferred between facilities within the state under common ownership. Such transfers will be considered as existing sources under (a)(2).'' Although subsection III(A) states that sources defined in paragraphs I(A)(1) and I(A)(3) are subject to the requirements for new sources within that subsection, in the SIP, paragraph I(A)(3) itself does not specify whether the affected sources it applies to are considered new sources nor whether the original permitted facility could be out-of-state, except where the previously described exempted process equipment and commercial or industrial boilers are concerned.

In the July 27, 2016, SIP revision, changes to paragraph I(A)(3) clarify that any existing sources transferred from in- or out-of-state to another permitted in-state facility subject to section I(A) are considered new affected sources under Standard No. 5.2, except for any existing sources relocated between facilities within the State under common ownership. For the latter existing sources, the revised language clarifies that they become existing affected sources under Standard No. 5.2 when paragraph I(A)(2) is triggered (*i.e.,* a burner assembly is replaced). The changes to paragraph I(A)(3) with respect to those sources that are considered new affected sources clarify that such sources must comply with the emission limits and/or control requirements in Section III once they are relocated.

The changes to paragraph I(A)(3) clarify and delineate when a source qualifies as a new affected source as opposed to remaining an existing affected source. The SIP specifies that an existing affected source is one that is moved to another permitted facility within the State under common ownership, after the effective date of the regulation, except for transfers of process equipment and commercial or industrial boilers. The change simply clarifies that the transfer of process equipment and commercial or industrial boilers transferred between in-state facilities under common control does not trigger new affected source status and has no practical effect on regulation applicability. Under Standard No. 5.2, process equipment and commercial and industrial boilers comprise all the relevant sources that could be transferred as described and trigger existing affected source requirements in paragraph I(A)(2). Although ''process equipment'' is not defined in the regulation or elsewhere in the SIP, a common understanding of the term in the context of Standard No. 5.2 would be equipment that is integral to the process that generates NO_X emissions through fuel burning (*e.g.,* cement kilns). The only new source types listed in Section III that would not be considered ''process equipment'' and are not commercial or industrial boilers are internal combustion engines and gas turbines. The State notes explicitly in the definition of ''Burner Assembly'' in Standard No. 5.2 that ''[a] self-contained chamber such as is found on a combustion turbine is not a burner assembly for the purposes of this regulation.'' Therefore, internal combustion engines and gas turbines, which do not have burner assemblies consistent with the definition in the regulation, cannot trigger existing source applicability under paragraph (I)(A)(2).

In the event that any internal combustion engines or gas turbines are relocated between permitted facilities within the State under common ownership, those units would be considered new affected sources. The changes to the exemption for existing sources relocated between permitted facilities in-state under common ownership in paragraph I(A)(3) do not practically affect the universe of sources subject to the requirements for new or existing affected sources in the regulation and therefore have no impact on air quality. Further, eliminating undefined terms, (*e.g.,* ''process equipment'') and utilizing the broader ''any existing source'' has no practical effect on the exemption from new affected source requirements. As revised, paragraph I(A)(3) does not exempt any sources relocated as previously described from regulation applicability but merely clarifies that such sources do not become existing affected sources until the qualifying burner replacement trigger under paragraph I(A)(2). For the reasons described above, the EPA is proposing to approve the changes to paragraphs I(A)(2) and (3) in the July 27, 2016, SIP revision. The EPA is proposing to approve the aforementioned changes to Standard No. 5.2, Subsection I(A) through the February 4, 2022, SIP revision, because they will not interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA.

b. Subsection I(B)

i. October 1, 2007, SIP Revision

The October 1, 2007, SIP revision makes changes to Subsection I(B), which exempts certain sources from all requirements within Standard No. 5.2 unless otherwise specified. The revision expands an exemption for certain emergency power generators. In the SIP, paragraph I(B)(2) exempts emergency power generators of less than 150 kilowatt (kW) rated capacity, as well as larger emergency power generators that operate 250 hours per year or less and have a method to record actual hours of use, such as an hour meter. The October 1, 2007, SIP revision modifies the exemption for emergency power generators to separate the existing exemption in paragraph I(B)(2) by including prefatory text at paragraph I(B)(2) and creating two new subparagraphs, I(B)(2)(a) and I(B)(2)(b). The revision expands the exemption to include emergency power generators of less than or equal to 150 kW rated capacity (subparagraph I(B)(2)(a)), as well as generators greater than 150 kW rated capacity ''designated for emergency use only'' that are operated ''500 hours per year or less for testing and maintenance'' and have a method to record actual hours of use, such as an hour meter (subparagraph I(B)(2)(b)). In its submittal, the State notes that paragraph I(B)(2) was amended ''to ensure that exemptions are consistent with proposed amendments to Regulation 61–62.1, Section II,'' South Carolina's permitting requirements.[29]

The changes to paragraph I(B)(2) expand the 250-hour annual operating limit to 500 hours and clarify that these generators designated for emergency use only are limited to testing and maintenance uses. However, the changes to paragraph I(B)(2) in the October 1, 2007, SIP revision are superseded by relevant changes to subsection I(B) in the July 27, 2016, and February 4, 2022, SIP revisions, which

[29] In the January 2025 NPRM, for reasons explained therein, the EPA proposed to approve similar changes expanding an exemption for emergency power generators from minor source construction permitting requirements. *See* 90 FR 6954.

the EPA is proposing to approve for reasons explained below or which the State, as previously noted, removed from the EPA's consideration in its July 21, 2026, letter.

In the October 1, 2007, SIP revision, a change to subsection I(B) modifies an exemption for combustion control devices at paragraph I(B)(4). In the SIP, paragraph I(B)(4) exempts any device that functions ''solely as a combustion control device'' from Standard No. 5.2. A change to paragraph I(B)(4) adds language clarifying that waste heat recovery from combustion control devices ''shall not be considered primary grounds for exclusion from this exemption.'' Waste heat recovery can help facilities reduce fuel consumption, as well as associated operating costs and pollutant emissions, by utilizing heat energy that would otherwise be lost. For example, combined heat and power (CHP) is an efficient method of providing power and useful thermal energy such as heating or cooling at the point of use with a single fuel source.[30] Although not strictly functioning as ''combustion control'' devices, those devices that function as combustion control devices that also recover waste heat can further reduce NO_X emissions, and the change to paragraph I(B)(4) is expected to have a neutral to positive impact on air quality. Therefore, the EPA proposes to approve the changes to paragraph I(B)(4) in the October 1, 2007, SIP revision.

ii. July 27, 2016, SIP Revision

In the July 27, 2016, SIP revision, changes to subsection I(B) remove exemptions from Standard No. 5.2 for the following sources: (1) fuel-burning sources less than 10 MMBtu/hour (hr) rated input capacity at paragraph I(B)(1); (2) emergency power generators at paragraph I(B)(2), as modified in the October 1, 2007, SIP revision and described above; (3) ''Flares'' at paragraph I(B)(8); and (4) ''Fuel Cell Sources'' at paragraph I(B)(10). The July 27, 2016, SIP revision also adds three new exemptions at paragraphs I(B)(1), (2), and (3), described below. The addition of the three new exemptions shift and renumber the remaining paragraphs in subsection I(B). In the July 27, 2016, SIP revision, changes to subsection I(B) also revise renumbered paragraphs I(B)(4), (6)–(8), (10)–(13), and (15). Paragraphs I(B)(5), (14), and (16) are simply renumbered without changes,[31] and paragraph I(B)(9) remains unchanged. In its submittal, the State notes that subsection I(B) was amended to clarify sources exempt from Standard No. 5.2 and for internal consistency.

In the July 27, 2016, SIP revision, the removal of the exemption in paragraph I(B)(1) expands the applicability of the SIP because it results in Standard No. 5.2 applying to fuel-burning sources with less than 10 MMBtu per hour (10 MMBtu/hr) rated input capacity. In the SIP, any fuel-burning source with less than 10 MMBtu/hr rated input capacity is exempt from Standard No. 5.2. However, other relevant changes to subsection I(B) since the July 27, 2016, SIP revision, specifically those in the February 4, 2022, SIP revision, which the EPA is proposing to approve for reasons explained below supersede the removal of paragraph I(B)(1). Specifically, relevant changes to subsection I(B) in the February 4, 2022, SIP revision, which the EPA is proposing to approve, exempt boilers less than 10 MMBtu/hr rated input, nullifying the removal of the exemption as it applies to those boilers. The EPA's evaluation of the superseding revisions to paragraph I(B)(1) can be found in Section IV.B.1.b.iii. of this NPRM.

The July 27, 2016, SIP revision removes paragraph I(B)(2), the provision exempting emergency power generators from Standard No. 5.2 with less than or equal to a 150 kW rated capacity, and emergency power generators with a rated capacity greater than 150 kW designated for emergency use only operated no more than 500 hours annually for testing and maintenance, with a method to record actual hours of use, as previously described. Although new paragraph I(B)(1) in the July 27, 2016, SIP revision essentially maintains the exemption by exempting any NO_X-emitting source listed in Regulation 61–62.1, Subsection II(B),[32] under the State's minor source preconstruction permitting regulation, the revision is superseded by relevant changes to subsection I(B) in the February 4, 2022, SIP revision, and the July 21, 2026, letter.

Specifically, the February 4, 2022, SIP revision (1) narrows the scope of the exemption in new paragraph I(B)(1), as added in the 2016 SIP revision, and (2) combines paragraph I(B)(1), as narrowed, and paragraph I(B)(2) into a single exemption at paragraph I(B)(2). The July 21, 2026, letter SC DES submitted removed from the EPA's consideration paragraph I(B)(2), as submitted in the July 27, 2016, SIP revision, and revised in the February 4, 2022, SIP revision.[33]

The EPA is proposing to approve the change removing paragraph I(B)(2) from the SIP, as requested in the July 27, 2016, SIP revision.[34] Further, since SC DES' July 21, 2026 letter removes paragraph I(B)(2) as revised in the February 4, 2022, SIP submittal, from the EPA's consideration, this approval results in the removal of the exemption for emergency power generators of less than 150 KW rated capacity, or those that operate 250 hours per year or less and have a method to record the actual hours of use such as an hour meter. Since these emergency generators will be subject to the NO_X emission limits and/or control requirements in Standard No. 5.2, the SIP revision is SIP-strengthening. The EPA discusses its proposed action with respect to changes to Standard No. 5.2, Subsection I(B) in the February 4, 2022, SIP revision in Section IV.B.1.b.iii. of this NPRM.

In the July 27, 2016, SIP revision, new paragraph I(B)(3) exempts from Standard No. 5.2 any source which has undergone a BACT analysis or is subject to Lowest Achievable Emission Rate (LAER) for NO_X pursuant to the State's PSD regulations in Regulation 61–62.5, Standard No. 7 and Nonattainment New Source Review (NNSR) regulations in Regulation 61–62.5, Standard No. 7.1, respectively. As explained previously in this NPRM, in the current SIP, subsection I(A) provides that Standard No. 5.2 applies to sources of NO_X that have not undergone a PSD BACT analysis, and a change to subsection I(A) in the July 27, 2016, SIP revision removes, in part, language capturing stationary sources of NO_X that have not

[30] *See* June 2021 EPA CHP Partnership ''Fuel and Carbon Dioxide Emissions Savings Calculation Methodology for Combined Heat and Power Systems'' report, available at *https://www.epa.gov/sites/default/files/2015-07/documents/fuel_and_carbon_dioxide_emissions_savings_calculation_methodology_for_combined_heat_and_power_systems.pdf.*

[31] Paragraph I(B)(16), as renumbered in the July 27, 2016, SIP revision, includes discretionary language allowing the State to ''consider any other exemptions . . . on a case-by-case basis.'' Evaluating the existing discretionary language in Standard No. 5.2, paragraph I(B)(16) is beyond the scope of this proposed rulemaking action.

[32] Regulation 61–62.1, subsection II(B) lists emergency power generators less than or equal to 150 kW rated capacity or greater than 150 kW rated capacity designated for emergency use only, operated 500 hours or less annually for testing and maintenance, with a method to record actual use hours, as proposed for modification in the January 21, 2025, NPRM. *See* 90 FR 6954.

[33] As previously noted, the July 21, 2026, letter removing paragraph I(B)(2) from EPA consideration supersedes the May 13, 2026, request for conditional approval of that provision.

[34] The October 1, 2007, SIP submittal as described above reformatted paragraph I(B)(2) and added an exemption for generators with a greater than 150 kW rated capacity designated for emergency use only and operated for a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

undergone BACT analyses for NO_X. Therefore, the addition of the exemption for sources having undergone a NO_X BACT analysis is a neutral, non-substantive change that has no practical effect on regulation applicability and therefore no impact on air quality.

With respect to the added exemption for sources subject to LAER pursuant to the State's NNSR regulations, these requirements apply to new major sources and major modifications at existing sources for pollutants in areas designated ''nonattainment'' for one or more NAAQS. LAER for a source is the more stringent emissions rate based on (1) the most stringent emissions limitation in any state's SIP for the source class or category, unless the owner or operator demonstrates that such limitation is not achievable; or (2) the most stringent emission limitation achieved in practice for the source class or category.[35] South Carolina currently has no nonattainment areas, but, if an area in the State were to be designated ''nonattainment'' and future projects were to trigger NNSR for NO_X, those sources exempt from Standard No. 5.2 under new paragraph I(B)(3) would be subject to the State's NNSR requirements, including the requirement to install LAER for NO_X, and would be covered by those more stringent requirements. Therefore, the addition of new paragraph I(B)(3) exempting from Standard No. 5.2 sources subject to LAER would not interfere with any applicable requirement concerning attainment and RFP or any other applicable requirement of the Act, and the EPA is proposing to approve the addition of new paragraph I(B)(3) in the July 27, 2016, SIP revision.

In the July 27, 2016, SIP revision, changes to paragraph I(B)(4) clarify that 200-brake horsepower is equivalent to 149 kW. Changes to paragraphs I(B)(6)–(8) replace ''NO_X controls'' and ''controls'' with ''NO_X limits'' and ''limits,'' respectively, to clarify that certain sources are exempt from Standard No. 5.2 if they are subject to equivalent or more stringent NO_X emission limits in applicable Federal regulations (NSPS or NESHAPs), equivalent or more stringent NO_X emission limits in the State's SIP-approved NO_X budget program regulations in Regulation 61–62.96, or NO_X emission limits in the State's SIP-approved NO_X budget program regulations in Regulation 61–62.99 for stationary sources outside the trading program. In the July 27, 2016, SIP revision, the removal from the SIP of the exemptions for flares at paragraph I(B)(8) and fuel cell sources at paragraph I(B)(10) expands Standard No. 5.2 applicability to capture the universe of sources formerly covered by those exemptions. Another change to paragraph I(B)(10) in the July 27, 2016, SIP revision corrects an exemption to clarify that it applies to engine test cells ''and/or'' stands.

In the July 27, 2016, SIP revision, changes to paragraph I(B)(12) revise an exemption for certain portable and temporary internal combustion engines. In the current SIP, paragraph I(B)(12) exempts from Standard No. 5.2 portable and temporary internal combustion engines, such as those associated with generators, air compressors, or other applications, if they fall in categories listed in 40 CFR part 89, *Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines.* Changes to paragraph I(B)(12) in the July 27, 2016, SIP revision renumber the paragraph to I(B)(11) and add that portable and temporary internal combustion engines that fall in categories listed in 40 CFR part 1039, *Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines,* and 40 CFR part 1068, *General Compliance Provisions for Highway, Stationary, and Nonroad Programs,* are also exempt from Standard No. 5.2. Following the 1990 amendments to the CAA, which authorized the EPA to set emission standards for nonroad engines, the Agency conducted a series of rulemakings to adopt emission control programs for different nonroad sectors.[36] Since then, the Agency has migrated ''legacy'' emission control programs under title 40 from subchapter C to subchapter U,[37] and, in each case, the migration corresponded to new emission standards and substantially updated compliance and testing provisions.[38] For land-based nonroad diesel engines, the EPA adopted emission standards for model year 1996 and later nonroad compression-ignition engines under 40 CFR part 89 and migrated regulatory requirements for those engines to 40 CFR part 1039, with additional testing and compliance provisions in 40 CFR parts 1065 and 1068.[39] The regulations in 40 CFR part 1039 apply for new compression-ignition nonroad engines, with certain exceptions,[40] and certain in-use land-based compression-ignition nonroad engines,[41] and certain standards applicable to nonroad compression-ignition engines originally adopted under 40 CFR part 89 are identified in Appendix I to 40 CFR part 1039.

40 CFR part 1068 provides general compliance provisions for highway, stationary, and nonroad programs and applies to certain engine and equipment categories described in 40 CFR 1068.1(a), including land-based nonroad compression-ignition engines subject to 40 CFR part 1039,[42] certain stationary compression-ignition engines, large nonroad spark-ignition engines subject to 40 CFR part 1048, certain stationary spark-ignition engines, and small nonroad spark-ignition engines subject to 40 CFR part 1054.[43] A ''[n]onroad engine,'' as defined in 40 CFR part 1068.30, is an internal combustion engine that meets certain criteria, including the criterion that an engine, by itself or on a piece of equipment, is portable or transportable, which under the definition of nonroad engine means designed to be and capable of being carried or moved from one location to another.[44] The definition of nonroad engine in 40 CFR part 1068.30, also provides that an internal combustion engine is not a nonroad engine if it is regulated under 40 CFR part 60 or otherwise regulated by a Federal NSPS promulgated under CAA section 111, unless that engine meets certain criteria and is voluntarily certified under 40 CFR part 60. The definition also provides that if a portable or transportable engine remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a

[35] *See* Regulation 61–62.5, Standard No. 7.1, Paragraph (B)(20).

[36] From 1994 through 1999, the EPA adopted these emission control programs in 40 CFR parts 89, 90, 91, 92, and 94 (in subchapter C). *See* 86 FR 34308, 34342 (June 29, 2021).

[37] Starting in 2002, the EPA adopted emission standards and related provisions for additional nonroad emission control programs, codified in 40 CFR parts 1048, 1051, 1065, and 1068 (in subchapter U). *See* id.

[38] As a result of this migration, engine manufacturers have not certified engines under the legacy parts—including part 89—for roughly a decade or more. *See* id.

[39] *See* id. at 34372 and 40 CFR 89.1.

[40] 40 CFR 1039.5 specifies certain engines excluded from the requirements in 40 CFR part 1039, *e.g.,* engines in locomotives certified under 40 CFR part 1033 and marine engines subject to 40 CFR part 94.

[41] 40 CFR 1039.1(b) specifies emission standards applicable to in-use engines starting with model years noted in Table 1 of 40 CFR 1039.1.

[42] 40 CFR part 1068 applies for engines certified under 40 CFR part 89 to the extent and in the manner specified in 40 CFR part 1039. *See* 40 CFR 1068.1(a)(6).

[43] 40 CFR part 1068 applies for nonroad spark-ignition engines certified under 40 CFR part 90 to the extent and in the manner specified in 40 CFR part 1054. *See* 40 CFR 1068.1(a)(13).

[44] Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. *See* 40 CFR 1068.30.

seasonal source, it is not a nonroad engine.[45]

In the July 27, 2016, SIP revision, the changes to renumbered paragraph I(B)(11) exempt from Standard No. 5.2 certain portable and temporary internal combustion engines, *i.e.,* large nonroad spark-ignition engines subject to 40 CFR part 1048 and small nonroad spark-ignition engines subject to 40 CFR part 1054. However, because paragraph I(B)(11) exempts portable and temporary internal combustion engines, as distinguished from stationary engines in 40 CFR 1068.31(e), and Standard No. 5.2 was designed to regulate stationary sources of NO_X, the expanded exemption applicable to portable and temporary internal combustion engines listed in 40 CFR part 1068 does not affect the universe of stationary sources of NO_X subject to the regulation. The changes to paragraph I(B)(11) also update the exemption from Standard No. 5.2 for the universe of portable and temporary nonroad compression-ignition internal combustion engines subject to Federal requirements. For these reasons, the EPA is proposing to approve the changes to paragraph I(B)(11) in the July 27, 2016, SIP revision.

In the July 27, 2016, SIP revision, changes to paragraph I(B)(12), renumbered from I(B)(13), revise an exemption for combustion sources that operate at a capacity of less than 10 percent per year. The changes to renumbered paragraph I(B)(12) exempt combustion sources that operate at an ''annual capacity factor'' of 10 percent ''or less.''[46] The revised provision will exempt combustion sources operating at an annual capacity factor of 10 percent, whereas now, the SIP exempts sources operating at an annual capacity factor of 9.99 percent or lower. This change will have a negligible impact on air quality. Therefore, the EPA is proposing to approve the changes to paragraph I(B)(12) in the July 27, 2016, SIP revision.

A change to paragraph I(B)(13) in the July 27, 2016, SIP revision amends an exemption for special use burners that are operated less than 500 hours a year. In the SIP, any special use burners, such as startup/shutdown burners, that are operated less than 500 hours a year are exempt from the requirements in Standard No. 5.2. The change to paragraph I(B)(13) provides that such special use burners are only exempt from existing source replacement requirements. With this change, special use burners, when operated less than 500 hours annually, are now subject to the requirements for new sources in the regulation, *e.g.,* emission limitations and/or control requirements in Section III. These burners are still exempt from the requirements for existing sources in the regulation, meaning they are not considered existing affected sources when a burner assembly is replaced and therefore are not subject to the requirements in the regulation for such sources pursuant to paragraph I(A)(2). The revised language in paragraph I(B)(13) removing the exemption for certain new affected special use burners from Standard No. 5.2 expands the regulation's applicability and therefore strengthens the SIP.

In the July 27, 2016, SIP revision, changes to paragraph I(B)(16) renumbers the paragraph to I(B)(15) and clarify that portable sources such as asphalt or concrete batch plants are ''considered existing sources only and become existing affected sources when the burner assembly is replaced'' pursuant to paragraph I(A)(2). In the current SIP, paragraph I(B)(16) states that those sources are only exempt from the requirements in Section III, which specifies emission limits and/or control requirements for new affected sources. The revised language in renumbered paragraph I(B)(15) clarifies that portable sources are exempt from standards for new sources in Standard No. 5.2, but subject to standards for existing affected sources in the regulation when a burner assembly is replaced.

In the July 27, 2016, SIP revision, the removal from the SIP of paragraphs I(B)(8) and I(B)(10) expands regulation applicability and therefore has a neutral to positive impact on air quality. The changes to paragraphs I(B)(4), (6)–(8), (10), and (15) are non-substantive and therefore have no impact on air quality. The changes to renumbered paragraph I(B)(11) do not meaningfully affect the universe of stationary sources of NO_X subject to the regulation, and the changes to renumbered paragraph I(B)(12) will have a negligible impact on air quality. The change to renumbered paragraph I(B)(13) (paragraph I(B)(14) in the current SIP) expands Standard No. 5.2 applicability to capture new special use burners operated less than 500 hours a year as new affected sources and therefore has a neutral to positive impact on air quality. Therefore, the EPA is proposing to approve the removal of current paragraphs I(B)(8) and (10) and the changes to paragraphs I(B)(4), renumbered I(B)(6)–(8), renumbered I(B)(10)–(13), and renumbered I(B)(15) in the July 27, 2016, SIP revision.

iii. February 4, 2022, SIP Revision

The February 4, 2022, SIP revision adds exemptions at new paragraphs I(B)(1), (3), and (9), described below, shifting and renumbering the remaining paragraphs.[47] In its February 4, 2022, submittal, the State notes that, in part, paragraph I(B)(1) is replaced with language to ensure consistency and clarify sources that are exempt from Standard No. 5.2, including boilers less than 10 MMBtu/hr rated input.

As noted above, the July 27, 2016, SIP revision removes from Standard No. 5.2 an exemption for any fuel-burning sources less than 10 MMBtu/hr rated input capacity at paragraph I(B)(1) in the SIP, and the February 4, 2022, SIP revision adds an exemption for boilers less than 10 MMBtu/hr rated input at new paragraph I(B)(1). Taken together, the previously described changes narrow the universe of exempt sources under paragraph I(B)(1) from *any* fuel-burning source less than 10 MMBtu/hr rated input capacity to only boilers of the same input capacity and are expected to have a neutral to positive impact on air quality. Therefore, the EPA is proposing to approve the addition of new paragraph I(B)(1) in the February 4, 2022, SIP revision.

In the February 4, 2022, SIP revision, new paragraph I(B)(9) exempts from Standard No. 5.2 any source subject to equivalent or more stringent NO_X emission limits pursuant to requirements in Regulation 61–62.97, the State's Cross-State Air Pollution Rule (CSAPR) trading program

[45] *See also* 40 CFR 1068.31(e)(1) and (2), which state that a nonroad engine ceases to be a nonroad engine and becomes a new stationary engine if it meets this criterion or is otherwise regulated by a Federal NSPS under CAA section 111.

[46] A definition for ''Annual Capacity Factor'' was proposed to be added in the July 27, 2016, SIP revision in Standard No. 5.2 at Section II and is discussed in Section IV.B.2.a. of this NPRM. According to that definition, which the EPA is proposing to approve for reasons explained below, annual capacity factor is the ratio between actual heat input to a combustion unit from fuels during a calendar year and potential heat input to the steam generating unit had it been operated for 8,760 hours during a calendar year at the maximum steady state design heat input capacity.

[47] As previously noted, the addition of the permitting exemptions in paragraphs I(B)(1) and (2) to Standard No. 5.2 in the July 27, 2016, SIP revision is superseded by relevant changes to paragraph I(B)(2) in the February 4, 2022, SIP revision. Subsequently, on July 21, 2026, South Carolina removed from EPA consideration ''I(B)(2), as submitted on July 25, 2016, and February 3, 2022.'' The States notes that ''the specific text . . . is not before the EPA at this time.'' Furthermore, as previously noted, the State submitted a May 13, 2026, letter, stating that specific text in limited portions of the SIP revisions submitted on July 27, 2016, and February 3, 2022, including subsection I(B)(3), ''is not before the EPA at this time.'' The letter received by the EPA on July 21, 2026, also reiterated that I(B)(2), I(B)(3) and two other provisions, II(K), and III(A), are ''no longer before EPA.''

regulations in the SIP. New paragraph I(B)(9) only serves to exempt from Standard No. 5.2 sources already subject to equivalent or more stringent NO_X limits under the State's SIP-approved CSAPR NO_X annual trading program regulations, which adopt and incorporate by reference certain provisions of 40 CFR part 97, subpart AAAAA and include certain other provisions related to South Carolina's CSAPR NO_X annual trading program. For this reason, the added exemption under new paragraph I(B)(9) from the requirements in Standard No. 5.2 for sources subject to the State's CSAPR requirements would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. Therefore, the EPA is proposing to approve the addition of new paragraph I(B)(9) in the February 4, 2022, SIP revision.

The EPA is proposing to approve the aforementioned changes to Standard No. 5.2, subsection I(B), because they will not interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA.

2. Section II—Definitions

a. July 27, 2016, SIP Revision

In the July 27, 2016, SIP revision, the changes to Regulation 61–62.5, Standard No. 5.2, Section II add definitions for ''Annual Capacity Factor,'' ''Equivalent Technology,'' ''Existing affected source,'' and ''New affected source'' at new Subsections II(A), (F), (G), and (I), respectively, and remove the existing SIP-approved definition of ''Tune-up,'' shifting and renumbering the existing SIP-approved subsections. Additional changes to Section II in the July 27, 2016, SIP revision clarify the definition of ''Fuel'' in subsection II(H). In its submittal, the State notes that Section II was amended ''to strike obsolete definitions and add others to further clarify existing definitions.''

In the current SIP, ''Tune-up'' is defined as ''adjustments made to the combustion process to optimize combustion efficiency of the source in accordance with procedures provided by the manufacturer or in accordance with good engineering practices.'' The State's tune-up requirements in new Section IV and in Section VII require new affected sources, with certain exceptions,[48] and existing affected sources, respectively, to perform tune-ups in accordance with manufacturer's specifications or good engineering practices. Therefore, the EPA proposes to approve the removal of the definition of ''Tune-up'' from Standard No. 5.2 in the July 27, 2016, SIP revision, finding that the change is non-substantive and administrative in nature and therefore has no impact on air quality.

In the July 27, 2016, SIP revision, new subsection II(A) defines ''Annual Capacity Factor'' as ''the ratio between the actual heat input to a combustion unit from the fuels during a calendar year and the potential heat input to the steam generating unit had it been operated for 8,760 hours during a calendar year at the maximum steady state design heat input capacity,'' generally consistent with the NSPS definition of ''Annual capacity factor'' for industrial-commercial-institutional steam generating units at 40 CFR 60.41b. This term is utilized in subsection I(B).

In the July 27, 2016, SIP revision, new subsection II(F) defines ''Equivalent Technology'' as ''any item that is identical or functionally equivalent to the existing component'' and states that ''[t]his component may serve the same purpose or function as the replaced component, but may be different in some respects or improved in some ways.'' This term is utilized under the requirements for new and existing affected sources in Section III in the current SIP and subsection V(A), renumbered from subsection IV(A) in the current SIP, respectively. The addition of this definition helps to clarify the meaning of the phrase included in these sections.

In the July 27, 2016, SIP revision, new Subsections II(G) and (I) define ''Existing affected source'' and ''New affected source,'' respectively. New Subsection II(G) defines ''Existing affected source'' as a source ''constructed on or before June 25, 2004,'' the Standard No. 5.2 effective date, and that meets the applicability criteria in paragraph I(A)(2), which specifies criteria for existing affected sources. New Subsection II(I) defines ''New affected source'' as ''any affected source'' constructed after June 25, 2004, or that meets the applicability criteria in paragraph I(A)(3), which specifies criteria for new affected sources transferred from a permitted facility to another permitted facility in-state after the regulation effective date, with certain exceptions, and clarifies that ''[a] new affected source will not be considered an existing affected source at burner assembly replacement'' under paragraph I(A)(2). These terms are utilized throughout Standard No. 5.2. New subsections II(A), (F), (G), and (I) in the July 27, 2016, SIP revision clarify the meaning of the terms of ''Annual Capacity Factor,'' ''Equivalent Technology,'' ''Existing affected source,'' and ''New affected source,'' respectively, as utilized in Standard No. 5.2. Therefore, the EPA proposes to approve the definitions added to Section II in the July 27, 2016, SIP revision.

In the July 27, 2016, SIP revision, changes to Subsection II(H) clarify the definition of ''Fuel.'' The changes to subsection II(H) separate the existing definition into prefatory text at subsection II(H) and add six new paragraphs to separately define listed fuel types. In the current SIP, subsection II(H) defines ''Fuel'' as ''the following or any combination of the following: virgin fuel, fossil fuel, waste, waste fuel, biomass fuel, biofuel, methanol, ethanol, biodiesel, landfill gas, digester gas, process liquid or gas, or any combustible material the Department determines to be a fuel.'' As revised, prefatory subsection II(H) and new paragraphs II(H)(1)–(6) define ''Fuel'' as ''the following fuels, any combination of the following fuels or any combustible material the Department determines to be a fuel including, but not limited to'' virgin fuel, waste, waste fuel, and clean wood (biomass fuel) as defined in Regulation 61–62.1; biodiesel; biofuel; digester gas; fossil fuel; and landfill gas.[49]

In the July 27, 2016, SIP revision, new paragraphs II(H)(1)–(6) include added explanatory language. New paragraph II(H)(1) clarifies that ''[v]irgin fuel, waste, waste fuel, and clean wood (biomass fuel)'' in Standard No. 5.2 carry the same meanings as those terms in the State's definitions and general requirements in Regulation 61–62.1 in the SIP.

New paragraph II(H)(2) defines ''Biodiesel'' as a ''mono-alkyl ester derived from vegetable oil and animal fat and conforming to [American Society for Testing and Materials] ASTM D6751,'' generally consistent with the definition of that term in regulations for the renewable fuel program under CAA section 211(o) at 40 CFR 80.2.[50]

New paragraph II(H)(3) defines ''biofuel'' as ''any biomass-based solid

[48] Section IV exempts from tune-up requirements in Standard No. 5.2 boilers and internal combustion engines subject to tune-up requirements in 40 CFR part 63.

[49] As revised in the July 27, 2016, SIP revision, the definition of ''Fuel'' does not contain the following terms included in the definition in the EPA-approved SIP: ''methanol, ethanol,'' and ''process liquid or gas.'' However, the EPA believes these terms are captured under the definition of ''Fuel'' in the July 27, 2016, SIP revision.

[50] 40 CFR 80.12(c)(12) incorporates by reference ASTM D6751 for pure (100 percent) biodiesel, approved March 1, 2024.

fuel that is not a solid waste. This includes, but is not limited to, animal manure, including litter and other bedding materials; vegetative agricultural and silvicultural materials, such as logging residues (slash), nut and grain hulls and chaff (for example, almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds.'' This definition is consistent with the NESHAP definition of ''biomass'' for industrial, commercial, and institutional boilers at 40 CFR 63.11237.[51]

New paragraph II(H)(4) defines ''Digester gas'' as ''any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO_2 [carbon dioxide].'' This definition is consistent with the NSPS definition of that term for stationary spark ignition internal combustion engines at 40 CFR 60.4248.

New paragraph II(H)(5) defines ''Fossil Fuel'' as ''natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat.'' It also defines ''[p]etroleum for facilities constructed, reconstructed, or modified before May 4, 2011,'' as ''crude oil or a fuel derived from crude oil, including, but not limited to, distillate oil and residual oil. For units constructed, reconstructed, or modified after May 3, 2011, petroleum means crude oil or a fuel derived from crude oil, including, but not limited to, distillate oil, residual oil, and petroleum coke.'' These definitions for ''fossil fuel'' and ''petroleum'' are consistent with the NSPS definitions of those terms for electric utility steam generating units at 40 CFR 60.41Da.

New paragraph II(H)(6) defines ''Landfill Gas'' as a ''gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO_2.'' This definition is consistent with the NSPS definition of that term for stationary spark ignition internal combustion engines at 40 CFR 60.4248.

The changes to subsection II(H) in the July 27, 2016, SIP revision clarify the definition of ''Fuel'' as utilized in Standard No. 5.2 and the fuel types included within the definition and have no impact on air quality. Therefore, the EPA proposes to approve the changes to subsection II(H) in the July 27, 2016, SIP revision.

b. February 4, 2022, SIP Revision

In the February 4, 2022, SIP revision, the changes to Section II add a definition for ''Non-routine maintenance'' at new subsection II(J).[52] In its submittal, the State notes that Section II(J) was added ''to define the term non-routine maintenance for clarification.'' In the February 4, 2022, SIP revision, new Subsection II(J) defines ''Non-routine maintenance'' as ''an unforeseen failure of a single burner assembly in an existing affected source with multiple burner application forcing an unplanned replacement of the existing burner.'' This term is utilized in subsection V(A) where existing affected sources as defined in paragraph I(A)(2) are exempt from requirements to replace an existing burner assembly with a low-NO_X burner assembly or equivalent technology and to achieve a 30 percent reduction from uncontrolled NO_X emission levels based on manufacturer's specifications when a single burner assembly at a source with multiple burners is replaced ''due to non-routine maintenance.'' [53] New subsection II(J) in the February 4, 2022, SIP revision clarifies the meaning of the term ''Non-routine maintenance'' as utilized in Standard No. 5.2. Therefore, the EPA proposes to approve that definition added to Section II of Standard No. 5.2 in the February 4, 2022, SIP revision.

3. Section III—Standard Requirements for New Affected Sources

a. October 1, 2007, SIP Revision

In the October 1, 2007, SIP revision, a change to Section III in Table 1, which prescribes NO_X emission limits and/or control requirements for new affected boilers, internal combustion engines, gas turbines, and other sources subject to Standard No. 5.2, clarifies that process heaters not meeting the definition of ''Boiler'' in Regulation 61–62.1, Section I are an example of a fuel combustion source type not otherwise listed in Table 1 to which control requirements apply.[54] Table 1 provides separate standards for various new boilers subject to Standard No. 5.2. The clarifying change to Table 1 in Section III in the October 1, 2007, SIP revision are non-substantive and therefore have no impact on air quality. Therefore, the EPA proposes to approve the change to Section III in the October 1, 2007, SIP Revision.

b. July 27, 2016, SIP Revision

In the July 27, 2016, SIP revision, changes to Section III clarify and revise requirements for new affected sources in subsections III(B) and(D) and Table 1.[55] In its submittal, the State notes that Section III is amended ''to further explain the requirements for new affected sources,'' clarify existing requirements, ''ensure internal consistency,'' and ''cite items'' pursuant to ''the 2014 South Carolina Legislative Council's Standards Manual.'' In its submittal, the State also notes that Table 1 is amended to revise emission limit and/or control requirement measurement units to ''ensure consistency'' with Federal requirements, to clarify source types and existing requirements, and to ''ensure internal consistency.''

Changes to the section title and Subsections II(B) and (D) clarify that subject sources are new ''affected'' sources. Changes throughout Section III also clarify that sources must meet emission standards in Table 1 by replacing ''capable of achieving the limitations'' with ''shall achieve'' under the various standards in Table 1.

In the July 27, 2016, SIP revision, clarifying changes to the Table 1 structure (1) remove ''Control Technology and/or'' from the first level table heading, so the table prescribes an ''Emission Limit'' that depends on the ''Source Type''; (2) remove a second level ''Boilers and Water Heaters'' heading (which purported to cover various boilers, internal combustion engines, gas turbines, and other fuel-

[51] The definition of ''biomass'' at 40 CFR 63.11237 also includes ''wood residue and wood products (*e.g.,* trees, tree stumps, tree limbs, bark, lumber, sawdust, sander dust, chips, scraps, slabs, millings, and shavings).'' However, paragraph II(H)(1) includes ''clean wood (biomass fuel) as defined in Regulation 61–62.1.'' In the EPA-approved SIP, Regulation 61–62.1 defines ''clean wood'' as ''untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped),'' not to include ''yard waste . . . or construction, renovation, and demolition waste (including but not limited to railroad ties and telephone poles),'' consistent with the definition of ''clean wood'' in performance standards for certain new small municipal waste combustion units at 40 CFR 60.1465.

[52] The addition of subsection II(J) would shift subsequent subsection II(K), as revised through the February 4, 2022, SIP revision. However, as previously noted, on May 13, 2026, SC DES submitted to the EPA a letter stating that limited portions of the Standard No. 5.2 SIP revisions, including Subsection II(K) in the February 4, 2022, SIP revision, are not before the Agency.

[53] The EPA discusses the changes to Section V in the July 27, 2016, SIP revision in Section IV.B.5. of this NPRM.

[54] In the SIP, Regulation 61–62.1, subsection I(13) defines ''Boiler'' as ''an enclosed device using controlled flame combustion'' that meets certain criteria described in that definition.

[55] The July 27, 2016, SIP revision also contains changes to subsection III(A). However, as previously noted, on May 13, 2026, SC DES submitted to the EPA a letter removing limited portions of the Standard No. 5.2 SIP revisions, including subsection III(A) in the July 27, 2016, SIP revision, from EPA consideration.

burning sources, *e.g.,* kilns),[56] and (3) add a third level ''Other'' heading, so the table is partitioned by source type under second level category headings into third level subcategories for various boilers, internal combustion engines, gas turbines, and other fuel-burning sources. The changes to Table 1 also move ''Cement Kilns'' from the ''Combined Cycle—Distillate Oil Combustion'' gas turbine subcategory to the ''Other'' category and replace language to clarify that other fuel combustion sources not otherwise specified are those ''burning any non-specified fuel not listed'' in Table 1.

Other clarifying changes to Table 1 in the July 27, 2016, SIP revision remove alternate equivalent emission limits, *e.g.,* changes to gas turbine standards remove emission limits in pounds per MMBtu (lb/MMBtu), leaving equivalent limits in parts per million by volume (ppmv) at 15 percent oxygen (O_2) dry basis; changes to landfill gas-fired turbine, recovery furnace, and lime kiln standards clarify that those sources are subject to emission limits prescribed in percent O_2 (oxygen) ''Dry Basis''; and changes to standards for boilers burning multiple fuels clarify that the ''combination of fuels not otherwise listed'' in Table 1 will be addressed on a case-by-case basis. Additionally, in the July 27, 2016, SIP revision, a change to Table 1 corrects an emission limit for municipal refuse-fired boilers from 200 to 195 ppmv at 12 percent CO_2, consistent with the applicable equivalent 0.35 lb/MMBtu emission limit. The EPA is proposing to approve the clarifying changes and correction to Section III in the July 27, 2016, SIP revision, because these changes are non-substantive and administrative in nature and therefore have no impact on air quality. The EPA discusses its proposed action with respect to other changes to Section III revising subsection III(D) and Table 1 below.

In the July 27, 2016, SIP revision, a change to subsection III(D) removes the language ''(April 1 through October 31)'' describing ''ozone season'' from the provision, which, as revised, provides that affected sources required to install post-combustion NO_X control technology are required to use such technology during the ozone season. This change removes an inconsistency with the ozone monitoring season for South Carolina listed in 40 CFR part 58, appendix D, table D–3. Therefore, the EPA is proposing to approve the change to subsection III(D) in the July 27, 2016, SIP revision.

A change to Table 1 revises a second level heading for ''Natural Gas-Fired Boilers'' to cover ''Propane and/or Natural Gas-Fired Boilers,'' expanding Standard No. 5.2 applicability by capturing new affected propane-fired boilers. This change is expected to have positive impact on air quality because the change expands the universe of sources subject to new affected source requirements to those that fire propane and those that fire a combination of propane and natural gas in addition to the natural gas-fired boilers under the current SIP. Therefore, the EPA proposes to approve the revised Section III, Table 1 subheading in the July 27, 2016, SIP revision.

Other changes to Table 1 in the July 27, 2016, SIP revision revise standards for fluidized bed combustion (FBC) boilers to (1) categorize FBC boilers by design instead of fuel type, (2) revise FBC control requirements, and (3) increase an FBC emission limit. In the SIP, the entries under FBC boilers delineate those units by two fuel types, coal-fired and wood-fired. In the SIP, both coal-fired and wood-fired FBC boilers are required to use selective noncatalytic reduction-urea (SNCR-urea) ''capable of achieving 51.8 parts per million (ppm) at 3 percent O_2 or an equivalent limit of 0.07 lb/MMBtu.'' In the July 27, 2016, SIP revision, the changes to those entries replace the existing FBC boiler entries delineated by fuel type with entries delineating FBC boilers by two different designs, ''Bubbling Bed'' and ''Circulating Bed,'' irrespective of the fuel burned. Other changes revise the new entries for bubbling and circulating bed FBC boilers to allow subject boilers to select SNCR systems other than urea-based systems,[57] and to require those units to use SNCR to meet, for circulating bed units, the existing emission limit of 0.07 lb/MMBtu and, for bubbling bed units, an increased emission limit of 0.15 lb/MMBtu (equivalent emission limits prescribed in ppm are also removed).

SNCR is a post-combustion emissions control technology for reducing NO_X by injecting an ammonia-type reactant into a furnace at a determined location.[58] According to findings included in the seventh edition of the EPA Air Pollution Control Cost Manual discussing SNCR as a NO_X control, based on review of emission reductions for SNCR applications in a variety of industries, operating data indicates higher NO_X reductions occur with ammonia reagent. With respect to the revised emission limit for the new bubbling bed FBC boiler entry, in the State's March 23, 2020, letter, the State explains that it consulted the RACT/BACT/LAER Clearinghouse to set the 0.07 lb/MMBtu emission limit in 2004, but all new wood-fired bubbling bed units requested a case-by-case determination because those units could not meet the 0.07 lb/MMBtu emission limit.[59] In the 2020, letter, South Carolina notes that results from these case-by-case determinations led to the development of the higher 0.15 lb/MMBtu emission limit that the State is seeking to incorporate into its SIP under the revised standards for new affected bubbling bed FBC boilers. The State asserts that, in practice, the increased emission limit has not led to a relaxation in emission limits for wood-fired bubbling bed units and the revised limit therefore has no effect on existing sources or NO_X emissions within the State. The State also clarifies that any such new units would be regulated and their impacts assessed under the State's NSR program. New bubbling bed units subject to Standard No. 5.2 would be evaluated pursuant to the State's minor NSR program under Regulation 61–62.1, Section II. In the SIP, Regulation 61–62.1, paragraph II(A)(4) prohibits the issuance of any permit ''to construct or modify a source . . . if emissions interfere with attainment or maintenance of any state or federal standard.'' [60] For these reasons, the changes to the Table 1 standards for FBC boilers in the July 27, 2016, SIP revision would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other CAA requirement. Therefore, the EPA proposes to approve the changes to the Table 1 standards in Section III for new affected FBC boilers in the July 27, 2016, SIP revision.

c. February 4, 2022, SIP Revision

In the February 4, 2022, SIP revision, changes to Section III revise the definition of a variable used to calculate certain emission limits for multiple fuel boilers in Table 1. The changes to the

[56] Water heaters are not regulated under Standard No. 5.2.

[57] *E.g.,* ammonia-based systems using ammonia, rather than urea, as a reagent.

[58] *See* 2019 Office of Air Quality Planning and Standards ''EPA Air Pollution Control Cost Manual,'' seventh edition, Section 4, NO_X Controls, Chapter 1, ''Selective Noncatalytic Reduction,'' revised April 24, 2019, available at *https://www.epa.gov/sites/default/files/2017-12/documents/sncrcostmanualchapter7thedition20162017revisions.pdf.*

[59] In the March 23, 2020, letter, the State notes that, although the increased emission limit applies to all bubbling bed boilers, SC DES is not aware of any coal-fired FBC boilers in the State, including bubbling bed coal-fired units.

[60] In the August 17, 2017, NPRM, the EPA proposed to renumber Paragraph II(A)(4) to Paragraph II(A)(2) without making any changes to the provision. *See* 82 FR 39083.

Table 1 multiple fuel boilers emission limit variable revise the definition of the variable ''H_{ng},'' used in the formula for calculating NO_X emission limits by adding language to specify that H_{ng} is the heat input from the combustion of natural gas ''and/or propane.'' This change is consistent with changes to Table 1 in the July 27, 2016, SIP revision that expand Standard No. 5.2 applicability to capture new propane-fired boilers. The changes to Table 1 standards for multiple fuel boilers specify that the heat input from the combustion of propane must be accounted for in the listed calculation under the variable that also accounts for the heat input from the combustion of natural gas, consistent with previous changes to Table 1. The changes to the Table 1 standards for multiple fuel boilers are expected to have a neutral to positive impact on air quality. Therefore, the EPA proposes to approve the changes to Table 1 in the February 4, 2022, SIP revision.

4. Section IV—Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources

As previously noted in this NPRM, on May 13, 2026, SC DES submitted supplemental materials, including a letter requesting that the EPA conditionally approve portions of the State's NO_X Control SIP revisions based on a commitment under CAA section 110(k)(4) to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed.[61] Additionally, the supplemental materials include a CAA section 110(l) demonstration to support the corrective changes that the State intends to submit in a corrective SIP revision. Under CAA section 110(l), the EPA cannot approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined by CAA section 171), or any other applicable requirement of the CAA.[62] Sections IV.B.4.a.i.4.III., IV.B.4.b.i.3., and IV.B.4.b.ii.3. of this NPRM discuss South Carolina's CAA section 110(l) analysis supporting these changes. The EPA evaluates CAA section 110(l) non-interference demonstrations on a case-by-case basis considering the circumstances of each SIP revision.

As explained below, in this NPRM, the EPA is proposing to conditionally approve changes to the following provisions submitted by the State in the July 27, 2016; September 5, 2017; and February 4, 2022, SIP revision submittals: IV(A)(1), including IV(A)(1)(a)–(d); IV(A)(2)(a), (b), and (c); IV(B)(2)(a); IV(B)(2)(b); IV(C)(1), including IV(C)(1)(a)–(d); IV(C)(3)(c); IV(C)(3)(d); IV(D)—the second prefatory paragraph; IV(D)(2)(a); and IV(D)(2)(b). The EPA's analysis of the changes proposed for approval or conditional approval in the previously listed submittals is discussed below.

a. July 27, 2016, SIP Revision

In the July 27, 2016, SIP revision, the State adds to Standard No. 5.2 new Section IV, titled *Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources,* shifting and renumbering the existing, subsequent sections in the SIP. In the July 27, 2016, SIP revision, new Section IV establishes MRR and certain other, *e.g.,* testing, requirements for new affected boilers in subsection IV(A), internal combustion engines in subsection IV(B), turbines in subsection IV(C), and all other source types in subsection IV(D).

i. Monitoring Requirements

In the July 27, 2016, SIP revision, new Section IV includes language in the first prefatory paragraphs under subsections IV(A), IV(B), IV(C), and IV(D) to provide that, ''[w]ith the exception of fuel certification and tune-up requirements,'' source compliance with NO_X monitoring requirements in 40 CFR part 60 constitutes compliance with monitoring requirements in those sections. New affected boilers, internal combustion engines, turbines, and all other affected source types subject to Federal NSPS NO_X monitoring requirements in 40 CFR part 60 are not subject to the monitoring requirements in new Section IV but are required to comply with the new fuel certification and tune-up requirements in that section. The EPA is proposing to approve the first prefatory paragraphs under subsections IV(A), IV(B), IV(C), and IV(D) applicable to new affected boilers, internal combustion engines, turbines, and all other new affected source types, respectively, added in the July 27, 2016, SIP revision, because those paragraphs establish new Section IV applicability, *i.e.,* fuel certification and tune-up requirements, for sources subject to NO_X monitoring requirements in the Federal NSPS regulations.

Additional text in the second prefatory paragraphs under subsections IV(A), (B), and (C) provides that new affected boilers, internal combustion engines, and turbines, respectively, not subject to 40 CFR part 60 are required to comply with ''applicable requirements'' in those respective sections. Subsections IV(B) and IV(C) contain third prefatory paragraphs that require the owner or operator of an affected internal combustion engine or turbine, respectively, to comply with one of two alternative requirements. In the third subsection IV(B) prefatory paragraph, affected internal combustion engines are required to comply with either manufacturer's certification or periodic monitoring and/or source testing requirements in paragraphs IV(B)(1) or (2), respectively. In the third subsection IV(C) prefatory paragraph, affected turbines are required to comply with either continuous emissions monitoring system (CEMS) or parametric monitoring requirements in paragraphs IV(C)(1) or (2), respectively. The EPA is also proposing to approve the second prefatory paragraph under subsection IV(A) and the second and third prefatory paragraphs under subsections IV(B) and IV(C), added in the July 27, 2016, SIP revision, because those prefatory paragraphs establish Section IV applicability for subject boilers, internal combustion engines, and turbines not subject to NO_X monitoring requirements in the Federal NSPS regulations and certain applicable requirements for such internal combustion engines and turbines.

Subsection IV(D) applies to new affected sources not subject to Federal NSPS NO_X monitoring requirements that are not boilers, internal combustion engines, or turbines. The second subsection IV(D) prefatory paragraph states that, for all other new affected source types not required to comply with Federal NO_X monitoring requirements in 40 CFR part 60, monitoring requirements ''shall be established on a case by case basis.'' The EPA is proposing to conditionally approve the second prefatory paragraph

[61] As previously noted, on May 13, 2026, SC DES also submitted to the EPA a letter removing from EPA consideration limited portions of the State's NO_X control SIP revisions submitted on July 27, 2016, and February 4, 2022, specifically subsection III(A), paragraph I(B)(3), and subsection II(K); that letter stated that ''the specific text identified . . . is not before the EPA at this time.'' Subsequently, the State submitted a July 21, 2026, letter removing from the EPA's consideration one provision in Regulation 61–62.5, Standard No. 5.2 for which the State, in its May 13, 2026, letter, requested conditional approval. This letter supersedes the May 13, 2026 request for conditional approval of paragraph I(B)(2) in Regulation 61–62.5, Standard No. 5.2. The letter EPA received on July 21, 2026, also reiterated that paragraph I(B)(3), subsection II(K), and subsection III(A) in addition to paragraph I(B)(2) are ''no longer before EPA.''

[62] CAA section 110(l) also requires each SIP revision to undergo reasonable notice and public hearing at the state level.

under subsection IV(D) for reasons explained below.

As previously described, the language in the second prefatory paragraph under subsection IV(D) provides that non-boiler, non-internal combustion engine, and non-turbine new affected sources not required to comply with NSPS NO_X monitoring requirements are subject to monitoring requirements, established on a case-by-case basis. Although the July 27, 2016, SIP revision adds monitoring requirements for such sources, *i.e.,* adds requirements that are SIP-strengthening, the EPA has concerns regarding the practicable enforceability of these requirements.

CAA section 110(a)(2)(A) requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques.'' 40 CFR 51.111 requires SIPs to ''set forth a control strategy'' that includes, in part, procedures for monitoring compliance with each of the selected control measures. Additionally, as previously noted, CAA section 110(l) prohibits the EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and RFP (as defined by CAA section 171), or any other applicable requirement of the CAA, and requires each SIP revision to undergo reasonable notice and public hearing at the state level. Under the second subsection IV(D) prefatory paragraph, which lacks specific monitoring procedures, it is unclear what monitoring requirements would apply for each subject source. Furthermore, the prefatory paragraph would allow the State to establish or change SIP requirements without fulfilling the public notice and hearing requirements of CAA section 110(l), and the EPA cannot evaluate in advance whether such changes would violate the noninterference requirements of that section.

As explained above, CAA section 110(k)(4) authorizes the EPA to conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. On May 13, 2026, South Carolina submitted a supplemental letter to the Standard No. 5.2 SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2 and committing to ''specific enforceable changes'' in ''a good faith effort to resolve anticipated concerns with discretionary language.'' The changes to the second subsection IV(D) prefatory paragraph in the July 27, 2016, SIP Revision are affected by relevant administrative changes to subsection IV(D) in the February 4, 2022, SIP revision, which the EPA is proposing to conditionally approve for reasons explained above and as described in Section IV.B.4.b.ii. of this NPRM.

1. CEMS MRR Requirements

In the July 27, 2016, SIP revision, new Section IV establishes CEMS requirements for certain new affected boilers in paragraph IV(A)(1) and turbines in paragraph IV(C)(1). Subject boilers not required to use CEMS are required to comply with certain periodic monitoring and/or source testing requirements in paragraph IV(A)(2), and subject turbines not required to use CEMS are required to comply with certain parametric monitoring requirements in paragraph IV(C)(2) applicable to certain turbines, depending on source characteristics, *e.g.,* NO_X control technology, and periodic monitoring and/or source testing requirements in paragraph IV(C)(3).

With respect to CEMS requirements applicable to subject boilers and turbines, subparagraphs IV(A)(1)(a) and IV(C)(1)(a) require the owner or operator of a boiler rated 200 MMBtu/hr or greater permitted for solid fuel or a subject turbine, respectively, to ''install, calibrate, maintain, and operate CEMS'' to measure NO_X and O_2 or CO_2 emissions and record the system output, ''[e]xcept as allowed by the Department.'' Subparagraphs IV(A)(1)(b) and IV(C)(1)(b) require the CEMS to be operated and data recorded ''during all periods of operation of the affected source,'' except during ''CEMS breakdowns and repairs,'' and data to also be recorded during ''calibration checks and zero and span adjustments.'' Subparagraphs IV(A)(1)(c) and IV(C)(1)(c) require that CEMS be ''installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61–62.60 or 61–62.72,'' the State's designated facility plan and NSPS or acid rain regulations, respectively, ''or as approved by the Department.''

For the new affected boilers and turbines subject to CEMS requirements, excess emissions-related requirements are stipulated under subparagraphs IV(A)(1)(d) and IV(C)(1)(d). In subparagraphs (A)(1)(d) and (C)(1)(d), prefatory language states that ''[e]xcess emissions and monitoring systems performance reports shall be submitted semiannually'' and postmarked by the 30th day following the end of each six-month period.[63] The prefatory language in those subparagraphs requires written excess emissions reports to include the information contained in subparagraphs IV(A)(1)(d)(i)–(iv) and (C)(1)(d)(i)–(iv),[64] *e.g.,* the magnitude of excess emissions and the nature and cause of any malfunction, if known, etc. However, subsequent relevant changes to paragraph IV(A)(1) in the February 4, 2022, SIP revision, nullify a requirement for boilers required to use CEMS to specifically identify in their written excess emissions reports periods of excess emissions that occur during startup and shutdown. In the February 4, 2022, SIP revision, changes to the requirement for subject boilers to identify each period of excess emissions during startups, shutdowns, and malfunctions require subject boilers to identify each period of excess emissions during malfunctions. Therefore, with respect to the CEMS-related requirements for subject boilers in the July 27, 2016, SIP revision, the EPA is only evaluating the requirement to identify and report semiannually excess emissions during malfunctions. The February 4, 2022, SIP revision does not alter the requirement for turbines required to use CEMS to specifically identify each period of excess emissions during startups, shutdowns, and malfunctions. Subparagraph (A)(1)(d)(i) still requires that semiannual reports include ''the date and time of commencement and completion of each time period of excess emissions, and the process operating time during the reporting period'' as well as the magnitude of excess emissions. Thus, all periods of excess emissions must be reported for boilers.

The language in subparagraphs IV(A)(1)(a) and IV(C)(1)(a), *i.e.,* ''[e]xcept as allowed by the Department,'' and subparagraphs IV(A)(1)(c) and IV(C)(1)(c), *i.e.,* ''or as approved by the Department,'' provides the State with unbounded discretion to grant exceptions from CEMS MRR requirements. The discretionary language would allow the State to exempt from the requirements to install, calibrate, maintain, and operate CEMS as specified any boiler or turbine subject to new CEMS requirements under Standard No. 5.2. Any sources exempt from the requirements to install, calibrate, maintain, and operate CEMS

[63] In the February 4, 2022, SIP revision, the State renumbers subparagraphs (A)(1)(d)(i) and (C)(1)(d)(i) to prefatory paragraphs (A)(1)(d) and (C)(1)(d), respectively.

[64] In the February 4, 2022, SIP revision, the State renumbers subparagraphs IV(A)(1)(d)(i)(A)–(D) and (C)(1)(d)(i)(A)–(D) to subparagraphs IV(A)(1)(d)(i)–(iv) and IV(C)(1)(d)(i)–(iv), respectively.

under subparagraphs IV(A)(1)(a) and IV(C)(1)(a) would also be exempted from the requirement to submit excess emissions and monitoring systems performance reports semiannually. Although the July 27, 2016, SIP revision adds CEMS MRR requirements for certain subject boilers and turbines, *i.e.,* adds requirements that are SIP-strengthening, the EPA has concerns with the practicable enforceability of the CEMS-related requirements in these paragraphs under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques,'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level and for which the EPA cannot evaluate in advance whether these changes would violate the noninterference requirements of that section.

As explained above, CAA section 110(k)(4) authorizes the EPA to conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. On May 13, 2026, South Carolina submitted a supplemental letter to the Standard No. 5.2 SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2 and committing to ''specific enforceable changes'' in ''a good faith effort to resolve anticipated concerns with discretionary language.''

In the February 4, 2022, SIP revision, the changes to paragraph IV(A)(1) are affected by relevant substantive and administrative changes to subsection IV(A), and the changes to paragraph IV(C)(1) are affected by relevant administrative changes to subsection IV(C), which the EPA is proposing to conditionally approve for reasons explained above and described in Section IV.B.4.b.i. of this NPRM.

2. Parametric Monitoring Requirements

In the July 27, 2016, SIP revision, under new Section IV, paragraph IV(C)(2) requires parametric monitoring for subject turbines not required to use CEMS, depending on source characteristics, *e.g.,* NO_X control technology. Parametric monitoring or a continuous parametric monitoring system measures one or more parameters that are a key indicator of system performance. The parameter(s) measured are generally operational parameters of the process or air pollution control device, *e.g.,* temperature, pressure, or flow rate, which are known to affect process emissions levels or the control efficiency of the air pollution control device. Under paragraph IV(C)(2), subparagraph IV(C)(2)(a) requires a source owner or operator ''using water or steam injection to control NO_X'' to ''install, calibrate, maintain, and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.'' Subparagraph IV(C)(2)(b) requires a source owner or operator ''using a diffusion flame turbine without add-on selective catalytic reduction controls (SCR) to control NO_X'' to ''define at least four parameters indicative of the unit's NO_X formation characteristics'' and monitor those parameters continuously. Subparagraph IV(C)(2)(c) requires the owner or operator of ''any lean premix stationary combustion turbine'' to ''continuously monitor the appropriate parameters to determine whether the unit is operating in low-NO_X mode.'' Subparagraph IV(C)(2)(d) requires the source owner or operator of ''any turbine that uses SCR to reduce NO_X'' to ''continuously monitor appropriate parameters to verify the proper operation of the emission controls.''

In the July 27, 2016, SIP revision, new paragraph IV(C)(2) adds monitoring and record keeping requirements applicable to subject turbines not required to use CEMS to verify and demonstrate compliance with the NO_X emission limits and/or control requirements in Standard No. 5.2. Therefore, the EPA is proposing to approve the added parametric monitoring requirements applicable to certain turbines in paragraph IV(C)(2) in the July 27, 2016, SIP revision.

3. Manufacturer's Certification Requirements

In the July 27, 2016, SIP revision, paragraph IV(B)(1) requires subject internal combustion engines that comply with manufacturer's certification requirements in lieu of periodic monitoring and/or source testing requirements to operate and maintain the internal combustion engine and control device ''according to the manufacturer's emission-related written instructions'' and to change only emission-related settings ''that are permitted by the manufacturer.'' In the July 27, 2016, SIP revision, new paragraph IV(B)(1) adds alternative compliance requirements, in lieu of monitoring and record keeping requirements, applicable to subject internal combustion engines not subject to source testing. Therefore, the EPA is proposing to approve the added manufacturer's certification requirements applicable to certain internal combustion engines in paragraph IV(B)(1) in the July 27, 2016, SIP revision.

4. Periodic Monitoring and/or Source Testing Requirements

In the July 27, 2016, SIP revision, new Section IV establishes periodic monitoring and/or source testing requirements for certain new affected boilers, internal combustion engines, turbines, and all other affected source types. Under paragraph IV(A)(2), subparagraph IV(A)(2)(a) provides that, unless required to operate CEMS, testing requirements apply to boilers rated 30 MMBtu/hr or greater permitted for solid fuels and boilers rated greater than 100 MMBtu/hr permitted for any other fuels.[65] Under paragraph IV(C)(3), subparagraph IV(C)(3)(a) provides that testing requirements only apply to subject turbines not required to operate CEMS. Paragraphs IV(B)(2) and IV(D)(2) prescribe periodic monitoring and/or source testing requirements for internal combustion engines and all other affected source types, respectively. Paragraph IV(B)(2) applies to internal combustion engines, unless such engines comply with manufacturer's certification requirements in paragraph IV(B)(1) to operate and maintain the internal combustion engine and control device according to the manufacturer's emission-related written instructions and to change only emission-related settings as permitted by the manufacturer. Paragraph IV(D)(2) requires periodic monitoring and/or source testing for all other subject affected source types. Subparagraphs IV(A)(2)(b), IV(B)(2)(a), IV(C)(3)(c), and IV(D)(2)(a), applicable to subject new affected boilers, internal combustion engines, turbines, and all other subject new affected sources, respectively, require an initial source test for NO_X emissions to be conducted within 180

[65] In the September 5, 2017, SIP revision, subparagraph IV(A)(2)(a) is shown to require non-CEMS boilers rated 30 MMBtu/hr ''or greater *or* permitted for solid fuels'' (emphasis added) to comply with testing requirements and appears to remove the second instance of the word ''or'' preceding ''permitted for solid fuels.'' However, the second ''or'' was not originally included in subparagraph IV(A)(2)(a) in the July 27, 2016, SIP revision; therefore, no action is required. Furthermore, in the February 4, 2022, SIP revision, the State explains that the second ''or'' in subparagraph IV(A)(2)(a) ''was a preexisting error . . . identified and removed'' in the State's 2016 ''End of Year Revisions'' that was inadvertently included in subsequent amendments and then corrected (the 2022 SIP revision is a resubmittal of the April 24, 2020, state-effective version of Standard No. 5.2 reflecting that correction).

days after startup, ''[e]xcept as allowed by the Department.'' Subparagraphs IV(A)(2)(c), IV(B)(2)(b), IV(C)(3)(d), and IV(D)(2)(b) require that, for the previously listed sources, periodic source tests for NO_X be conducted every 24 months, ''or as determined by the Department on a case by case basis in the permit condition for the affected source,'' and state that source tests ''will be used to show compliance with the NO_X standard.'' Subparagraphs IV(A)(2)(d), IV(B)(2)(d), IV(C)(3)(e), and IV(D)(2)(c) state that ''[t]he Department reserves the right to require periodic source testing for any affected sources'' and that all source testing must be conducted in accordance with the State's source testing requirements in Regulation 61–62.1, Section IV.

In the July 27, 2016, SIP revision, for subject internal combustion engines opting to comply with periodic monitoring and/or source testing requirements in lieu of manufacturer's certification requirements, additional unique periodic monitoring and/or source testing requirements apply. Subparagraph IV(B)(2)(c) requires that an engine owner or operator ''operate the affected source(s) within the parameter(s) established during the most recent compliant source tests.'' The provision also requires that a copy of the most recent Department-issued ''source test summary letter(s) that established the parameter(s)'' be maintained with a ''required permit.''

Similarly, in the July 27, 2016, SIP revision, for subject turbines required to comply with periodic monitoring and/or source testing requirements in lieu of operating CEMS, additional unique periodic monitoring and/or source testing requirements apply. Subparagraph IV(C)(3)(b) requires that the ''steam or water to fuel ratio or other parameters that are continuously monitored as described'' in the section be monitored during the performance test ''to establish acceptable values and ranges.'' The provision allows a source owner or operator to supplement performance test data ''with engineering analyses, design specifications, manufacturer's recommendations, and other relevant information to define the acceptable parametric ranges more precisely.'' Subparagraph IV(C)(3)(b) also requires a source owner or operator to ''develop and keep on-site a parameter monitoring plan which explains the procedures used to document proper operation of the NO_X emission controls'' which includes ''the parameter(s) monitored and the acceptable range(s) of the parameter(s) as well as the basis for designating the parameter(s) and acceptable range(s)'' and ''[a]ny supplemental data such as engineering analyses, design specifications, manufacturer's recommendations, and other relevant information.''

The EPA is proposing to approve portions and conditionally approve portions of the added periodic monitoring and/or source testing requirements applicable to subject boilers, internal combustion engines, turbines, and all other new affected sources, as described individually below. The EPA is proposing to approve portions of the added periodic monitoring and/or source testing requirements applicable to subject internal combustion engines, turbines, and all other new affected sources that do not contain the discretionary language described above Specifically, the EPA is proposing to approve the paragraph IV(A)(2) title (''Periodic Monitoring and/or Source Test''); subparagraph IV(A)(2)(d); the paragraph IV(B)(2) title; subparagraphs IV(B)(2)(c) and (d); the paragraph IV(C)(3) title; subparagraphs IV(C)(3)(a), (b), and (e); the paragraph IV(D)(2) title; and subparagraph IV(D)(2)(c) in the July 27, 2016, SIP Revision. Subparagraph IV(B)(2)(c) specifies that subject internal combustion engines must operate within parameter(s) established during most recent compliant source tests and that a State-issued source test summary letter(s) establishing such parameters must be maintained with the required permit; subparagraph IV(C)(3)(a) states that testing requirements apply to subject turbines not required to operate CEMS; subparagraph IV(C)(3)(b) specifies parametric monitoring requirements during performance testing and parameter monitoring plan requirements for subject turbines; and subparagraphs IV(A)(2)(d), IV(B)(2)(d), IV(C)(3)(e), and IV(D)(2)(c) state that the State ''reserves the right to require'' periodic source testing ''for any affected sources'' and that all source testing must be conducted in accordance with the State's source testing requirements. These provisions add to Standard No. 5.2 periodic monitoring and/or source testing and related requirements relevant to subject internal combustion engines, turbines, and other affected sources for the purposes of demonstrating compliance with the NO_X emission limits and/or control requirements in Standard No. 5.2.

As previously described, subparagraphs IV(A)(2)(b), IV(B)(2)(a), IV(C)(3)(c), and IV(D)(2)(a) require subject boilers, internal combustion engines, turbines, and other affected sources to conduct initial source tests for NO_X emissions within 180 days of startup, and subparagraphs IV(A)(2)(c), IV(B)(2)(b), IV(C)(3)(d), and IV(D)(2)(b) require the previously listed sources to conduct periodic source tests every 24 months to show compliance with NO_X standards applicable to subject sources in Standard No. 5.2. Although these requirements are SIP-strengthening, the EPA has concerns with the practicable enforceability of these provisions under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques,'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level and for which the EPA cannot evaluate in advance whether these changes would violate the noninterference requirements of that section.

I. Aspects of Source Testing Provisions Proposed for Conditional Approval

As explained previously, CAA section 110(k)(4) authorizes the EPA to conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. On May 13, 2026, South Carolina submitted a supplemental letter to the Standard No. 5.2 SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2 and committing to ''specific enforceable changes'' in ''a good faith effort to resolve anticipated concerns with discretionary language.''

In this NPRM, the EPA is proposing to conditionally approve subparagraph IV(A)(2)(a), which requires certain boilers not subject to CEMS to comply with testing requirements in that paragraph,[66] and subparagraphs IV(A)(2)(b) and (c); IV(B)(2)(a) and (b); IV(C)(3)(c) and (d); and IV(D)(2)(a) and (b), which set source testing requirements for certain subject sources and provide that the State may exercise discretion as to whether, or when, source testing is required, submitted in the State's SIP revisions through February 4, 2022,[67] based on the State's

[66] Although SC DES submitted corrective changes to subparagraphs IV(A)(2)(b) and (c), those subparagraphs are integral to, and not severable from, subparagraph IV(A)(2)(a). With the corrective changes to subparagraphs IV(A)(2)(b) and (c), the State also anticipates renumbering those subparagraphs to IV(A)(2)(a)(i) and (ii), under subparagraph IV(A)(2)(a).

[67] As previously noted in this NPRM, in the February 4, 2022, SIP revision, changes to Standard No. 5.2 include non-substantive administrative and clarifying edits, including, in part, adjusting

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commitment in its May 13, 2026, letter, under CAA section 110(k)(4), to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's final action on South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed. Additionally, the State's supplemental materials include a CAA section 110(l) demonstration to support these anticipated corrections that the State intends to submit in a final corrective SIP revision to address the provisions currently before the EPA, for which the State requests conditional approval.

Specifically, consistent with South Carolina's May 13, 2026, request, the EPA is proposing to conditionally approve the following text into the SIP under subparagraph IV(A)(2)(a).

(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

Additionally, the EPA is proposing to conditionally approve the following text into the SIP under subparagraph IV(A)(2)(b).

(b) Except as allowed by the Department, an initial source test for NO_X emissions shall be conducted within one hundred and eighty (180) days after startup.

The EPA is also proposing to conditionally approve the following text into the SIP under subparagraphs IV(B)(2)(a) and IV(D)(2)(a).

(a) Except as allowed by the Department, an initial source test for NO_X shall be conducted within one hundred eighty (180) days after startup.

Furthermore, the EPA is also proposing to conditionally approve the following text into the SIP under subparagraph IV(C)(3)(c).

(c) Except as allowed by the Department, an initial source test for NO_X emissions shall be conducted within one hundred eighty (180) days after startup.

Finally, the EPA is proposing to conditionally approve the following text into the SIP under subparagraphs IV(A)(2)(c), IV(B)(2)(b), IV(C)(3)(d), and IV(D)(2)(b).

Periodic source tests for NO_X shall be conducted every twenty-four (24) months,[68] or as determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NO_X standard.

As noted previously, although the incorporation of these provisions adds source testing requirements for sources subject to the NO_X control regulation, *i.e.,* adds requirements that are SIP-strengthening, the EPA has concerns regarding the practicable enforceability of these requirements under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques,'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level and for which the EPA cannot evaluate in advance whether these changes would violate the noninterference requirements of that section.

II. South Carolina's May 13, 2026, Conditional Approval Request

As noted above, on May 13, 2026, SC DES submitted a supplemental letter to the SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2. Specifically, the State requested conditional approval of subparagraphs IV(A)(2)(b) and (c); IV(B)(2)(a) and (b); IV(C)(3)(c) and (d); and IV(D)(2)(a) and (b) and committed to ''making specific enforceable changes to regulatory text in Standard No. 5.2'' that include ''establishment of specific terms to govern,'' in part, ''periodic source testing'' and ''removal of various discretionary provisions,'' which the State frames as changes that ''are clarifying and SIP-strengthening in nature.''

With the May 13, 2026, letter, South Carolina included draft regulatory changes to subparagraphs IV(A)(2)(b) and (c); IV(B)(2)(a) and (b); IV(C)(3)(c) and (d); and IV(D)(2)(a) and (b) that it committed to submit in a corrective SIP revision. Specifically, SC DES commits to removing the discretionary phrase ''[e]xcept as allowed by the Department'' from the requirements pertaining to initial source tests in subparagraphs IV(A)(2)(b), IV(B)(2)(a), IV(C)(3)(c), and IV(D)(2)(a). At the same time, the State commits to revise its initial source test requirements to add clarifying language requiring an initial source test to be conducted within 180 ''*operating* days after startup,'' *i.e.,* to indicate the 180-day timeframe refers to *operating* days (emphasis added). The State also commits to revising the discretionary language in the requirements pertaining to periodic source tests in subparagraphs IV(A)(2)(c), IV(B)(2)(b), IV(C)(3)(d), and IV(D)(2)(b) by removing the phrase ''in the permit condition''–which provides that periodic source tests must be conducted every 24 months or on a case-by-case basis at the State's discretion as established in a permit condition—and replacing it with ''not to exceed sixty (60) months,'' *i.e.,* with a sixty-month upper bound, providing that periodic source tests for NO_X emissions must be conducted every 24 months or on a case-by-case basis at the State's discretion ''not to exceed'' 60 months. With the changes to subparagraphs IV(A)(2)(b) and (c), the State also anticipates renumbering those subparagraphs to subparagraphs IV(A)(2)(a)(i) and (ii) under subparagraph IV(A)(2)(a), which requires certain boilers not subject to CEMS to comply with testing requirements in that paragraph, and renumbering subparagraph IV(A)(2)(d) to IV(A)(2)(b). As noted above, the EPA is also proposing to conditionally approve subparagraph IV(A)(2)(a), because it is not severable from subparagraphs IV(A)(2)(b) and (c).

If South Carolina fulfills its commitment in line with the May 13, 2026, commitment letter and supplement and the EPA approves the corrective SIP revision, subparagraphs IV(A)(2)(b), IV(B)(2)(a), IV(C)(3)(c), and IV(D)(2)(a) would no longer function to allow the State to modify the requirements to conduct initial source tests for NO_X, and subparagraphs IV(A)(2)(c), IV(B)(2)(b), IV(C)(3)(d), and IV(D)(2)(b) would no longer allow the State to modify the requirements to conduct periodic source tests for NO_X without any upper bound. Instead, initial source tests would be required within 180 operating days of startup, and periodic source tests would be required every 24 months, subject to the State's discretion, on a case-by-case basis not exceeding a 60-month upper bound. If the State fails to meet its commitment within one year of the final conditional approval, should the EPA finalize this partial conditional approval as proposed, the conditional approval of the source testing provisions in subparagraphs IV(A)(2)(a), (b), and (c); IV(B)(2)(a) and (b); IV(C)(3)(c) and (d); and IV(D)(2)(a) and (b), as submitted in the State's SIP revisions through February 4, 2022, will be treated as a disapproval.

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punctuation and correcting typographical errors, including typographical rule reference, language, and punctuation errors.

[68] The February 4, 2022, SIP revision adds a comma to subparagraph IV(C)(3)(d) following ''every twenty-four (24) months.''

III. The State's CAA Section 110(l) Demonstration

With its May 13, 2026, letter and supplement, SC DES submitted a CAA section 110(l) demonstration in support of its corrections to the Standard No. 5.2 provisions requested for partial conditional approval. South Carolina's CAA section 110(l) demonstration asserts that the specific enforceable changes to which the State has committed and which form the basis for the EPA's proposed conditional approval in this NPRM ''will not interfere with South Carolina's continued, longstanding attainment of the [NAAQS]'' but instead ''strengthen the SIP.'' Further, the State notes that it ''does not expect any emission increases as a result of the changes,'' and that, ''to the contrary,'' its corrections to the provisions requested for partial conditional approval ''will enhance transparency'' and the State's ability to evaluate compliance with Standard No. 5.2.

The State's CAA section 110(l) demonstration asserts that its anticipated corrections remove ''open-ended discretionary language'' from its MRR and testing requirements in changes that ''bound or entirely remove Department discretion'' and add, for its source testing and monitoring requirements, ''increased clarity and specificity,'' and, as such, strengthen the SIP and ensure practicable enforceability.[69] With respect to subparagraphs IV(A)(2)(b) and (c), IV(B)(2)(a) and (b), IV(C)(3)(c) and (d), and IV(D)(2)(a) and (b), in South Carolina's CAA section 110(l) demonstration, the State explains that it is ''bounding the timeframes for initial and periodic source testing, and, therefore, strengthening the SIP.'' Finally, regarding the changes before the EPA for conditional approval, in the May 13, 2026, letter, the State clarifies that it ''has not previously implemented'' its discretion and commits not to do so ''while the regulatory revisions are pending.''

IV. Summary of the EPA's Proposed Partial Conditional Approval for Source Testing Provisions

The EPA finds that the added provisions requiring initial and periodic source testing for subject sources to demonstrate compliance with the NO_X emission limits and/or control requirements in Standard No. 5.2 are SIP-strengthening and, based on the State's May 13, 2026, commitment and supplement, the EPA is proposing to conditionally approve Standard No. 5.2, subparagraphs IV(A)(2)(a), (b), and (c), IV(B)(2)(a) and (b), IV(C)(3)(c) and (d), and IV(D)(2)(a) and (b), submitted through the February 4, 2022, SIP revision, contingent on the State's commitment under CAA section 110(k)(4) to adopt and submit corrective SIP revisions to those provisions no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed.

ii. Tune-Up Requirements

In the July 27, 2016, SIP revision, new Section IV establishes tune-up requirements for new affected sources subject to Standard No. 5.2, including those sources subject to NO_X monitoring requirements in 40 CFR part 60, except for affected boilers and internal combustion engines subject to 40 CFR part 63. In prefatory text, paragraphs IV(A)(4) and IV(B)(3) provide that, if the owner or operator of a boiler or internal combustion engine is required to comply with Federal tune-up requirements in 40 CFR part 63, compliance with the Federal requirements constitutes compliance with the tune-up requirements in those paragraphs. Paragraphs IV(A)(4)(a), IV(B)(3)(a), IV(C)(4)(a), and IV(D)(1)(a), which apply to subject boilers and internal combustion engines and turbines and all other affected source types, respectively, require a source owner or operator to perform tune-ups every 24 months in accordance with manufacturer's specifications or with good engineering practices. Paragraphs IV(A)(4)(b), IV(B)(3)(b), IV(C)(4)(b), and IV(D)(1)(b) require all tune-up records to be maintained on-site and available for inspection by SC DES for five years ''from the date generated.'' Paragraphs IV(A)(4)(c), IV(B)(3)(c), IV(C)(4)(c), and IV(D)(1)(c) require a source owner or operator to develop and retain a tune-up plan on file. These tune-up requirements, applicable to new affected sources with the exceptions of new affected boilers and internal combustion engines subject to tune-up requirements in 40 CFR part 63, are consistent with tune-up requirements in the current SIP.

Section VI, in the current SIP sets forth tune-up requirements applicable to sources subject to Standard No. 5.2 and requires the following: (1) combustion source owners or operators are required to perform tune-ups every two years in accordance with manufacturer's specifications or good engineering practices; all tune-up records must be maintained on-site and available for inspection by the State for a period of five years; and the facility must develop and retain a tune-up plan on file. For more information and a description of changes to those requirements in the State's SIP revisions submitted through February 4, 2022, *see* Section IV.B.7. of this NPRM. To the extent that certain new affected boilers and internal combustion engines are required to comply with Federal tune-up requirements in 40 CFR part 63 instead of the tune-up requirements under Section IV, the EPA believes that applicable NESHAP tune-up requirements in 40 CFR part 63 are comparable, *e.g.,* tune-up requirements for industrial, commercial, and institutional area source boilers at 40 CFR 63.11223(b). The EPA is proposing to approve the added tune-up and related record keeping requirements for new affected subject boilers and internal combustion engines and turbines and all other affected source types in paragraphs IV(A)(4), IV(B)(3), IV(C)(4), and IV(D)(1) in the July 27, 2016, SIP revision because these provisions establish tune-up requirements applicable to new affected sources, consistent with or comparable to the tune-up requirements for such sources in the existing SIP.

iii. Other MRR Requirements

In the July 27, 2016, SIP revision, new Section IV establishes fuel certification requirements in paragraphs IV(A)(3), IV(B)(4), IV(C)(5), and IV(D)(3) for new affected sources subject to Standard No. 5.2, including sources subject to NO_X monitoring requirements in 40 CFR part 60. These paragraphs require owners or operators of new affected boilers, internal combustion engines, turbines, and other affected sources to record the amounts and types of each fuel combusted by the affected sources and maintain monthly records of such on site. The EPA is proposing to approve the added fuel certification requirements for the previously listed sources in paragraphs IV(A)(3), IV(B)(4), IV(C)(5), and IV(D)(3) in the July 27, 2016, SIP revision because they add to the regulation certain fuel-related record keeping requirements applicable to subject sources.

In the July 27, 2016, SIP revision, under new Section IV, paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) contain other record keeping requirements for subject boilers, internal combustion engines, and turbines, respectively. These provisions require owners or operators of new affected sources not subject to 40 CFR part 60 to maintain records documenting the occurrence and duration of any startup, shutdown,

[69] The State clarifies the Standard No. 5.2, in the current SIP, does not specify monitoring requirements.

or malfunction in the operation of an affected source; any air pollution control equipment malfunction; and/or any periods during which a continuous monitoring system or monitoring device is inoperative.

However, changes to paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) in the February 4, 2022, SIP revision nullify the requirements for such sources to maintain records documenting the occurrence and duration of any startup or shutdown in affected source operation. Therefore, the EPA is only evaluating the added requirements to document malfunction occurrences and durations during affected source operation, as well as any air pollution control equipment malfunction, and/or any periods during which a continuous monitoring system or monitoring device is inoperative. The EPA discusses its proposed action with respect to the relevant changes to paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) in the February 4, 2022, SIP revision below, in Section IV.B.4.b.iv. of this NPRM.

b. February 4, 2022, SIP Revision

i. CEMS MRR Requirements

As previously described, the July 27, 2016, SIP revision adds CEMS MRR requirements at subparagraphs IV(A)(1) and IV(C)(1) for certain subject boilers and turbines. In the February 4, 2022, SIP revision, a change to Section IV under paragraph IV(A)(1), as added in the July 27, 2016, SIP revision, revises CEMS MRR requirements for certain boilers not subject to 40 CFR part 60. Specifically, in the February 4, 2022, SIP revision, a change to subparagraph IV(A)(1)(d)(ii) revises excess emissions reporting requirements, which, in the July 27, 2016, SIP submittal, require written reports of excess emissions to specifically identify each period of excess emissions during affected source startup, shutdown, and malfunction to require such reports to only identify each period of excess emissions during malfunctions. Taken together, the net changes to subparagraph IV(A)(1)(d)(ii) in the July 27, 2016, and February 4, 2022, SIP revisions would require owners or operators of certain boilers subject to CEMS requirements in the regulation to submit to the State written excess emissions reports identifying, in part, each period of excess emissions during affected source malfunction (as opposed to the requirement for turbines required to use CEMS to specifically identify each period of excess emissions during startups, shutdowns, and malfunctions). Overall, these provisions add to Standard No. 5.2, CEMS MRR requirements applicable to certain boilers and turbines subject to NO_X emission limits and/or control requirements in the regulation.

As previously described, paragraphs IV(A)(1) and IV(C)(1) require subject boilers and turbines to install, calibrate, maintain, and operate CEMS to measure NO_X and O_2 or CO_2 emissions and to undertake related record keeping and reporting. Although these requirements are SIP-strengthening, the EPA has concerns with the practicable enforceability of these provisions under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques,'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level and for which the EPA cannot evaluate in advance whether these changes would violate the noninterference requirements of that section.

1. Paragraphs IV(A)(1) and IV(C)(1) Proposed for Conditional Approval

In this NPRM, the EPA is proposing to conditionally approve paragraphs IV(A)(1) and IV(C)(1) submitted in the State's SIP revisions through February 4, 2022,[70] [71] which set CEMS MRR requirements for certain subject boilers and turbines and provide that the State may exercise discretion to modify the requirements to install, calibrate, maintain, and operate CEMS. The EPA is proposing to conditionally approve these paragraphs based, in part, on the State's commitment in its May 13, 2026, letter, under CAA section 110(k)(4), to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's conditional approval of South Carolina's submissions should the EPA finalize this partial conditional approval as proposed. Additionally, the State's supplemental materials include a CAA section 110(l) demonstration to support these anticipated corrections that the State intends to submit in a final corrective SIP revision to address the provisions currently before the EPA, for which the State requests conditional approval.

Specifically, consistent with South Carolina's May 13, 2026, request, the EPA is proposing to conditionally approve the following text into the SIP under paragraph IV(A)(1).

(1) CEMS

(a) Except as allowed by the Department, the owner or operator of a boiler rated two hundred (200) MMBtu/hr or greater permitted for solid fuel, shall install, calibrate, maintain, and operate CEMS for measuring NO_X, and Oxygen (O_2) or Carbon Dioxide (CO_2) emissions discharged to the atmosphere, and shall record the output of the system.

(b) The CEMS required under this section shall be operated and data recorded during all periods of operation of the affected source except for CEMS breakdowns and repairs. Data is to be recorded during calibration checks and zero and span adjustments.

(c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61–62.60 or 61–62.72, or as approved by the Department.

(d) Excess Emissions

Excess emissions and monitoring systems performance reports shall be submitted semiannually. All reports shall be postmarked by the thirtieth (30th) day following the end of each six (6) month period. Written reports of excess emissions shall include the following information:

(i) The magnitude of excess emissions, any conversion factor(s) used, the date and time of commencement and completion of each time period of excess emissions, the process operating time during the reporting period.

(ii) Specific identification of each period of excess emissions that occurs during malfunctions of the affected source. The nature and cause of any malfunction (if known), the corrective action taken, or preventative measures adopted.

(iii) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(iv) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the reports.

Additionally, the EPA is proposing to conditionally approve the following text into the SIP under paragraph IV(C)(1).

[70] As previously noted in this NPRM, in the February 4, 2022, SIP revision, changes to Standard No. 5.2 include non-substantive administrative and clarifying edits, including, in part, restructuring edits.

[71] Although SC DES submitted corrective changes to subparagraphs IV(A)(1)(a) and (c) and IV(C)(1)(a) and (c), rather than paragraphs IV(A)(1) and IV(C)(1) in their entireties, subparagraphs IV(A)(1)(a) and (c) and IV(C)(1)(a) and (c) are integral to, and not severable from, paragraphs IV(A)(1) and IV(C)(1). Therefore, the EPA is proposing to conditionally approve paragraphs IV(A)(1) and IV(C)(1) in their entireties.

(1) CEMS

(a) Except as allowed by the Department, the owner or operator shall install, calibrate, maintain, and operate CEMS on the turbine for measuring NO_X, and Oxygen (O_2) or Carbon Dioxide (CO_2) emissions discharged to the atmosphere, and shall record the output of the system.

(b) The CEMS required under this section shall be operated and data recorded during all periods of operation of the affected source except for CEMS breakdowns and repairs. Data is to be recorded during calibration checks and zero and span adjustments.

(c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61–62.60 or 61–62.72, or as approved by the Department.

(d) Excess Emissions

Excess emissions and monitoring systems performance reports shall be submitted semiannually. All reports shall be postmarked by the thirtieth (30th) day following the end of each six (6) month period. Written reports of excess emissions shall include the following information:

(i) The magnitude of excess emissions, any conversion factor(s) used, the date and time of commencement and completion of each time period of excess emissions, and the process operating time during the reporting period.

(ii) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected source. The nature and cause of any malfunction (if known), the corrective action taken, or preventative measures adopted.

(iii) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(iv) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the reports.

The EPA has concerns with the practicable enforceability of these provisions under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level, and for which the EPA cannot evaluate in advance whether these changes would violate the noninterference requirements of that section.

2. South Carolina's May 13, 2026, Conditional Approval Request

As noted above, on May 13, 2026, SC DES submitted a supplemental letter to the SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2. Specifically, the State requested conditional approval of subparagraphs IV(A)(1)(a) and (c) and IV(C)(1)(a) and (c) and committed to ''making specific enforceable changes to regulatory text in Standard No. 5.2'' that include ''establishment of specific terms to govern,'' in part, ''specific alternative monitoring provisions'' ''and removal of various discretionary provisions,'' which the State frames as changes that ''are clarifying and SIP-strengthening in nature.''

With the May 13, 2026, letter, South Carolina submitted anticipated corrective revisions to subparagraphs IV(A)(1)(a) and (c) and IV(C)(1)(a) and (c). Specifically, SC DES commits to removing the discretionary phrase ''[e]xcept as allowed by the Department'' from the requirements applicable to certain subject boilers and turbines to install, calibrate, maintain, and operate CEMS in subparagraphs IV(A)(1)(a) and IV(C)(1)(a). At the same time, the State commits to revise those requirements for subject boilers at subparagraph IV(A)(1)(a) to add language providing that, on request, in lieu of CEMS, the State may require Predictive Emissions Monitoring System (PEMS), if a source demonstrates that its use is warranted based on site-specific circumstances. Additionally, the State commits to removing the discretionary phrase ''or as approved by the Department'' from the requirements to install, calibrate, maintain, and operate CEMS in accordance with approved methods in Regulation 61–62.60 or 61–62.72 in subparagraphs IV(A)(1)(c) and IV(C)(1)(c). At the same time, the State commits to revise those requirements for subject boilers at subparagraph IV(A)(1)(c) to add language providing that sources using PEMS must install, calibrate, maintain, and operate PEMS in accordance with approved methods in Regulation 61–62.60, the State's regulation incorporating by reference designated facility plan and NSPS regulations.

If South Carolina fulfills its commitment in line with the May 13, 2026, commitment letter and supplement and the EPA approves the corrective SIP revision, subparagraphs IV(A)(1)(a) and (c) and IV(C)(1)(a) and (c) would no longer function to allow the State to modify the requirements to install, calibrate, maintain, and operate CEMS for certain subject boilers and turbines. Instead, subject boilers would be required to use CEMS, unless a source demonstrates that the use of PEMS, in lieu of CEMS, is warranted, based on site-specific circumstances, and subject boilers would be required to install, calibrate, maintain, and operate such CEMS or PEMS in accordance with State-approved methods in Regulation 61–62.60 or 61.62.72, as applicable. Similarly, subject turbines not using parametric monitoring would be required to use CEMS and to install, calibrate, maintain, and operate such CEMS in accordance with State-approved methods in Regulation 61–62.60 or 61.62.72.

The changes to which the State has committed would allow subject boilers to elect to use CEMS or PEMS, *i.e.,* parametric monitoring. As previously described, parametric monitoring or a continuous parametric monitoring system measures one or more parameters that are a key indicator of system performance, *i.e.,* generally operational parameters of the process or air pollution control device which are known to affect process emissions levels or the control efficiency of the air pollution control device. The use of PEMS provides for monitoring of key emissions-related parameters that can be correlated with emissions, rather than direct measurement of pollutant emissions. The use of parametric monitoring can provide more flexible and less expensive options than CEMS for demonstrating compliance of regulated sources, while providing reasonable assurance of compliance.[72] CEMS and PEMS are each designed to assess continuous compliance, and possible considerations a source could factor into account when requesting PEMS in lieu of CEMS include cost and space. Additionally, allowing facilities with subject boilers to possibly monitor compliance with CEMS or PEMS requirements is consistent with the requirements in Standard No. 5.2 for subject turbines, which, if not required to use CEMS, are required to use parametric monitoring. This committed change would bound the exercise of discretion by the State such that any subject boiler will have continuous

[72] Musatti, Daniel C., et al. ''4.3: Parametric Monitoring.'' *EPA Air Pollution Control Cost Manual.* EPA/452/B–02–001, 2000. Available via: *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution.*

monitoring requirements, either via CEMS or PEMS.

If the State fails to meet its commitment within one year of the final conditional approval, should the EPA finalize this partial conditional approval as proposed, the conditional approval of the CEMS MRR provisions in paragraphs IV(A)(1) and IV(C)(1), as submitted in the State's SIP revisions through February 4, 2022, will be treated as a disapproval.

3. The State's CAA Section 110(l) Demonstration

For a description of the State's May 13, 2026, letter and CAA section 110(l) demonstration as it supports the specific enforceable changes to which the State has committed overall, *see* Section III.B.4.a.i.4.III. in this NPRM. With respect to subparagraphs IV(A)(1)(a) and IV(A)(1)(c), in South Carolina's CAA section 110(l) demonstration, the State explains that the changes to subparagraph IV(A)(1)(a) ''remove discretionary language'' to clarify that the subject boilers ''may request a specific alternative'' to CEMS, rather than leaving the alternative option ''open-ended,'' noting that, specifically, the State is clarifying that a source may request the use of PEMS, in lieu of CEMS, ''if the source demonstrates that site-specific circumstances warrant its use.'' Similarly, SC DES explains that the changes to subparagraph IV(A)(1)(c) remove the State's discretion and clarify ''approved methods'' for monitoring system installation, calibration, maintenance, and operation, by ''specifying that all PEMS . . . be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61–62.60.'' With respect to subparagraphs IV(C)(1)(a) and IV(C)(1)(c), the State explains that those subparagraphs ''are also being revised to remove discretionary language and specify the use of CEMS'' and ''approved methods for installation, calibration, maintenance, and operation.''

The monitoring procedures at subparagraphs IV(A)(1) and IV(C)(1) are expected to cover a small universe of sources subject to Standard No. 5.2, as the first prefatory paragraphs under subsection IV(A) and IV(C) include language stating that, with the exception of fuel certification and tune-up requirements, ''compliance with required NO_X monitoring in 40 CFR part 60 shall constitute compliance with the monitoring requirements in this section.'' Finally, regarding the changes before the EPA for conditional approval, in the May 13, 2026, letter, the State clarifies that it ''has not previously implemented'' its discretion and commits not to do so ''while the regulatory revisions are pending.''

4. Summary of the EPA's Proposed Conditional Approval for Paragraphs IV(A)(1) and IV(C)(1)

The EPA finds that the added provisions containing CEMS MRR requirements applicable to subject boilers and turbines are SIP-strengthening and, based on the State's May 13, 2026, commitment and supplement, the EPA is proposing to conditionally approve Standard No. 5.2, paragraphs IV(A)(1) and IV(C)(1), submitted through the February 4, 2022, SIP revision, contingent on the State's commitment under CAA section 110(k)(4) to adopt and submit corrective SIP revisions to those provisions no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed.

ii. Monitoring Requirements—Subsection IV(D)

As previously described, the July 27, 2016, SIP revision adds language in the second prefatory paragraph under subsection IV(D) which provides that non-boiler, non-internal combustion engine, and non-turbine new affected sources not subject to NSPS NO_X monitoring requirements are subject to case-by-case monitoring requirements. As previously noted, subject boilers, internal combustion engines, and turbines not subject to 40 CFR part 60 are required to comply with applicable requirements in subsections IV(A), (B), and (C), respectively. Overall, the second prefatory paragraph under subsection IV(D) submitted in the State's SIP revisions through February 4, 2022, adds to Standard No. 5.2., discretionary language allowing the State to set, on a case-by-case basis, monitoring requirements for the subject sources.

As previously described, the second prefatory paragraph under subsection IV(D) contains language allowing SC DES to exercise director's discretion to set monitoring requirements for subject sources on a case-by-case basis. Although this provision is SIP-strengthening, it lacks any specific monitoring procedures and would allow the State to set monitoring requirements for the subject sources outside the SIP. The EPA has concerns with the practicable enforceability of these provisions under CAA section 110(a)(2)(A), which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level, and for which the EPA cannot evaluate in advance whether these noninterference requirements of that section.

1. Aspects of IV(D) Proposed for Conditional Approval

In this NPRM, the EPA is proposing to conditionally approve the second prefatory paragraph under subsection IV(D) submitted in the State's SIP revisions through February 4, 2022,[73] which contains discretionary language allowing the State to set, on a case-by-case basis, monitoring requirements for subject sources, based on the State's commitment in its May 13, 2026, letter, under CAA section 110(k)(4), to adopt and submit corrective revisions to portions of the SIP provisions currently before the EPA no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed. Additionally, the State's supplemental materials include a CAA section 110(l) demonstration to support these anticipated corrections that the State intends to submit in a final corrective SIP revision to address the provisions currently before the EPA, for which the State requests conditional approval.

Specifically, consistent with South Carolina's May 13, 2026, request, the EPA is proposing to conditionally approve the following text into the SIP under subsection IV(D) in the second prefatory paragraph.

If the owner or operator is not required to comply with federal requirements in 40 CFR part 60 for monitoring NO_X, then the monitoring requirements for the affected source shall be established on a case by case basis.

As noted above, the EPA has concerns with the practicable enforceability of this provision under CAA section 110(a)(2)(A) which requires SIPs to contain ''enforceable emission limitations and other control measures, means, or techniques,'' and under CAA section 110(l), which requires each SIP revision to undergo reasonable public notice and public hearing at the state level and for which the EPA cannot evaluate in advance whether these

[73] As previously noted in this NPRM, in the February 4, 2022, SIP revision, changes to Standard No. 5.2 include non-substantive administrative and clarifying edits, including, in part, correcting citations to the CFR by adding the words ''Parts'' and ''Part,'' *e.g.,* ''40 CFR part 60.''

changes would violate the noninterference requirements of that section.

2. South Carolina's May 13, 2026, Conditional Approval Request

As noted above, on May 13, 2026, South Carolina submitted a supplemental letter to the SIP revisions submitted through February 4, 2022, requesting that the EPA conditionally approve portions of the State's SIP revisions to Standard No. 5.2. Specifically, the State requested conditional approval of the second prefatory paragraph under subsection IV(D) and committed to ''making specific enforceable changes to regulatory text in Standard No. 5.2'' that include ''establishment of specific terms to govern,'' in part, ''specific alternative monitoring provisions'' ''and removal of various discretionary provisions,'' which the State frames as changes that ''are clarifying and SIP-strengthening in nature.''

With the May 13, 2026, letter, South Carolina included draft regulatory changes to the second prefatory paragraph under subsection IV(D) that it committed to submit in a corrective SIP revision. SC DES commits to replacing the discretionary language providing that monitoring requirements for all other affected source types not required to comply with NSPS NO_X monitoring requirements will be established on a case-by-case basis with language modifying the case-by-case procedures for such sources requiring that the monitoring must be established ''by a permit condition after public notice and opportunity for comment.''

If the State fulfills its commitment in line with the May 13, 2026, commitment letter and supplement and the EPA approves the corrective SIP revision, the second prefatory paragraph under subsection IV(D) would no longer provide the State with insufficiently bounded discretion to set monitoring requirements for the subject sources. Instead, any subject non-boiler, non-internal combustion engine, non-turbine new affected sources that would not trigger any NO_X monitoring requirements under 40 CFR part 60 would be subject to monitoring requirements established in a permit condition having undergone public notice and the opportunity for public comment. If the State fails to meet its commitment within one year of the final conditional approval, should the EPA finalize this partial conditional approval as proposed, the conditional approval of the added monitoring provision in the second prefatory paragraph under Subsection IV(D), as submitted in the State's SIP revisions through February 4, 2022, will be treated as a disapproval.

3. The State's CAA Section 110(l) Demonstration

For a description of the State's May 13, 2026, letter and CAA section 110(l) demonstration as it supports the specific enforceable changes to which the State has committed overall, *see* Section III.B.4.a.i.4.III. in this NPRM. With respect to the changes to Subsection IV(D), in South Carolina's CAA section 110(l) demonstration, the State explains that the changes to that subsection ''clarify and ensure monitoring constraints on sources not subject to 40 CFR part 60 NO_X monitoring by requiring the affected source monitoring requirements to be included in a permit condition that will undergo public notice and opportunity for comment.''

Because subsection IV(D) is intended to capture sources that the State may not reasonably anticipate as belonging to the universe of new affected sources subject to Standard No. 5.2 which would not trigger any relevant NO_X monitoring requirements under 40 CFR part 60 and that fraction of subject sources is expected to be small, South Carolina anticipates needing to evaluate the NO_X monitoring requirements at the time the facility is undergoing permitting for the subject source. The revised language requires an opportunity for public participation on the State's establishment of these monitoring requirements, which will not change the underlying requirements applicable to those sources in Section III to install low-NO_X burners or equivalent technology that achieves 30 percent reduction in NO_X from uncontrolled levels. Finally, regarding the changes before the EPA for conditional approval, in the State's May 13, 2026, letter, the State clarifies that it ''has not previously implemented'' its discretion and commits not to do so ''while the regulatory revisions are pending.''

4. Summary of the EPA's Proposed Conditional Approval for Paragraph IV(D)

The EPA finds that the added provision providing for the establishment of monitoring requirements for subject non-boiler, non-internal combustion engine, and non-turbine sources is SIP-strengthening and, based on the State's May 13, 2026, commitment and 110(l) demonstration, the EPA is proposing to conditionally approve, in Standard No. 5.2, the second prefatory paragraph under subsection IV(D), submitted through the February 4, 2022, SIP revision, contingent on the State's commitment under CAA section 110(k)(4) to adopt and submit corrective SIP revisions to those provisions no later than one year after the EPA's conditional approval of South Carolina's submissions, should the EPA finalize this partial conditional approval as proposed.

ii. Tune-Up Requirements

In the February 4, 2022, SIP revision, changes under paragraphs IV(A)(4) and IV(B)(3) clarify tune-up requirements applicable to new affected boilers and internal combustion engines, respectively, that are not required to comply with NESHAP tune-up requirements in 40 CFR part 63. In paragraphs IV(A)(4) and IV(B)(3), added prefatory language clarifies that, if a boiler or internal combustion engine, respectively, is not subject to Federal tune-up requirements in 40 CFR part 63, the subsequent requirements apply. In paragraph IV(A)(4), new subparagraph IV(A)(4)(a) is added, shifting the original subparagraphs, as submitted in the July 27, 2016, SIP revision, and clarifies that, for the subject boilers, an initial tune-up must be conducted no more than 24 months from operation startup. The EPA is proposing to approve the changes to the prefatory language under paragraphs IV(A)(4) and IV(B)(3) and the addition of subparagraph IV(A)(4)(a) in the February 4, 2022, SIP revision because the changes to paragraphs IV(A)(4) and IV(B)(3) clarify tune-up requirements applicable to subject new affected boilers and internal combustion engines, respectively.

iii. Other MRR Requirements

In the February 4, 2022, SIP revision, changes to Section IV in paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) revise the requirements to maintain certain other records applicable to subject new affected boilers, internal combustion engines, and turbines, respectively, that are not subject to 40 CFR part 60. The paragraphs, introduced in the July 27, 2016, SIP revision, require a subject source owner or operator to maintain records of the occurrence and duration of any source operation startup, shutdown, or malfunction and, as revised in the February 4, 2022, SIP revision, require such records to document the occurrence and duration of malfunctions only. Taken together, the addition of paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) in the July 27, 2016, SIP revision and the subsequent changes to those paragraphs in the February 4, 2022, SIP revision require owners or operators of subject boilers, internal combustion engines, and turbines, respectively, to maintain records to document each occurrence

and the duration of any source malfunction. The EPA is proposing to approve the addition of these other record keeping requirements for the previously listed sources in paragraphs IV(A)(5), IV(B)(5), and IV(C)(6) in the July 27, 2016, SIP revision and the changes to those paragraphs in the February 4, 2022, SIP revision because these provisions add to the regulation certain operation, air pollution control equipment, and/or monitoring system or device malfunction-related recordkeeping requirements applicable to subject sources.

Lastly, in the February 4, 2022, SIP revision, under subsection IV(D), applicable to all other subject new affected sources, new paragraph IV(D)(4) adds requirements to maintain other records that mirror analogous requirements for subject boilers, internal combustion engines, and turbines in paragraphs IV(A)(5), IV(B)(5), and IV(C)(6), respectively. For all other affected source types not subject to NSPS NO_X monitoring requirements in 40 CFR part 60, new paragraph IV(D)(4) requires the owner or operator to maintain records documenting the occurrence and duration of any malfunction in the operation of an affected source, any air pollution control equipment malfunction, or any periods during which a continuous monitoring system or monitoring device is inoperative. In its submittal, the State notes that subsection IV(D) is revised to describe recordkeeping requirements for an affected source during malfunction conditions. The EPA is proposing to approve the addition of the other recordkeeping requirements for all other affected source types not subject to 40 CFR part 60 in new paragraph IV(D)(4) in the February 4, 2022, SIP revision because this provision adds certain recordkeeping requirements for the subject sources, consistent with the recordkeeping requirements applicable to subject boilers, internal combustion engines, and turbines in paragraphs IV(A)(5), IV(B)(5), and IV(C)(6), respectively.

5. Section V—Standard Requirements for Existing Affected Sources

In the July 27, 2016, SIP revision, changes to Section V clarify requirements for existing affected sources, as defined in paragraph I(A)(2), subject to Standard No. 5.2 in subsections V(A), V(B), and V(C). In its submittal, the State notes that Sections IV, V, and VI are relocated at the end of Standard No. 5.2, as Sections V, VI, and VII, respectively, ''for ease of use and clarity,'' and revised and retitled. Changes to the section title and subsections V(A) and V(C) clarify that subject sources are existing ''affected'' sources. Another change to subsection V(A) replaces ''capable of achieving'' with ''shall achieve.'' According to the State, this change clarifies the standard requirements for existing affected sources. In subsection V(A) as revised, when an existing burner assembly is replaced after the regulation effective date, the replacement low-NO_X burner assembly or equivalent technology ''shall achieve'' a 30 percent reduction from uncontrolled NO_X emission levels based on manufacturer's specifications. A change to subsection V(B) updates the cross-reference to the burner assembly replacement notification requirements for existing affected sources in Standard 5.2 to reflect the relocation of those requirements. These changes to Section V strengthen the standard requirements for existing affected sources and will have a neutral to positive impact on air quality. Therefore, the EPA is proposing to approve the changes to Section V in the July 27, 2016, SIP revision.

6. Section VI—Notification Requirements for Existing Affected Sources

In the July 27, 2016, SIP revision, changes to Section VI clarify notification requirements for existing affected sources subject to Standard No. 5.2 in paragraphs VI(A)(1) and VI(A)(5). Changes to the Section title and paragraphs VI(A)(1) and VI(A)(5) clarify that Section VI and the notification requirements within apply to existing affected sources. New subsection VI(A) adds the subheading, ''Burner Assembly Replacement Notifications for Existing Affected Sources,'' which clarifies that the notification requirements in Section VI describe burner assembly replacement notification requirements applicable to existing affected sources, shifting and renumbering the existing subsections in the SIP to paragraphs VI(A)(1)–(5). A change to paragraph VI(A)(5) clarifies that affected sources must submit a permit application ''prior to replacement of the burner assembly(s)'' to receive an emission reduction credit for a control device, if desired. These clarifying changes to Section VI are non-substantive and have no impact on air quality. Therefore, the EPA is proposing to approve the changes to Section VI in the July 27, 2016, SIP revision.

7. Section VII—Tune-Up Requirements for Existing Sources

a. July 27, 2016, SIP Revision

In the July 27, 2016, SIP revision, changes to Section VII revise tune-up requirements applicable to new and existing affected sources subject to Standard No. 5.2, with substantive changes made to paragraph VII(A). A change to the section title reflects that the Section VII tune-up requirements are revised to apply to existing sources, consistent with changes in the July 27, 2016, SIP revision to paragraph I(A)(2) clarifying existing affected source applicability, discussed in Section IV.B.1.a.ii. of this NPRM, and with added tune-up requirements applicable to certain new affected sources in new Section IV, which are comparable to the tune-up requirements formerly applicable to all sources subject to the regulation in the SIP, discussed in Sections IV.B.4.a.ii. and IV.B.4.b.iii. of this NPRM.[74]

The changes to subsection VII(A) require new affected sources to conduct an initial tune-up no more than 24 months from operation startup and existing affected sources to conduct an initial tune-up no more than 24 months from burner assembly replacement. Changes to subsection VII(A) also clarify that each subsequent tune-up must be conducted no more than 24 months after the previous tune-up. Although changes to Subsection VII(A) in the July 27, 2016, SIP revision clarify initial and subsequent tune-up timeframes for new affected sources, those provisions were added to subsection VII(A) in error and subsequent relevant changes to Section VII in the February 4, 2022, SIP revision remove the added tune-up provision specific to new affected sources in the July 27, 2016, SIP revision. Therefore, the EPA is only evaluating the added tune-up requirements applicable to existing affected sources and discusses its proposed action with respect to the relevant changes to Section VII in the February 4, 2022, SIP revision below, in Section IV.B.7.b. of this NPRM. The changes to tune-up requirements for existing affected sources are non-substantive and have no impact on air quality. Therefore, the EPA is proposing to approve the changes to Section VII with respect to the tune-up requirements for existing affected sources in the July 27, 2016, SIP revision in subsection VII(A), because those changes clarify tune-up requirements applicable to existing affected sources.

[74] As previously described, new Section IV adds tune-up requirements applicable to new affected boilers and internal combustion engines not subject to Federal tune-up requirements in 40 CFR part 63, as well as turbines and all other new affected source types.

b. February 4, 2022, SIP Revision

In the February 4, 2022, SIP revision, a change to Section VII revises tune-up requirements to remove language applicable to new affected sources in subsection VII(A), added in the July 27, 2016, SIP revision. In its submittal, the State notes that Section VII was amended to remove ''language addressing the deadline for the first tune-up for new affected sources to avoid duplication and to correct for text error.'' The change to subsection VII(A) removes the previously described language requiring new affected sources to conduct the first tune-up no more than 24 months from operation startup. Taken together, the addition of language clarifying timeframes for new affected sources in Section VII(A) in the July 27, 2016, SIP revision and the subsequent removal of that language in the February 4, 2022, SIP revision would remove requirements applicable to new affected sources from the tune up requirements for existing affected sources in Standard No. 5.2, which require existing affected sources to conduct initial tune-ups within 24 months of the replacement of a burner assembly and each subsequent tune-up to be conducted no more than 24 months after the previous tune-up. As discussed above, tune-up requirements for new affected sources subject to Standard No. 5.2 are addressed in new Section IV, added in the July 27, 2016, SIP revision. For these reasons, the EPA is proposing to approve the changes to Section VII in the February 4, 2022, SIP revision.

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I through III of this preamble, the EPA is proposing to incorporate by reference Regulation 61–62.1, Section IV, *Source Tests,* state effective April 24, 2020. The EPA is also proposing to incorporate by reference Regulation 61–62.5, Standard No. 5.2, *Control of Oxides of Nitrogen (NO_X),* state effective April 24, 2020, except for paragraphs I(B)(2) and I(B)(3), subsection II(K),[75] and subsection III(A).[76] The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

Because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The Catawba Indian Nation also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Reporting and record keeping requirements.

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

Dated: August 14, 2026.

Kristy Eubanks,

Deputy Regional Administrator performing the functions and duties of the Regional Administrator, Region 4.

[FR Doc. 2026–16932 Filed 8–18–26; 8:45 am]

BILLING CODE 6560–50–P

[75] If the EPA finalizes this proposed action, the August 26, 2005, state-effective version of the definition of ''Source'' under Standard No. 5.2, Section II, will remain in the SIP, unnumbered, and the Agency will note this exception in Table 1 to 40 CFR 52.2120(c).

[76] If the EPA finalizes this proposed action, the August 26, 2005, state-effective version of subsection III(a) will remain in the SIP, and the Agency will note this exception in Table 1 to 40 CFR 52.2120(c).

Notices

Federal Register

Vol. 91, No. 159

Wednesday, August 19, 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

Agricultural Marketing Service

[Doc. No. AMS–NOP–26–1321; NOP–26–08]

National Organic Program: Notice of Intent To Extend a Previously Approved Information Collection (Strengthening Organic Enforcement) (2026)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture, Agricultural Marketing Service's intention to request an extension and revision of a previously approved information collection titled ''National Organic Program: Strengthening Organic Enforcement (SOE)'' (OMB Control Number: 0581–0321).

DATES: Comments on this notice must be received by October 19, 2026 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments by using the electronic process available at *www.regulations.gov.* All comments should reference the docket number, date and page number of this issue of the **Federal Register**. All comments received will be posted without change to *www.regulations.gov* and will be included in the record and made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Comments may be submitted anonymously.

FOR FURTHER INFORMATION CONTACT: Erin Healy, Director, Standards Division, National Organic Program; phone: (202) 720–3252; email: *erin.healy@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Title: National Organic Program: Notice of Intent to Extend a Previously Approved Information Collection (Strengthening Organic Enforcement) (2026).

OMB Control Number: 0581–0321.

Expiration Date of Current Approval: October 31, 2026.

Type of Request: Notice of intent to extend and revise a previously approved information collection for one year.

Abstract: The U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) is requesting that the Office of Management and Budget (OMB) extend the approval for the currently approved information collection, ''*National Organic Program: Strengthening Organic Enforcement (SOE)*'' (OMB Control Number 0581–0321), for one year past its existing expiration date of October 31, 2026. AMS is requesting this extension to allow AMS adequate time to add the activities covered under this *Strengthening Organic Enforcement* information collection (0581–0321) to AMS's *National Organic Program* information collection (0581–0191). AMS is requesting the extension of this previously approved *Strengthening Organic Enforcement* information collection (0581–0321), so that it may continue to fully implement organic regulations and enforcement.

Authority

The Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. chapter 94), authorized the Secretary of the U.S. Department of Agriculture (USDA) to establish the National Organic Program (NOP) and accredit certifying agents to certify that farms and businesses meet national organic standards. Under OFPA, the purpose of the NOP is to: (1) establish national standards governing the marketing of certain agricultural products as organically produced products; (2) assure consumers that organically produced products meet a consistent standard; and (3) facilitate interstate commerce in fresh and processed food that is organically produced (7 U.S.C. 6501).

Information Collection

AMS initiated this *Strengthening Organic Enforcement* information collection (0581–0321) with the Strengthening Organic Enforcement (SOE) final rule, published January 19, 2023 (85 FR 47536). AMS requests that the approved *Strengthening Organic Enforcement* information collection (0581–0321) be extended 1 year to allow AMS adequate time to add the activities covered under this collection to AMS's *National Organic Program* information collection (0581–0191). AMS is requesting the extension of this previously approved *Strengthening Organic Enforcement* information collection (0581–0321) so that it may continue to fully implement the related requirements and information collection.

Respondents

Respondents to this information collection include operations seeking or maintaining USDA organic certification, accredited certifying agents and their inspectors, and State and foreign program officials. This collected information is used by accredited certifying agents and their inspectors, State and foreign program officials, and AMS. Specifically, this collection has been used at the Federal level by AMS to evaluate the compliance of organically produced imports and strengthen the organic supply chain.

Forms

In addition to generic descriptions of information to be collected (described in the USDA organic regulations, 7 CFR part 205), this information collection includes two forms: TM–10CG, Application for Accreditation and NOP 2110–1, NOP Import Certificate. AMS is not revising forms in this request. Minor revisions are proposed to the estimate of paperwork burden.

Estimate of Paperwork Burden

AMS intends to make only minor revisions to burden calculations in this renewal. The approved information collection included respondents who needed to comply with the new provisions of the SOE final rule for the first time (a one-time reporting burden to update an operation's existing Organic System Plan). Because the rule was fully implemented as of March 19, 2024, this category of respondents is

now obsolete, and AMS intends to remove them from the estimate.

Estimate of Burden: The total annual hour burden requested for this information collection is 231,617 hours. This estimated burden includes SOE final rule requirements including the time needed for the preparation, review, and submission of reports regarding: nonretail labels; procedures to strengthen traceability; the use of organic certificates; unannounced on-site inspections; import certificates for all imported products; inspector training and qualifications; review of foreign conformity systems; and the electronic data and document management systems governing organic certification of operations and traceability through transactions and trade. Respondents include producers and handlers of certified organic products, organic inspectors, accredited certifying agents, and foreign governments.

Estimated Number of Respondents: 51,091 respondents.

Estimated Number of Responses per Respondent: approximately 12 responses per respondent.

Estimated Burden per Response: approximately 0.375 hours per response.

Estimated Total Annual Burden on Respondents: 231,617 hours.

Request for Comments

Comments are invited regarding revisions made to OMB Control Number 0581–0321 ''National Organic Program: Strengthening Organic Enforcement (SOE)'' and whether the revisions accurately reflect the time required for stakeholders to respond to this information collection.

Comments are also invited on the entire ''National Organic Program: Strengthening Organic Enforcement (SOE)'' information collection. AMS asks the following:

(i) Whether the collection of information continues to be necessary for the proper performance of the functions of the NOP, including whether the information has practical utility;

(ii) The accuracy of the burden estimates of the collection of information;

(iii) Ways to enhance the quality, utility, and clarity of the collected information; and

(iv) Ways to minimize the burden of the collection of information on those who must respond, including the use of automated collection techniques or other forms of information technology.

For access to the docket, including background documents (such as the spreadsheet used to estimate burden) or comments received, search for Docket ID ''AMS–NOP–26–1321'' on *www.regulations.gov*.

All responses to this notice will be summarized in a Supporting Statement and included in the request for approval from OMB. All comments will become a matter of public record.

A copy of the information collection and related documents may be obtained free of charge by contacting AMS as directed above in the **FOR FURTHER INFORMATION CONTACT** section.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–16910 Filed 8–18–26; 8:45 am]

BILLING CODE 3410–02–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual business meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the New Jersey Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold two business meetings via Zoom. The Committee is in the Implementation Stage and will hold business meetings to continue discussing the committee's chosen topic of antisemitism and civil rights.

DATES:

Thursday, October 22, 2026

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_bDjRrosnRROJ69NAzvtUOA.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 678 7309 #.

Monday, November 16, 2026

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_h0U2uJXgSyWnLqf4iVrEJA.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 991 0693 #.

Agendas: https://usccr.box.com/s/xkqj535ofm9fw8fhsn3sb99nv5yhvl3a (*Note: final meeting agendas will be available prior to each date*).

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or 1–434–515–0204.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through a registration link (above). Any interested members of the public may attend committee meetings. Open comment periods will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of each meeting will include a list of persons who are present. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to meetings.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Evelyn Bohor at *https://wkf.ms/4de4nCi*. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after meetings. Records of the meetings will be available via the file sharing website, *https://tinyurl.com/3ev8d9n9* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov*, or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov*.

Dated: August 17, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–16917 Filed 8–18–26; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public briefings.

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 (FACA), that a briefing of the Alaska Advisory Committee to the U.S. Commission on Civil Rights will hold a series of public briefings via Zoom. The purpose of the briefings is to gather testimony regarding the topic Ranked Choice Voting and Equal Access to the Electoral Process in Alaska.

DATES:

PANEL I: Wednesday, August 26, 2026, from 2:00 p.m.–4:30 p.m. Alaska Time.

PANEL II: Friday, August 28, 2026, from 11:30 a.m.–2:00 p.m. Alaska Time.

PANEL III: Tuesday, September 29, 2026, from 11:30 a.m.–2:00 p.m. Alaska Time.

PANEL IV: Thursday, October 1, 2026, from 2:00 p.m.–4:30 p.m. Alaska Time.

ADDRESSES: The briefings will be held via Zoom.

- *August 26th Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_L2oHbdYrRf6aYSupVmiz8A.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 979 0470.

- *August 28th Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_I4aBI1u0QzGDV4XrKxfThw.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 803 3897.

- *September 29th Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_5AvdzSZiS8m_D1vLOZQUSg.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 802 8226.

- *October 1st Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_Vn3DsclaSaOXnByCUFx1dw.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 487 4055.

Agenda for Briefings: https://usccr.app.box.com/folder/271059500656?s=7zq5h28nnzfbv55gk4r5y1iybzewmknz.

(*Note: a final briefing agenda will be available prior to the briefing date*).

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at *kfajota@usccr.gov*, or (434) 515–2395.

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 the meeting will include a list of persons who are present at the meeting. 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 Angelica Trevino, Support Services Specialist at *atrevino@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Kayla Fajota, Designated Federal Officer at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: *https://usccr.app.box.com/folder/315009541404?s=4jyyw1lvvkvthdqp3sas9h0d3kdgkssi* 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 the above phone number.

Dated: August 17, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–16918 Filed 8–18–26; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–133–2026]

Approval of Subzone Status; Fermi, Inc.; Panhandle, Texas

On March 11,2026, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of Amarillo, grantee of FTZ 252, requesting subzone status subject to the existing activation limit of FTZ 252, on behalf of Fermi, Inc., in Panhandle, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 12562, March 16, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 252B was approved on August 17, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 252's 2,000-acre activation limit.

Dated: August 17, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–16907 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–821–825]

Phosphate Fertilizers From the Russian Federation: Notice of Court Decision Not in Harmony With the Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On August 12, 2026, the U.S. Court of International Trade (CIT) issued its final judgment in *Archer Daniels Midland Co* v. *United States,* Consol. Court no. 23–00239, sustaining the U.S. Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the countervailing duty (CVD) order on phosphate fertilizers from the Russian Federation (Russia) covering the period of review (POR) November 30, 2020, through December 31, 2021. Commerce is notifying the public that

the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to Joint Stock Company Apatit (JSC Apatit).

DATES: Applicable August 22, 2026.

FOR FURTHER INFORMATION CONTACT: Henry Wolfe, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0574.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2023, Commerce published its *Final Results* in the 2020–2021 administrative review of the CVD order on phosphate fertilizers from Russia.[1] Commerce used a tier-three benchmark pursuant to 19 CFR 351.511(a)(2)(iii) to assess the Government of Russia's provision of phosphate ore mining rights to JSC Apatit for less than adequate remuneration (LTAR) and compared JSC Apatit's phosphate rock cost buildup to world market igneous phosphate rock export prices. Commerce determined the subsidy rate for the mining rights program to be 26.78 percent *ad valorem* and calculated a total countervailable subsidy rate of 28.50 percent *ad valorem*.[2]

The Archer Daniels Midland Company appealed Commerce's *Final Results.* On May 6, 2025, the CIT remanded, in part, the *Final Results* to Commerce, directing Commerce to: (1) either present record evidence showing that the phosphate rock market is significantly driven by the distinction between sedimentary and igneous rock or reconstruct the tier three benchmark for the provision of phosphate mining rights for LTAR program; [3] and (2) either clarify two issues relating to the selection of a tier two benchmark for the provision of natural gas for LTAR program or construct a tier three benchmark.[4]

In its first remand redetermination, issued in August 2025, Commerce provided further explanation for its phosphate rock benchmark for the provision of phosphate mining rights for LTAR program, and reconsidered and revised its benchmark for natural gas purchases for the provision of natural gas for LTAR program.[5] The CIT sustained Commerce with respect to the provision of natural gas for LTAR program but remanded Commerce for a second time with respect to the provision of phosphate mining rights for LTAR program, directing Commerce to construct a tier-three benchmark to include world phosphate rock price data that was previously excluded solely based on the distinction between igneous and sedimentary phosphate ore.[6]

In its second final remand redetermination, issued in May 2026, Commerce constructed a tier-three benchmark to include world phosphate rock price data that was previously excluded solely based on the distinction between igneous and sedimentary ore, and calculated that JSC Apatit did not receive a measurable benefit for the provision of mining rights for LTAR program, which resulted in a total *ad valorem* subsidy rate of 22.86 percent for JSC Apatit for the POR.[7] The CIT sustained Commerce's second final remand redetermination.[8]

Timken Notice

In its decision in *Timken,*[9] as clarified by *Diamond Sawblades,*[10] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 12, 2026, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to JSC Apatit as follows:

Company	Subsidy rate (percent *ad valorem*)
JSC Apatit [11]	22.86

Cash Deposit Requirements

Because JSC Apatit has a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by JSC Apatit and were entered, or withdrawn from warehouse, for consumption during the period November 30, 2020, through December 31, 2021. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported JSC Apatit in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis.* Where an *ad valorem* subsidy rate is zero or *de minimis,*[12] we will instruct CBP to

[1] *See Phosphate Fertilizers from the Russian Federation: Final Results of Countervailing Duty Administrative Review; 2020–2021,* 88 FR 76182 (November 6, 2023) (*Final Results*).

[2] *Id.*

[3] *See Archer Daniels Midland Company* v. *United States,* CIT No. 23–00239, Slip Op. 25–55 (CIT May 6, 2025) at 16.

[4] *Id* at 26–27.

[5] *See Final Results of Redetermination Pursuant to Court Remand, Archer Daniels Midland Company* v. *United States,* CIT No. 23–00239, Slip Op. 25–55 (CIT May 6, 2025), dated August 4, 2025, available at *https://access.trade.gov/FinalRemandRedetermination.*

[6] *See Archer Daniels Midland Company* v. *United States,* CIT No. 23–00239, Slip Op. 26–10 (CIT February 6, 2026) at 12.

[7] *See Final Results of Redetermination Pursuant to Court Remand, Archer Daniels Midland Company* v. *United States,* CIT No. 23–00239, Slip Op. 26–10 (CIT February 6, 2026), dated May 6, 2026, available at *https://access.trade.gov/FinalRemandRedetermination.*

[8] *See Archer Daniels Midland Company* v. *United States,* CIT No. 23–00239, Slip Op. 26–92 (CIT August 12, 2026) at 13.

[9] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[10] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[11] As noted in the *Final Results,* Commerce finds the following companies to be cross-owned with JSC Apatit: PhosAgro Public Joint Stock Company; Limited Liability Company PhosAgro-Region; Limited Liability Company PhosAgro-Belgorod; Limited Liability Company PhosAgro-Don; Limited Liability Company PhosAgro-Kuban; Limited Liability Company PhosAgro-Lipetsk; Limited Liability Company PhosAgro-Kursk; Limited Liability Company PhosAgro-Orel; Limited Liability Company PhosAgro-Stavropol; Limited Liability Company PhosAgro-Volga; Limited Liability Company PhosAgro-SeveroZapad; Limited Liability Company PhosAgro-Tambov; and Limited Liability Company PhosAgro-Sibir. *See Final Results* at 76183.

[12] *See* 19 CFR 351.106(c)(2).

liquidate the appropriate entries without regard to countervailing duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: August 14, 2026.

Christopher Abbott,

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

[FR Doc. 2026–16881 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 260811–0485]

RIN 0625–XC062

Amending Procedures for Submissions by Importers of Automobiles Qualifying for Preferential Tariff Treatment Under the USMCA To Determine U.S. Content

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Amending procedures for submission of documentation related to automobile tariffs

SUMMARY: In Proclamation 10908 of March 26, 2025, ''Adjusting Imports of Automobiles and Automobile Parts Into the United States,'' the President imposed additional tariffs on imports of specified automobiles and automobile parts to eliminate the threat to national security posed by such imports. That Proclamation also provided that for automobiles that qualify for preferential tariff treatment under the United States-Mexico-Canada Agreement (USMCA), importers of such automobiles may submit documentation to the Secretary of Commerce (Secretary) identifying the amount of U.S. content in each model imported into the United States. In a **Federal Register** Notice published on May 20, 2025, ''Procedures for Submission by Importers of Automobiles Qualifying for Preferential Tariff Treatment Under the USMCA to Determine U.S. Content,'' the Department of Commerce (Department) established procedures for submission and review of such documentation. This Notice amends those procedures to conform those procedures with the submission timelines for medium- and heavy-duty vehicles, consistent with Proclamation 10984 of October 17, 2025, ''Adjusting Imports of Medium- and Heavy-Duty Vehicles, Medium- and Heavy-Duty Vehicle Parts, and Buses Into the United States.''

DATES: Importers may begin submitting documentation as described below on or after August 19, 2026.

ADDRESSES: Applications must be submitted electronically via *Autos232USMCAContent@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 26, 2025, the President issued Proclamation 10908, ''Adjusting Imports of Automobiles and Automobile Parts Into the United States'' (90 FR 14705) (Proclamation 10908), finding that imports of automobiles and certain automobile parts continue to threaten to impair the national security of the United States and determining that it is necessary and appropriate to impose specified tariffs to adjust imports of automobiles and certain automobile parts so that such imports will not threaten to impair national security pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) (section 232). Proclamation 10908 imposed a 25 percent tariff on certain imports of automobiles and certain imports of auto parts. Proclamation 10908 also provided that for automobiles that qualify for preferential tariff treatment under the USMCA, importers of such automobiles may submit documentation to the Secretary identifying the amount of U.S. content in each model imported into the United States and apply the additional tariff exclusively to the value of the non-U.S. content of the automobile. Consistent with Proclamation 10908, on May 20, 2025, the Department issued a **Federal Register** Notice, ''Procedures for Submissions by Importers of Automobiles Qualifying for Preferential Tariff Treatment Under the USMCA To Determine U.S. Content'' (90 FR 21450) (May 20 Notice) that established the procedures for submission and review of U.S. content submissions by importers of automobiles. Those procedures provide that determinations of the U.S. content in eligible automobiles approved by the Secretary are valid for six months from the date of issuance.

On October 17, 2025, the President issued Proclamation 10984, ''Adjusting Imports of Medium- and Heavy-Duty Vehicles, Medium- and Heavy-Duty Vehicle Parts, and Buses Into the United States'' (90 FR 48451) (Proclamation 10984), finding that imports of medium- and heavy-duty vehicles (MHDVs), medium- and heavy-duty vehicle parts (MHDVPs), and buses threaten to impair the national security of the United States and determining that it is necessary and appropriate to impose specified tariffs to adjust imports of MHDVs, MHDVPs, and buses so that such imports will not threaten to impair national security pursuant to section 232. In Proclamation 10984, the President determined that, given the close connections and overlap between part suppliers for the automobile industry and for the medium- and heavy-duty vehicle industry, it is necessary and appropriate to conform certain aspects of the tariff system imposed in Proclamation 10908, as amended, with the tariff system imposed in Proclamation 10984. Both Proclamation 10908 and Proclamation 10984 state that the Secretary may issue regulations and guidance consistent with that proclamation, including to address operational necessity.

On February 2, 2026, the Department issued a **Federal Register** Notice, ''Procedures for Submissions by Importers of Medium- and Heavy-Duty Vehicles Qualifying for Preferential Tariff Treatment Under the USMCA To Determine U.S. Content'' (91 FR 4504) (February 2 Notice), establishing a process for identifying the U.S. content in MHDVs that qualify for preferential treatment under the USMCA and applying the additional tariff imposed by Proclamation 10984 exclusively to the non-U.S. content of the MHDV, as authorized in Proclamation 10984 and similar to the process outlined in the May 20 Notice. In contrast to the May 20 Notice, the February 2 Notice states that U.S. content eligibility determinations issued for imports of MHDVs after December 31, 2026 are valid for one calendar year, and adds that importers seeking eligibility for an MHDV model imported after December 31, 2026 must submit documentation supporting eligibility no later than the October 1 before the start of the calendar year of importation to ensure timely processing.

This Notice amends the submission timeline for automobile U.S. content requests established in the May 20 Notice to make it consistent with the submission timeline established in the February 2 Notice for MHDV U.S. content requests, consistent with the goal expressed in Proclamation 10984 of conforming aspects of the tariff systems in Proclamations 10908 and 10984. This Notice provides that eligibility determinations for imported

automobiles eligible to apply the tariff imposed in Proclamation 10908 exclusively to the value of the non-U.S. content of their automobiles will be valid for automobiles imported from December 1, 2026 to November 30, 2027, a one-year period consistent with the process in place for MHDVs established in the February 2 Notice.

II. Amended Review Process

To improve operational efficiency by easing administration of the U.S. content procedures and to conform the tariff system for automobiles with the tariff system for MHDVs as called for by Proclamation 10984, the Department has decided to amend the process for reviewing and approving U.S. content submissions for automobiles. All U.S. content eligibility determinations for automobiles approved by the Department under the procedures in the May 20 Notice shall remain valid for automobiles imported before December 1, 2026, regardless of model year and any expiration date set forth in the determination. Importers seeking eligibility for an automobile model imported on or after December 1, 2026 must submit new documentation to the Department by September 30, 2026 to ensure timely processing; such determinations are valid for vehicles imported before December 1, 2027. Importers seeking eligibility for an automobile model imported on or after December 1, 2027 must submit documentation supporting eligibility no later than the September 1, 2027 to ensure timely processing. Those eligibility determinations will apply to automobiles imported on or after December 1, 2027 and before December 1, 2028. Importers of a new model may apply at any time for a U.S. content eligibility determination, which shall apply to automobiles imported on or after the date the application was submitted and before the December 1 occurring after the date the application was submitted.

Importers must promptly inform the Department and request a new eligibility determination if any changes in sourcing or production occur that results in a decrease in U.S. content relevant to an eligibility determination. If a change in sourcing or production results in an increase in U.S. content, the importer may inform the Department and request a new eligibility determination by providing a new submission. These determinations will be valid for automobiles imported after the date of the change in sourcing as set forth in the determination and before the December 1 occurring after the date of the determination. Importers may continue to submit new or amended U.S. content eligibility submissions, including updated submissions, for automobiles imported before December 1, 2026; however, an eligibility determination granted in response to such a submission shall only be valid for automobiles imported before that date.

III. Text of Amended Procedures

This Notice changes Section IV (Review Process) of the May 20 Notice, as it relates to the submission timeline described above. Sections II, III, V, VI, and VII (Eligibility, Opportunity to Submit Documentation, Consequences of Misreporting, Confidential Business Information, and No Effect on USMCA Preferential Status) of the May 20 Notice remain unchanged, though they are reproduced below for ease of reference. Please see below for the entirety of the procedures, as amended:

''**II. Eligibility**

Only vehicles imported from Mexico and Canada that qualify for preferential tariff treatment under the USMCA may be found to be eligible to apply the additional tariff exclusively to the value of the non-U.S. content of the automobile. Vehicles imported from non-USMCA countries and vehicles imported from Canada and Mexico that do not qualify for preferential tariff treatment under the USMCA may not be found to be eligible.

For the avoidance of doubt, the preferential tariff treatment available under this notice applies exclusively to automobiles imported from Canada or Mexico that qualify for preferential treatment under the USMCA, while the preferential tariff treatment under Proclamation 10925 applies exclusively to automobiles assembled in the United States using foreign parts.

Proclamation 10908 separately references the Secretary establishing a process to apply the additional tariff exclusively to the value of the non-U.S. content of automobile parts. This notice does not establish that process.

III. Opportunity To Submit Documentation

Importers of automobiles qualifying for preferential treatment under the USMCA seeking preferential tariff treatment on the U.S. content of their automobiles may submit documentation, on a model line basis, identifying the type and value of U.S. content attributable to each model line imported into the United States.

Each submission should include documentation certified by an importer's Chief Financial Officer, General Counsel, or an equivalent-level of senior officer that identifies the following:

1. The total declared customs value of an automobile in the model line at the time of importation based on 19 U.S.C. 1401a. If the customs value varies within the model line, the importer may provide an average value consistent with an averaging methodology set forth in Article 5 of the Appendix to Annex 4–B, ''Provisions Related to the Product-Specific Rules of Origin for Automotive Goods,'' of Chapter 4 of the USMCA (''Automotive Appendix'') (available at: *https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between*).

2. Total Value of U.S. content for an automobile in that model line based on 19 U.S.C. 1401a attributable to parts wholly obtained, produced entirely, or substantially transformed in the United States for a vehicle in the model line (''U.S. content''). If the U.S. content attributable to such parts varies within a model line, the importer may provide an average value consistent with an averaging methodology set forth in the USMCA Automotive Appendix Article 5.

3. Total value of non-U.S. content of an automobile in the model line, calculated by subtracting the value of the U.S. content for an automobile in the model line from the total value of the automobile. If the value varies within the model line, the importer may provide an average consistent with an averaging methodology set forth in the USMCA Automotive Appendix Article 5.

4. Vehicle production location(s) and country of final assembly. Vehicle production locations may include more than one country.

5. Certification of eligibility for USMCA preference (*i.e.,* the signed origin certification that supports the import meeting the rules of origin requirements as well as the approved producer-submitted auto certifications, jointly reviewed/approved by U.S. Customs and Border Protection and the Department of Labor, for meeting North American steel and aluminum content, and North American labor value content requirements) for the model line as submitted to U.S. Customs and Border Protection (CBP), including whether the model line is subject to an approved Alternative Staging Regime outlined in the USMCA Automotive Appendix Article 8 of Chapter 4 of the USMCA (available at: *https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between*).

6. The importer name, importer of record number, manufacturer name, manufacturer facility, country of origin, and year, make, and model information for every model line requested in the submission. If retroactive treatment is requested, the importer should provide entry numbers for previously imported automobiles.

IV. Review Process

The Department will review each submission for completeness and compliance. The Department may request supplemental documentation or clarification. Upon verification by the Department that a submission is consistent with this notice and upon a determination of the value of the U.S. content and non-U.S. content for the requested model line, the Department will inform the importer and CBP of that determination and of the value of the non-U.S. content for each model line. The Commerce Department will provide CBP with a list of importers and automobiles authorized by Commerce, including importer name, importer of record number, manufacturer name, manufacturer facility, country of origin, and year, make, and model of each authorized automobile.

The additional tariff will apply exclusively to the value of the non-U.S. content for the relevant model line. If the determination applies to automobiles imported before the date of the determination, the Department will provide CBP with the entry numbers of those automobiles. If a change in sourcing or production results in a decrease in U.S. content relevant to the eligibility determination, the importer must promptly inform the Department and request a new eligibility determination by providing the documentation described above. If a change in sourcing or production results in an increase in U.S. content, the importer may inform the Department and request a new eligibility determination by providing a new submission containing the information required by Section III.

Eligibility determinations are valid only for vehicles imported in the period specified in the determination, ordinarily the one-year period from December 1 to November 30. All U.S. content eligibility determinations for automobiles issued by the Department under the procedures in the May 20 Notice (90 FR 21450) shall remain valid for vehicles imported prior to December 1, 2026, regardless of any expiration date specified in the determination. Importers seeking an eligibility determination for an automobile model imported on or after December 1, 2026 must submit new documentation to the Department by September 30, 2026 to ensure timely processing. Eligibility determinations issued for automobiles imported on or after December 1, 2026 are valid for automobiles imported prior to December 1, 2027. Importers seeking eligibility for an automobile model imported on or after December 1, 2027, must submit documentation supporting eligibility no later than the September 1 that precedes that one-year period to ensure timely processing. Importers of a new model may apply at any time for a U.S. content eligibility determination, which is valid for vehicles imported on or after the date the application was submitted and before the December 1 occurring after the date the application was submitted.

V. Consequences for Misreporting

If CBP determines that the declared U.S. content is overstated or inconsistent with a U.S. content figure approved by the Secretary, the 25 percent tariff will apply retroactively, to the extent authorized by law (from April 3, 2025, to the date of the inaccurate overstatement) and prospectively (from the date of the inaccurate overstatement to the date the importer corrects the overstatement, as verified by CBP) to the full value of all automobiles of the same model line imported by the same importer, as provided for in Proclamation 10908. This does not apply to or otherwise affect any other applicable fees or penalties.

VI. Confidential Business Information

Submissions containing confidential business information must be clearly marked as such.

VII. No Effect on USMCA Preferential Status

This process does not affect or alter the determination of whether a vehicle qualifies for USMCA preferential tariff treatment.''

IV. Authority

This Notice is issued pursuant to the authority delegated to the Secretary by Proclamation 10908 consistent with section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

V. Paperwork Reduction Act

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625–0143. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. The estimated burden hours are within the approved burden hour limits of this control number. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: *PRA@trade.gov.*

William Kimmitt,

Under Secretary of Commerce for International Trade, U.S. Department of Commerce.

[FR Doc. 2026–16859 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

The 52nd Meeting of the U.S. Coral Reef Task Force

AGENCY: The Coral Reef Conservation Program, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of meeting; request for comments.

SUMMARY: NOAA and the Department of the Interior (DOI) will hold the 52nd meeting of the U.S. Coral Reef Task Force (USCRTF). NOAA and DOI will be accepting oral comments during the meeting; written comments may be submitted in advance using the information in the **ADDRESSES** section.

DATES: NOAA and DOI will hold a public meeting on Wednesday, September 2, 2026, from 8:30 a.m. to 5 p.m. Eastern Time (ET) at the Department of the Interior's Yates Auditorium, 1849 C St. NW, Washington, DC 20240.

Advanced registration is required to attend; please register online at *https://taskforce.coralreef.noaa.gov/meetings/* by clicking on the 52nd Meeting, Washington, DC 2026. Written

comments must be received before 8 a.m. ET on Saturday, August 29, 2026.

ADDRESSES: Comments may be submitted by the following methods:

Oral Comments: NOAA and DOI will accept oral comments at the meeting on Wednesday, September 2, 2026, from 1 p.m. to 1:30 p.m. ET.

Written Comments: Please direct written comments to Michael Lameier, NOAA, USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, via email at *michael.lameier@noaa.gov.* In the subject heading of your email, please include ''Written comments for the 52nd U.S. Coral Reef Task Force Meeting''. *Written comments must be received before 8 a.m. ET on Saturday, August 29, 2026.*

Instructions: The oral and written comments NOAA and DOI receive are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Comments that are not related to the USCRTF or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered. Commenters are encouraged to ensure comments address the USCRTF meeting, the role of the USCRTF, or general coral reef conservation issues.

FOR FURTHER INFORMATION CONTACT: Michael Lameier, NOAA USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, (808) 683–2213, *michael.lameier@noaa.gov,* or Liza Johnson, DOI USCRTF Steering Committee Executive Secretary, U.S. Department of Interior, (202) 255–9843, *Liza_M_Johnson@ios.doi.gov,* or visit the USCRTF website at *http://www.coralreef.gov.*

SUPPLEMENTARY INFORMATION: The USCRTF meeting provides a forum for coordinated planning and action among Federal agencies, State and territorial governments, and non-governmental partners. Registration is requested to participate in the meeting. This meeting has time allotted for public oral comment from 1 p.m. to 1:30 p.m. ET. A written summary of the meeting will be posted on the USCRTF website after the meeting. For more information about the meeting and to register, please visit *https://taskforce.coralreef.noaa.gov/meetings/* by clicking on the 52nd Meeting, Washington, DC 2026.

(Authority: 16 U.S.C. 6451 *et seq.;* E.O. 13089, 63 FR 32701.)

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–16866 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

Solicitation of Nominations for Membership on the NOAA Science Advisory Board (SAB)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation of nominations for membership on the NOAA Science Advisory Board standing working groups.

SUMMARY: The NOAA Science Advisory Board (SAB) is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education and the application of science to resource management and environmental assessment and prediction. The Science Advisory Board is called upon to provide advice to NOAA on a wide variety of topics important to the agency. Because of the breadth of subject matter that the group addresses, they frequently consult with additional experts on specific topics. Certain topics are deemed to be of long-term interest for NOAA and the standing working groups (WGs) were established under the SAB to consult on a regular basis. The SAB WGs consist of experts with whom the SAB consults on a regular basis to address NOAA scientific priorities.

DATES: Nominations should be sent to the email address specified below within 180 days after publication of this notice.

ADDRESSES: Nominations and applications should be submitted electronically to the SAB Designated Federal Officer (DFO): *noaa.scienceadvisoryboard@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Casey Stewart, SAB Designated Federal Officer (DFO), SSMC3, Room 11360, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 240–653–8297; Email: *noaa.scienceadvisoryboard@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The NOAA Science Advisory Board (SAB) is a Federal advisory committee established under the Federal Advisory Committee Act (FACA), 5 U.S.C. 1001 *et seq.* The SAB advises NOAA leadership on matters related to science and technology, research priorities, and the integration of science into NOAA operations.

NOAA seeks to maintain a balanced membership that reflects the interdisciplinary nature of expertise, sectors, and perspectives relevant to NOAA's mission.

Recruitment

Phased Recruitment Approach

To ensure continuity of operations and timely filling of vacancies, NOAA will use a phased recruitment and appointment approach. This approach allows NOAA to:

- Maintain a ready pool of highly qualified candidates
- Fill vacancies as they occur, including mid-term departures
- Support leadership succession planning, including Vice Chair roles
- Ensure compliance with FACA balance and membership requirements

Candidates selected through this process may be appointed at different times through January 31, 2028, depending on Board needs.

Scope of Nominations

NOAA is interested in candidates with expertise in, but not limited to: expertise in areas relevant to its mission, including Federal, State, and local government; social and behavioral sciences; artificial intelligence and machine learning; cloud strategy including high performance computing; commercial data access and management, including open access and accessibility; uncrewed systems; Whale research and conservation; aircraft systems and modernization; and economic analysis, including cost-benefit evaluation of observing systems; and aircraft modernization. NOAA encourages nominations of qualified mid-career scientists and engineers.

Membership Criteria

Members are selected based on: Scientific and technical expertise; Leadership experience; Ability to contribute to SAB activities and working groups; Availability to participate actively in meetings and

intersessional work absent conflicts of interest.

Terms of Service

Appointments are typically for a term of three years, with the possibility of reappointment, subject to applicable policies and Board needs. Terms may be shorter and staggered to maintain continuity.

Members will serve as volunteers and will be subject to applicable ethics requirements.

Selection Process

Nominations will be reviewed by NOAA and evaluated based on expertise, Board needs, and balance considerations. Final appointments are made by the Under Secretary of Commerce for Oceans and Atmosphere or designee. Individuals selected for appointment to a Federal Advisory Committee working group appointment will serve as a volunteer. WG volunteers will not be compensated but will be reimbursed for travel to in-person meetings for their assigned group.

Nominations

Interested persons may nominate themselves or others for membership on an SAB WG. An application is required for all candidates, including those nominated by third parties. The application package must include the following: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) The nominee's area of industry perspective (academia, commercial service provider, or end-user); (3) A short description of qualifications relative to the advice solicited in this Notice; and (4) A current resume (maximum of four pages). All nomination information must be provided in a single, complete package, and must be sent to the SAB DFO at the electronic address provided above with the subject line ''Application for SAB Working Group Membership 2026''.

Privacy Act

Privacy Act Statement: *Authority.* The collection of information concerning nominations to the NSGAB FAC is authorized under the FACA, as amended, 5 U.S.C. App. and its implementing regulations, 41 CFR part 102–3, and in accordance with the Privacy Act of 1974, as amended, (Privacy Act) 5 U.S.C. 552a. *Purpose.* The collection of names, contact information, resumes, professional information, and qualifications is required in order for the Under Secretary to appoint members to the NSGAB FAC.

Routine Uses

NOAA will use the nomination information for the purpose set forth above. The Privacy Act of 1974 authorizes disclosure of the information collected to NOAA staff for work-related purposes and for other purposes only as set forth in the Privacy Act and for routine uses published in the Privacy Act System of Records Notice COMMERCE/DEPT–11: Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/dept-11.html* and the System of Records Notice COMMERCE/DEPT–18: Employees Personnel Files Not Covered by Notices of Other Agencies, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/DEPT-18.html.*

Disclosure. Furnishing the nomination information is voluntary; however, if the information is not provided, the individual would not be considered for appointment as a member of the NOAA SAB FAC.

Nikola Garber,

Deputy Director of Sea Grant, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–16908 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Meeting of the National Sea Grant Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board), a Federal Advisory Committee. Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. For more information on this Federal Advisory Committee please visit the Federal Advisory Committee database: *https://www.facadatabase.gov/FACA/FACAPublicPage.*

DATES: The announced meeting is scheduled for Tuesday, September 1, 2026 from 4:15 p.m.–4:45 p.m. (EST).

ADDRESSES: The meeting will be held virtually. Registration is not required. For more information about the virtual meeting see below in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For any questions concerning the meeting, please contact Ms. Susan Holmes, National Sea Grant College Program. Email: *oar.sg-feedback@noaa.gov,* Phone Number (301) 734–1077.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be open to public participation with a public comment period on Tuesday, September 1, 2026 at 4:25 p.m. (EST). The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Susan Holmes by Friday, August 28, 2026 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date.

Special Accommodations: The Board meeting is virtually accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Susan Holmes by Friday, August 28, 2026.

The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters To Be Considered: Board members will discuss and vote on the selection of new subcommittee membership: *https://seagrant.noaa.gov/About/Advisory-Board.*

Nikola Garber,

Deputy Director, National Sea Grant College Program Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–16886 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Solicitation of Nominations for Membership on the NOAA Science Advisory Board (SAB)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation of nominations for membership on the NOAA Science Advisory Board.

SUMMARY: The NOAA Science Advisory Board (SAB) is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education and the application of science to resource management and environmental assessment and prediction. NOAA seeks candidates with expertise in areas relevant to its mission, including Federal, State, and local government; social and behavioral sciences; artificial intelligence and machine learning; high performance computing; data management, including open access and accessibility; uncrewed systems; whale research and conservation; aircraft systems and modernization; and economic analysis, including cost-benefit evaluation of observing systems.

NOAA also encourages nominations of qualified mid-career scientists and engineers.

DATES: Nominations should be sent to the email address specified below and must be received no more than 30 days after publication of this notice.

ADDRESSES: Nominations and applications should be submitted electronically to the SAB Designated Federal Officer (DFO), at *noaa.scienceadvisoryboard@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Casey Stewart, SAB Designated Federal Officer (DFO), SSMC3, Room 11360, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 240–653–8297; Email: *noaa.scienceadvisoryboard@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The NOAA Science Advisory Board (SAB) is a Federal advisory committee established under the Federal Advisory Committee Act (FACA), 5 U.S.C. 1001 *et seq.* The SAB advises NOAA leadership on matters related to science and technology, research priorities, and the integration of science into NOAA operations.

NOAA seeks to maintain a balanced membership that reflects an interdisciplinary nature of expertise, sectors, and perspectives relevant to NOAA's mission.

Recruitment

Phased Recruitment Approach

To ensure continuity of operations and timely filling of vacancies, NOAA will use a phased recruitment and appointment approach. This approach allows NOAA to:

- Maintain a ready pool of highly qualified candidates
- Fill vacancies as they occur, including mid-term departures
- Support leadership succession planning, including Vice Chair roles
- Ensure compliance with FACA balance and membership requirements

Candidates selected through this process may be appointed at different times through January 31, 2028, depending on Board needs.

Scope of Nominations

NOAA is interested in candidates with expertise in, but not limited to: Weather, water, and climate science and prediction, ocean science and technology, Data science, artificial intelligence, and machine learning, environmental information systems, Space Commerce and explorations, Social and behavioral sciences related to environmental decision-making, Public-private partnerships and the weather enterprise.

Membership Criteria

Members are selected based on: Scientific and technical expertise; Leadership experience; Ability to contribute to SAB activities and working groups; Availability to participate actively in meetings and intersessional work; Absence of conflicts of interest.

Terms of Service

Appointments are typically for a term of *three years,* with the possibility of reappointment, subject to applicable policies and Board needs. Terms may be staggered to maintain continuity.

Selection Process

Nominations will be reviewed by NOAA and evaluated based on expertise, Board needs, and balance considerations. Final appointments are made by the Under Secretary of Commerce for Oceans and Atmosphere or designee. Individuals selected for Federal Advisory Committee Membership become a Special Government Employee (SGE) of the United States Government. According to 18 U.S.C. 202(a), a SGE(s) is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, either on a full time or intermittent basis. After the selection process is complete applicants selected to serve on the Board must complete the following actions before they can be appointed as a Board member: (a) Security Clearance (online Background Security Check process and fingerprinting conducted through NOAA Workforce Management), and (b) Confidential Financial Disclosure Report. SGEs are required to file a Confidential Financial Disclosure Report annually to avoid involvement in any real or apparent conflict of interest.

Nominations

Interested persons may nominate themselves or others for membership on the SAB. An application is required for all candidates, including those nominated by third parties. The application package must include the following: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) The nominee's area of industry perspective (academia, commercial service provider, or end-user); (3) A short description of qualifications relative to the advice solicited in this Notice; and (4) A current resume (maximum of four pages). All nomination information must be provided in a single, complete package, and must be sent to the SAB DFO at the electronic address provided above with the subject line ''Application for SAB Membership 2026''.

Privacy Act

Privacy Act Statement: Authority. The collection of information concerning nominations to the NSGAB FAC is authorized under the FACA, as amended, 5 U.S.C. App. and its implementing regulations, 41 CFR part 102–3, and in accordance with the Privacy Act of 1974, as amended, (Privacy Act) 5 U.S.C. 552a.

Purpose. The collection of names, contact information, resumes, professional information, and qualifications is required in order for the Under Secretary to appoint members to the NOAA SAB FAC.

Routine Uses. NOAA will use the nomination information for the purpose set forth above. The Privacy Act of 1974

authorizes disclosure of the information collected to NOAA staff for work-related purposes and for other purposes only as set forth in the Privacy Act and for routine uses published in the Privacy Act System of Records Notice COMMERCE/DEPT–11: Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/dept-11.html* and the System of Records Notice COMMERCE/DEPT–18: Employees Personnel Files Not Covered by Notices of Other Agencies, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/DEPT-18.html.*

Disclosure. Furnishing the nomination information is voluntary; however, if the information is not provided, the individual would not be considered for appointment as a member of the NOAA SAB FAC.

Nikola Garber,

Deputy Director of Sea Grant, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–16884 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No: 260706–0163]

XRIN 0648–XA007

Deep Seabed Mining: Notice of Receipt of Consolidated Application for Deep Seabed Mining Exploration License and Commercial Recovery Permit and Announcement of Public Comment Period and Virtual Public Hearing

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of receipt of consolidated application for deep seabed mining exploration license and commercial recovery permit; request for comments; notice of virtual public hearing.

SUMMARY: NOAA has received a consolidated application for a license to conduct seabed mining exploration activities and a permit to conduct commercial recovery activities that is fully compliant with the applicable information requirements of the Deep Seabed Hard Mineral Resources Act (DSHMRA or the Act) and the Act's implementing regulations. As part of the application review process, NOAA will hold one virtual public hearing on The Metal Company USA, LLC's (TMC USA) consolidated application and will accept written comments on the application submitted electronically via the instructions below.

DATES: Comments on the application must be received by October 19, 2026. The virtual public hearing is scheduled for October 13, 2026, from 3 p.m. to 5 p.m. Eastern Time (ET). Instructions for attending the virtual public hearing are provided below.

ADDRESSES: The TMC USA application is electronically available at *https://www.regulations.gov/docket/NOAA-NOS-2026-1751.* You may send comments, identified by docket number, by either of the following means:

Written Comments

Submit all public written comments on TMC USA's Application via the Federal *regulations.gov* e-Portal at *https://www.regulations.gov/docket/NOAA-NOS-2026-1751* or go to *www.regulations.gov* and enter ''NOAA–NOS–2026–1751'' in the search bar.

Comments must be submitted by the date and electronic method described below to ensure that the comments are received, documented, and considered by NOAA. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. Comments that are not related to the application or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered. To ensure full consideration by NOAA, comments must be submitted in English. Comments that are not submitted in English may not be posted to the public dockets on *regulations.gov* or considered by NOAA. All relevant comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or information that is otherwise sensitive or protected. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Virtual Public Hearing

You may submit oral comments on TMC USA's Application during the October 13, 2026 meeting.

NOAA will conduct a virtual public hearing via Adobe Connect. Each person who wants to attend the virtual public hearing must electronically register by October 9, 2026, 5 p.m. ET. Attendance at the virtual public hearing will be limited to 1,000 individuals. Any person who registers and wants to speak at a virtual public hearing should indicate that they want to speak when they register. To register for either hearing, use the following link: *https://noaabroadcast.adobeconnect.com/e2hmwfjeiu4s/event/event_info.html.* Each registered participant will receive an Adobe Connect link for the virtual public hearing.

Once the virtual public hearing starts, NOAA will describe the virtual public hearing logistics. NOAA will then start the public comment part of the virtual public hearing and will call on speakers on a first come/first served basis through the raised hand function of Adobe Connect. NOAA will then unmute the person selected to speak. Each speaker will have three minutes to speak on the TMC USA application. If a speaker does not respond when they are called on, NOAA will move to the next speaker. At the three-minute mark for each speaker, NOAA will mute that speaker. Speakers cannot allot their time to another speaker. Once all speakers have spoken or at the scheduled end of the virtual public hearing, whichever is earlier, NOAA will end the virtual public hearing. NOAA retains discretion to extend the virtual public hearing if appropriate and feasible. NOAA will record the hearing and will include transcripts of the hearing on the public docket for the TMC USA application on the *regulations.gov* website at *https://www.regulations.gov/docket/NOAA-NOS-2026-1751.* The names provided by each speaker will also be published as part of the transcripts.

The virtual public hearing does not replace the process for submission of written comments. NOAA will not respond during the virtual hearing to oral comments or questions. To ensure full consideration by NOAA, oral comments must be in English. Comments that are not in English may not be transcribed or considered by NOAA.

FOR FURTHER INFORMATION CONTACT: Bryan Cole, 301–233–2998, *bryan.cole@noaa.gov.*

SUPPLEMENTARY INFORMATION: On March 19, 2026, NOAA received an amended consolidated application (''consolidated application'') from TMC USA for a license to conduct seabed mining exploration activities and a permit to conduct commercial recovery activities in an area beyond national jurisdiction generally known as the Clarion-Clipperton Zone. This consolidated application superseded a previously-

filed application from TMC USA seeking only an exploration license, which NOAA previously noticed in the **Federal Register** on December 23, 2025, and which was referred to in that **Federal Register** Notice as ''Application A'' (90 FR 60064). This consolidated application seeks the same area in the Clarion-Clipperton Zone as the original exploration license application. TMC USA's ''Application B,'' for an exploration license, which was noticed as part of the same filing, was not affected by the filing of the consolidated application (90 FR 60064).

NOAA has determined that the consolidated application is fully compliant with the applicable information requirements of the Act and its implementing regulations. Under DSHMRA, NOAA shall publish notice of all applications and, subject to applicable public disclosure limitations, interested persons are afforded the opportunity to examine the relevant application materials and to submit written and oral comments to NOAA. NOAA has determined that the TMC USA consolidated application is the relevant material for examination during the notice of application (30 U.S.C. 1426(a)(1)). This application is electronically available at the location listed in the **ADDRESSES** section. Please note that the statements made in the application do not necessarily reflect the views of NOAA or the views of the U.S. Government.

(Authority: 30 U.S.C. 1426(a)(1).)

Neil A. Jacobs,

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–16869 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF931]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Herring Committee and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 2, 2026 at 9:30 a.m. EDT Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/NLVhVI9STeWWVwcfsJ9ALA.*

ADDRESSES: This meeting will be held at the Hilton Garden Inn Boston Logan, 100 Boardman Street, Boston, MA 02128; Phone (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Herring Committee and Advisory Panel will meet to discuss Atlantic herring specifications for 2027–2031. They will also make recommendations to the Committee or Council as appropriate. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 17, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–16889 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF919]

Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on October 5 and 6, 2026. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the PAC will be held on October 5 and 6, 2026 from 9 a.m. to 5:30 p.m. Hawaii Standard Time (or until business is concluded). Members of the public may submit written comments on meeting topics or materials, at least 2 weeks before the meeting (submission by September 20, 2026), to be part of meeting materials and to be reviewed by PAC members and U.S. Commissioners ahead of the meeting; public comment is also accepted during the meeting. An Executive Session, closed to the public, may be called during the PAC meeting if confidential subject matter arises or is requested by the PAC. Confidential matters can include U.S. negotiating positions, strategy, litigation, and internal operational issues related to international meetings. A placeholder for an Executive Session is on the agenda to accommodate this possibility.

ADDRESSES: The public meeting will be held in Honolulu, HI and will also be broadcasted via web conference. For details on how to attend the meeting in-person or virtually and how to submit comments, please contact Katrina Poremba, NMFS Pacific Islands Regional Office, email: *pir.wcpfc@noaa.gov,* at least 5 days in advance of the meeting to receive documents via email. This meeting may be audio recorded for the purposes of generating notes of the meeting. As public comments will be made publicly available, participants and public commenters are urged not to provide personally identifiable information at

this meeting. Participation in the meeting, in person, by web conference, or by telephone constitutes consent to the audio recording.

FOR FURTHER INFORMATION CONTACT: Katrina Poremba, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808–725–5096; email: *pir.wcpfc@noaa.gov*

SUPPLEMENTARY INFORMATION: In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the PAC has been formed to advise the U.S. Commissioners to the WCPFC. The PAC is composed of: (i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC; (ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee (or the chair's designee); and (iii) officials from the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners, the Department of State, and the U.S. head of delegation. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC website: *http://www.wcpfc.int.*

Meeting Topics

The PAC meeting topics may include the following: (1) outcomes of the 2026 annual sessions of the WCPFC Scientific Committee, Northern Committee, and Technical and Compliance Committee; (2) issues to be considered in the WCPFC 2026 annual session; (3) potential U.S. proposals to the WCPFC 2026 annual session; (4) input and advice from the PAC on issues that may arise at the WCFPC 2026 annual session; (5) potential proposals from other WCPFC members; and (6) other issues. There will also be an opportunity for the U.S. Participating Territories (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to present their priority issues to the U.S. Commissioners.

Special Accommodations

The meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katrina Poremba (email: *pir.wcpfc@noaa.gov)* by September 20, 2026.

Authority: 16 U.S.C. 6902 *et seq.*

Dated: August 14, 2026.

Alexa Cole,

Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.

[FR Doc. 2026–16875 Filed 8–18–26; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0059: Part 41, Relating to Security Futures Products

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on collection requirements relating to security futures products.

DATES: Comments must be submitted on or before October 19, 2026.

ADDRESSES: You may submit comments, specifically referencing ''OMB Control No. 3038–0059,'' by any of the following methods:

- *Regulations.gov:* Go to *https://www.regulations.gov* and press the ''Search'' button, then proceed as follows:

1. Under Refine Documents Results—check the box to ''Only show documents open for comment'';

2. Under Agency—select ''See More'' and check the box for ''Commodity Futures Trading Commission,'' then press the Apply button;

3. Identify this notice in the list of CFTC documents open for comment, press the ''Comment'' button to open the submission form, and follow the instructions on the form.

Alternatively, if you are viewing this notice on *www.federalregister.gov,* click the ''Submit A Public Comment'' button at the top of the page to open the comment form. Follow the instructions on the form to submit your comment to *Regulations.gov.*

- *Mail:* Send to—Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- *Hand Delivery/Courier:* Address to—CFTC Comment Submission, Attn: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through *Regulations.gov* are encouraged.

All comments must be submitted in English or, if not, accompanied by an English translation. Do not include in your comment text or attachments any personal identifying information or business information that you do not want published online. Comments (regardless of submission method) will be published without review for, and without removal of, any personal identifying information or information your business may consider confidential.

If you wish to submit confidential information for the Commission's consideration, please contact the CFTC personnel listed in this Notice under **FOR FURTHER INFORMATION CONTACT** before making any submission. Please also carefully review the Commission's procedures in 17 CFR 145.9 for requesting confidential treatment under the Freedom of Information Act (FOIA) of information submitted to the Commission.

The CFTC reserves the right, but shall have no obligation, to review, pre-screen, filter, or redact all or any part of your comment submission. The CFTC also reserves the right, without further notification, to refuse to publish or to remove from public view all or any part of your submission to the extent it contains content inappropriate for publication in a comment file, such as—without limitation—obscene language, threats of violence, solicitations for commercial sales or illegal activity, or obvious spam. If a submission that is refused for or withdrawn from publication because of inappropriate content also contains comments on the merits of this notice, such submission will be retained in the record for the matter and will be considered as required under the Administrative

Procedure Act, the Paperwork Reduction Act, and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Isabella Bergstein, (202) 993–1384, *ibergstein@cftc.gov,* Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, and refer to OMB Control No. 3038–0059.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* 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'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of the currently approved collection of information listed below. 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.[1]

Title: Part 41, Relating to Security Futures Products (OMB Control No. 3038–0059). This is a request for an extension of a currently approved information collection.

Abstract: Section 4d(c) of the Commodity Exchange Act (''CEA''), 7 U.S.C. 6d(c), requires the CFTC to consult with the Securities and Exchange Commission (''SEC'') and issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to firms that are fully registered with the SEC as brokers or dealers and the CFTC as futures commission merchants involving provisions of the CEA that pertain to the treatment of customer funds. The CFTC, jointly with the SEC, issued regulations requiring such dually-registered firms to make choices as to how its customers' transactions in security futures products will be treated, either as securities transactions held in a securities account or as futures transactions held in a futures account. How an account is treated is important in the unlikely event of the insolvency of the firm. Securities accounts receive insurance protection under provisions of the Securities Investor Protection Act. By contrast, futures accounts are subject to the protections provided by the segregation requirements of the CEA. The rules associated with this information collection include registration, reporting requirements, recordkeeping requirement, and third-party disclosure requirements.

With respect to the collection of information, the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

Burden Statement: The Commission is revising its estimate of the burden for this collection for a total of 10 respondents (2 DCMs and 8 FCMs). The respondent burden for this collection is estimated as follows:

Estimated number of respondents/ affected entities: 10.

Estimated average burden hours per respondent: 60 hours (rounded).

Estimated total annual burden: 603 hours.

Frequency of collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 17, 2026.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2026–16876 Filed 8–18–26; 8:45 am]

BILLING CODE 6351–01–P

[1] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8 (b)(3)(vi).

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1684]

Proposed Collection; Comment Request

AGENCY: United States Central Command (USCENTCOM), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* USCENTCOM announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 19, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to CENTCOM, 7115 S Boundary Blvd., Tampa, FL 33621, Mr. Cedrick Lowe, 813–529–6281.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Joint Contingency and Expeditionary Services (JCXS); OMB Control Number 0704–0589.

Needs and Uses: The information collection necessary to maintain the safety of contractors and U.S. Armed Forces while ensuring that the U.S. Government is not doing business with entities at odds with American interests. Joint Contingency and Expeditionary Services (JCXS) contain two modules. The Joint Contingency Contracting System (JCCS) evaluates vendors for possible approval or acceptance to do business with and have access to U.S. military installations around the world. The Civilian Arming Authorization Management System (CAAMS) provides a standardized and automated process for the submission, review, approval, and compliance management of the contractor arming process. JCXS is the DoD's agile, responsive, and global provider of Joint expeditionary acquisition business solutions that fulfill mission-critical requirements while supporting interagency collaboration—to include, but not limited to, contracting, finance, spend analysis, contract close-out, staffing, strategic sourcing, and reporting.

Affected Public: Individuals and households.

Annual Burden Hours: 2,750.

Number of Respondents: 5,500.

Responses per Respondent: 1.

Annual Responses: 5,500.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: August 17, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–16920 Filed 8–18–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4114–067]

Lower Saranac Hydro Partners, LLC; Notice of Revised Procedural Schedule

This notice revises the Federal Energy Regulatory Commission's (Commission) schedule for processing the relicense application for the Lower Saranac Hydroelectric Project No. 4114, which was filed by Lower Saranac Hydro Partners, LLC (Hydro Partners) on May 30, 2025. On June 12, 2025, Commission staff issued a notice of application tendered for filing, which included an initial processing schedule.

On August 14, 2026, Commission staff granted Hydro Partner's requested extension of time to file study reports for the project's relicensing. Staff provided Hydro Partners until August 31, 2026, to file the report for the Run of River Operations Study and until December 31, 2026, to file the final report for the Bypassed Reach Flow Study.

By this notice, Commission staff is updating the procedural schedule. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue Acceptance Notice and Letter.	January 2027.
Issue Scoping Notice	February 2027.
Issue Notice of Ready for Environmental Analysis.	April 2027.

Any questions regarding this notice may be directed to Cynthia Cooksey by email at *Cynthia.Cooksey@FERC.gov* or by telephone at (202) 502–6034.

(Authority: 18 CFR 2.1.)

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16928 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–29–000]

Commission Information Collection Activities (FERC–725U); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–725U (1902–0274), Mandatory Reliability Standards for the Bulk Power System; CIP Reliability Standards. There are no proposed changes to the reporting requirements. The comment period ended on July 27, 2026, with no comments received.

DATES: Comments on the collection of information are due September 18, 2026.

ADDRESSES: Send written comments on FERC–725U to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202608-1902-002.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify Docket No. (IC26–29–000) and the FERC Information Collection number (FERC–725U) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Contact: Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725U, Mandatory Reliability Standards for the Bulk Power System; CIP Reliability Standards.

OMB Control No.: 1902–0274.

Type of Request: Three-year approval of the currently approved collection: FERC–725U with no changes to the reporting or recordkeeping requirements.

Abstract: On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law. EPAct 2005 added section 215 to the Federal Power Act (FPA),[1] which requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may

[1] 16 U.S.C. 824*o.*

be enforced by the ERO, subject to Commission oversight, or by the Commission independently. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight or by the Commission independently. In 2006, the Commission certified NERC (now called the North American Electric Reliability Corporation) as the ERO pursuant to section 215 of the FPA.

Reliability Standard CIP–014–3 (Physical Security) is part of the implementation of the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk Power system. Reliability Standard CIP–014–3 requires applicable transmission owners and transmission operators to identify and protect transmission stations and transmission substations, and their associated primary control centers that, if rendered inoperable or damaged resulting from a physical attack, could result in widespread instability, uncontrolled separation, or cascading within an Interconnection.

In terms of information collection requirements, an applicable entity must create or maintain documentation showing compliance, when appropriate, with each requirement of the Reliability Standard. This Reliability Standard CIP–014–3 has six requirements. Transmission owners and transmission operators must keep data or evidence to show compliance with the standard for three years unless directed by its Compliance Enforcement Authority. If a responsible entity is found non-compliant, it must keep information related to the non-compliance until mitigation is complete and approved, or for three years, whichever is longer.

The number of respondents below is based on an estimate of the NERC compliance registry for transmission owners and transmission operators. The Commission based its paperwork burden estimates on the NERC compliance registry as of April 20, 2026. According to the registry, there are 341 transmission owners (TO) and 170 transmission operators (TOP) who are applicable to CIP–014–3. The estimate is based on a zero change in burden from the current standard to the standard approved in this Order. The Commission based the burden estimate on staff experience, knowledge, and expertise.

Reliability Standard CIP–014–3, need to provide the same evidence to demonstrate compliance whether it is kept on-site or loaded electronically into the SEL.

Respondents: Business or other for profit, and not for profit institutions.

Frequency of Responses: On occasion.

Burden Estimates: The Commission estimates the following in the annual public reporting burden and cost [2] as indicated below:

FERC–725U

[Mandatory Reliability Standards: Reliability Standard CIP–014]

	Number of respondents [3] (1)	Number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response (4)	Total burden hours & total cost (rounded) (3) * (4) = (5)	Average cost per respondent (5) ÷ (1)
Change Annual	341 (TO)	1	341	32 hrs.; $2,032.64.	10,912 hrs.; $693,130	32 hrs.; $2,032.64.
Reporting and Recordkeeping	170 (TOP)	1	170	32 hrs.; $2,032.64.	5,440 hrs.; $345,549	32 hrs.; $2,032.64.
Total FERC–725U			511		16,352 hrs.; $1,038,679	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16925 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2645–000]

Erie Boulevard Hydropower, L.P.; Notice of Authorization for Continued Project Operation

The license for the Beaver River Hydroelectric Project No. 2645 was issued for a period ending July 31, 2026.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a

[2] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25 = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

[3] The number for TOs (341) and TOPs (170) represent the number of unique US entities and is taken from the NERC compliance registry information as of April 20, 2026.

project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2645 is issued to Erie Boulevard Hydropower, L.P. for a period effective August 1, 2026, through July 31, 2027, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2027, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Erie Boulevard Hydropower, L.P. is authorized to continue operation of the Beaver River Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16923 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9028–000]

Banister Hydro, Inc.; Notice of Authorization for Continued Project Operation

The license for the Halifax Hydroelectric Project No. 9028 was issued for a period ending July 31, 2026.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 9028 is issued to Banister Hydro, Inc. for a period effective August 1, 2026, through July 31, 2027, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2027, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Banister Hydro, Inc. is authorized to continue operation of the Halifax Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16926 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–31–000]

Commission Information Collection Activities (FERC–923); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of the information collection FERC–923 (1902–0265), Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators, described below, which will be submitted to the Office of Management and Budget (OMB) for review. The 60-day notice ended on July 13, 2026 with no comment received.

DATES: Comments on the collection of information are due September 18, 2026.

ADDRESSES: Send written comments on FERC–923 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202608-1902-003.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify Docket No. (IC26–31–000) and the FERC Information Collection number (FERC–923) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

Once there, you can also sign up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–923, Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators.

OMB Control No.: 1902–0265.

Type of Request: Three-year extension of the information collection requirements described below with no changes to the current reporting requirements.

Abstract: In 2013, the Commission revised its regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to voluntarily share non-public, operational information with each other for the purpose of promoting reliable service and operational planning on either the pipeline's or public utility's system. This helped ensure the reliability of natural gas pipeline and public utility transmission services by permitting transmission operators to share with each other the information that they deem necessary to promote the reliability and integrity of their systems. FERC removed actual or perceived prohibitions to the information sharing and communications between industry entities. The information shared is not submitted to FERC. Rather, the non-public information is shared voluntarily between industry entities. FERC does not prescribe the content, medium, format, or frequency for the information sharing and communications. Those decisions are made by the industry entities, depending on their needs and the situation.

Type of Respondent: Natural gas pipelines and public utilities.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden and cost [2] for FERC–923 as:

FERC–923—COMMUNICATION OF OPERATIONAL INFORMATION BETWEEN NATURAL GAS PIPELINES AND ELECTRIC TRANSMISSION OPERATORS

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hrs. & cost ($) per response (4)	Total annual burden hrs. & total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Public Utility Transmission Operator, communications.	[3] 156	12	1,872	0.5 hrs.; $51.00	936 hrs.; $95,472	$612
Interstate Natural Gas Pipelines, communications.	[4] 189	12	2,268	0.5 hrs.; 51.00	1,134 hrs.; 115,668	612
Total		4,140			2,070 hrs.; 211,140	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16921 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[2] Commission staff estimates that the industry's skill set (wages and benefits) for FERC–923 is comparable to the Commission's skill set. The FERC 2026 average salary plus benefits for one FERC full-time equivalent (FTE) is $213,003 year (or $102 per hour [rounded]).

[3] The estimate for the number of respondents is based on the North American Electric Reliability Corporation (NERC) Compliance Registry as of March 31, 2026, minus the Transmission Operators within ERCOT.

[4] The estimate is based on the number of respondents to the 2024 FERC Forms 2 and 2A (Major and Non-major Natural Gas Pipeline Annual Reports).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1121–000]

Pacific Gas & Electric Company; Notice of Authorization for Continued Project Operation

The license for the Battle Creek Hydroelectric Project No. 1121 was issued for a period ending July 31, 2026.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1121 is issued to Pacific Gas & Electric Company for a period effective August 1, 2026, through July 31, 2027, or until the issuance of a new license for the

project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2027, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Pacific Gas & Electric Company is authorized to continue operation of the Battle Creek Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16924 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–141–018.
Applicants: Conetoe II Solar, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5081.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER17–360–012.
Applicants: Rio Bravo Solar I, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5084.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER17–361–012.
Applicants: Pumpjack Solar I, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5083.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER17–362–012.
Applicants: Rio Bravo Solar II, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5088.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER17–539–011.
Applicants: Wildwood Solar I, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5091.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER17–540–011.
Applicants: Wildwood Solar II, LLC.
Description: Compliance filing: Response to Request for Additional Information to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5094.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER21–40–000; ER21–62–000.
Applicants: Uniper Global Commodities North America LLC, ConocoPhillips Company.
Description: Motion to Reopen and Reverse WECC Refund Orders of ConocoPhillips Company, et al.
Filed Date: 7/31/26.
Accession Number: 20260731–5328.
Comment Date: 5 p.m. ET 9/1/26.

Docket Numbers: ER21–2832–003.
Applicants: Eagle Creek Reusens Hydro, LLC.
Description: Compliance filing: Compliance Filing Revising Tariff Record to be effective 10/1/2021.
Filed Date: 8/14/26.
Accession Number: 20260814–5175.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER21–2833–003.
Applicants: Great Falls Hydroelectric Company.
Description: Compliance filing: Compliance Filing Revising Tariff Record to be effective 10/1/2021.
Filed Date: 8/14/26.
Accession Number: 20260814–5196.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER25–416–003.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
Description: Niagara Mohawk Power Corporation submits additional Compliance addressing Phase 2 Projects of the Commission's directive of the 01/10/2025, Order.
Filed Date: 8/11/26.
Accession Number: 20260811–5175.
Comment Date: 5 p.m. ET 9/1/26.

Docket Numbers: ER26–1966–001.
Applicants: Big Sandy Peaker Plant, LLC.
Description: Compliance filing: Compliance to 3 to be effective 8/21/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5133.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER26–1969–001.
Applicants: Wolf Hills Energy, LLC.
Description: Compliance filing: Compliance to 3 to be effective 8/21/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5135.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER26–2598–001.
Applicants: Public Service Company of Colorado.
Description: Tariff Amendment: 2026–08–13 UPI—SISA—Grandview—926—Deficiency Response to beeffective 12/10/2025.
Filed Date: 8/13/26.
Accession Number: 20260813–5108.
Comment Date: 5 p.m. ET 9/3/26.

Docket Numbers: ER26–2893–001.
Applicants: Public Service Company of Colorado.
Description: Tariff Amendment: 2026–08–14 Response to Deficiency Letter to be effective 8/21/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5204.
Comment Date: 5 p.m. ET 9/4/26.

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.
Docket Numbers: ER26–3518–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–08–14_SA 4839 NIPSCO-Bottlebrush Solar FCA (AE2–045) to be effective 8/10/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5052.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3520–000.
Applicants: Midcontinent Independent System Operator, Inc., Duke Energy Indiana, LLC.
Description: 205(d) Rate Filing: Duke Energy Indiana, LLC submits tariff filing per 35.13(a)(2)(iii: 2026–08–14_SA 4843 Duke IN-Tipton Energy Storage E&P (J2177 J2232) to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5057.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3521–000.
Applicants: Evergy Kansas Central, Inc.
Description: 205(d) Rate Filing: RS 363 DPFA Chap.m.an to be effective 10/13/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5059.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3522–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: 205(d) Rate Filing: JTIQ–NSPM–OTP-Joint Devel Agrmt-JDA-Hank Bison-804.0.0.0 to be effective 7/17/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5064.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3523–000.
Applicants: NorthWestern Corporation.
Description: 205(d) Rate Filing: SA 1037—EPC with Vigilante Electric Coop. to be effective 10/14/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5097.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3524–000.
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: Emeren US (Cherokee Solar) LGIA Filing to be effective 8/3/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5131.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3525–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Revisions to Sch.12-Appx A, July 2026 RTEP Baseline Upgrades;30-Day Comment to be effective 11/12/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5186.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3526–000.
Applicants: Portland General Electric Company.
Description: 205(d) Rate Filing: PGE EDAM LSE Scheduling Coordinator Service Agreement Filing to be effective 10/1/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5215.
Comment Date: 5 p.m. ET 9/4/26.
Docket Numbers: ER26–3527–000.
Applicants: Public Service Company of Colorado.
Description: 205(d) Rate Filing: 2026–08–14 South Park PLGIA—895—0.0.0 to be effective 8/15/2026.
Filed Date: 8/14/26.
Accession Number: 20260814–5218.
Comment Date: 5 p.m. ET 9/4/26.

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 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16927 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–31–000]

Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, Rio Grande LNG Train 5, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Rio Grande LNG Capacity Amendment

On November 21, 2025, Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (RGLNG) filed an application in Docket No. CP26–31–000 requesting an Authorization pursuant to Section 3 of the Natural Gas Act to amend authorizations for certain natural gas liquefaction facilities. The proposed project is known as the Rio Grande LNG Capacity Amendment (Amendment). RGLNG's stated purpose for the Amendment is to align the approved liquefied natural gas (LNG) production capacity of the Rio Grande LNG Terminal with the actual capability of the terminal's liquefaction trains.

On December 2, 2025, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Amendment and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—August 25, 2026

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1784897311.

90-day Federal Authorization Decision Deadline [2]—November 23, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Project Description

At the Rio Grande LNG Terminal in Cameron County, Texas, the Amendment would align the approved LNG production capacity of the terminal with the actual capability of the terminal's previously authorized liquefaction trains from 5.4 million tonnes per annum (MTPA) to approximately 6.03 MTPA per train; and from a nominal capacity of 27.0 MTPA to approximately 30.15 MTPA. According to RGLNG, the Amendment would be accomplished consistent with the currently approved design of the Rio Grande LNG Terminal and would require no new construction or operational modifications.

Background

The Notice of Application informed stakeholders of three ways to become involved in the Commission's review of the Amendment, by either: (1) filing comments; (2) protesting RGLNG's proposal; or (3) filing a motion to intervene. In response to the Notice, the Commission received comments from the South Texas Environmental Justice Network, The Carrizo/Comecrudo Tribe of Texas, Sierra Club, City of Port Isabel, Border Workers United, and from approximately 114 individuals.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

Additional information about the Project is available from the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP26–31), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1)

Dated: August 14, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16922 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–35–000]

Commission Information Collection Activities (Ferc–511) Comment Request; Extension; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments; correction.

SUMMARY: The Federal Energy Regulatory Commission published a notice in the **Federal Register** on August 14, 2026 in 91 FR 52684 (vol. 91, no. 156, page 52684, column 3) requesting comments on submitting the information collection FERC–511: Transfer of Hydropower License (OMB No 1902–0069) to the Office of Management and Budget (OMB) for review of the information collection requirements. The document incorrectly set a 60-day comment window instead of the correct 30-day comment window. The corrected comment window closes September 14, 2026.

DATES: This correction is effective August 19, 2026.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov*, or by telephone at (202) 502–6468.

Dated: August 17, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16915 Filed 8–18–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0488; FRL–13552–01–OCSPP]

Ethylene Dibromide Draft Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of and seeking public comment on the draft risk evaluation under the Toxic Substances Control Act (TSCA) for ethylene dibromide. The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use (COUs), including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA is seeking comment on the draft risk evaluation for ethylene dibromide.

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

ADDRESSES: Submit your comments on the ethylene dibromide draft risk evaluation, identified by docket ID number EPA–HQ–OPPT–2018–0488, online at *https://www.regulations.gov*. Follow the online instructions for submitting comments. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Members of the public should also be aware that personal information included in any written comments may be posted on the internet at *https://www.regulations.gov.* Additional information on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information on ethylene dibromide: Ingrid Feustel, Existing Chemical Risk Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3199; email address: *EthyleneDibromide.TSCA@epa.gov.*

For general information: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7127 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture (defined under TSCA section 3(9) to include import), processing, distribution, use, and disposal of ethylene dibromide, related industry trade organizations, non-governmental organizations with an interest in human and environmental health, State and local governments, Tribal Nations, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. As such, the Agency has not attempted to describe all the specific entities that this action might apply to. If you need help determining applicability, consult the relevant technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

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

The Agency is conducting this risk evaluation under TSCA section 6, (15 U.S.C. 2605) which requires that EPA conduct risk evaluations on chemical substances and identifies the minimum components EPA must include in the risk evaluations. Each risk evaluation must be conducted consistent with the best available science, be based on the weight of the scientific evidence, and consider reasonably available information, and not consider costs or non-risk factors (15 U.S.C. 2625(h), (i), and (k)). See also the implementing procedural regulations at 40 CFR part 702.

C. What action is the Agency taking?

EPA is announcing the availability of and seeking public comment on the draft risk evaluation under TSCA for ethylene dibromide. EPA used the best available science to prepare this draft risk evaluation and preliminarily determined, based on the weight of scientific evidence, that ethylene dibromide does pose unreasonable risk to human health driven primarily by certain COUs analyzed in the draft risk evaluation.

D. What should I consider as I submit my comments to EPA?

1. Submitting CBI

Do not submit CBI through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703, as applicable.

2. Tips for Preparing Comments

When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets*.

II. Background for Ethylene Dibromide

A. What is ethylene dibromide?

Ethylene dibromide is a colorless and sweet-smelling volatile organic chemical and is primarily used in fuels and related products (*i.e.,* lead scavenger) in commercial and consumer leaded aviation fuel (''avgas'') to prevent engine fouling. Workers may be exposed to ethylene dibromide through liquid formulations or vapor when making or using these products. Occupational Non-User (ONU) exposure to ethylene dibromide is only anticipated through vapor exposure as direct handling of liquid formulations containing ethylene dibromide is not anticipated. Consumers may also be exposed to ethylene dibromide through liquid formulations or vapor during intended product use (*i.e.,* refueling small aircrafts with avgas). Environmental releases occur primarily through stack and fugitive emissions, where ethylene dibromide can subsequently undergo indirect photodegradation or wet deposition. Ethylene dibromide may also enter wastewater and, after treatment, be discharged in effluent from publicly owned treatment works.

B. The Risk Evaluation of Ethylene Dibromide

In December 2019, EPA announced its designation of ethylene dibromide (Docket ID: EPA–HQ–OPPT–2018–0488) as a High-Priority Substance for risk evaluation under TSCA (84 FR 71924 (FRL–10003–15–OCSPP)). In April 2020, EPA published and sought public comment on the draft scope of the ethylene dibromide risk evaluation (85 FR 19941 (FRL–10007–11–OCSPP)), and, after considering public comments, issued the final scope on September 4, 2020 (85 FR 55281 (FRL–10013–90–OCSPP)).

In this draft risk evaluation, EPA assessed human health acute, intermediate, and chronic non-cancer and cancer risks to workers and ONUs; acute, and intermediate non-cancer and cancer risks to consumers; and acute and chronic non-cancer and cancer risks to the general population (including fenceline communities and potentially exposed susceptible subpopulations or PESS). This draft risk evaluation also assessed acute and chronic risks to the environment, specifically to aquatic and terrestrial species.

C. Request for Comment

EPA seeks feedback on the assessment of risk presented in the draft risk evaluation for ethylene dibromide, which is available in the docket, and encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the draft risk evaluation. To the extent possible, the Agency asks commenters to please cite any public data related to or that support comments provided, and to the extent permissible, describe any supporting data that is not publicly available.

EPA welcomes specific input on each section of the draft risk evaluation, and is particularly interested in:

- Information to inform whether the data used (*e.g.,* worker activities, process descriptions, exposure monitoring data) for the Incorporation into Formulation, Mixture or Reaction Product occupational exposure scenario (OES) is representative and reliable for today's exposures scenarios;
- Facility-specific information on days of operation and/or release to more accurately characterize environmental releases;
- Facility-specific information on days of operation and hours of operation per day for batch processes to accurately characterize occupational exposure;
- Any exposure monitoring data gathered from facilities relevant to current COUs for ethylene dibromide;
- Information to inform whether the data used for the Laboratory Use OES is representative and reliable for ongoing practices, including use-related information (*e.g.,* volume of ethylene dibromide), workers activity-specific details (*e.g.,* typical working hours/day and days/year, frequency and duration of ethylene dibromide use on a typical workday, personal protective equipment (PPE) used), and site-specific information (*e.g.,* location of the site, engineering controls, size of laboratory site). EPA seeks further information on

exposures in federal and non-federal laboratories;

- Information from ethylene dibromide processing facilities on the current presence of laboratory sites within the same facilities;
- Information on the introduction of any exposure reduction related technologies or engineering controls since the 1980s;
- Information on PPE enforced by employers (*e.g.,* assigned protection factor (APF) of respirators, materials of gloves, duration of respirator or gloves used) and used by workers in various activities under each OES;
- Average working hours per day and number of working days for a worker that refuels single engine small aircraft that utilize 100LL avgas containing ethylene dibromide as a fuel agent or additive;
- Number of aircrafts a worker (avgas refueler) refuels on a typical 8 hour workday;
- Avgas use patterns (*e.g.,* frequency of refueling an aircraft per day, number of days flying an aircraft per year, average number of years that a consumer may fly and refuel their aircraft) for consumers (*i.e.,* pilots of small non-commercial airplanes);
- Racing fuel availability and use patterns (*e.g.,* number or types of vehicles using racing fuel containing ethylene dibromide, volume of use, frequency of refueling);
- Average duration of refueling an aircraft (*i.e.,* the duration of actively transferring avgas from nozzle into an aircraft fuel tank) and average volume of avgas refueled into an aircraft;
- Worker activities, industrial and commercial practices for the disposal of ethylene dibromide, and any exposure monitoring data gathered at landfills or wastewater treatment plants;
- EPA's draft Occupational Exposure Value (OEV) and Short-Term Exposure Value (STEV);
- Number of operating days per year and shift lengths at bulk terminals under the ''Fuels and Related Products'' OES;
- Information regarding engineering controls, administrative controls, and/or PPE use by workers engaged in refueling activities that reduce inhalation and dermal exposure to ethylene dibromide; and
- The representativeness of high-end exposure estimates for intermediate inhalation and dermal occupational exposures (*e.g.,* current practices involving the processing of ethylene dibromide at neat concentrations).

III. Next Steps

After consideration of comments received from the public on the draft risk evaluation and input from the Scientific Advisory Committee on Chemicals (SACC) peer review, EPA will issue a final risk evaluation for ethylene dibromide. Under TSCA section 6, EPA must use the final risk evaluation as a basis to determine, based on the weight of scientific evidence, whether or not the chemical presents an unreasonable risk to human health or the environment under the chemical's COUs. This includes risks to subpopulations who may be at greater risks than the general population, such as children and workers. TSCA prohibits EPA from considering non-risk factors (*e.g.,* costs/benefits) during risk evaluation.

For more information about the TSCA risk evaluation process for existing chemicals, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca*.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 14, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–16919 Filed 8–18–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

Correction

In Notice Document 2026–15326, appearing on pages 48112 through 48113, in the issue of Thursday, July 30, 2026, make the following correction:

On page 48112, in the second column, in the **DATES** section, in the 2nd line, ''August 31, 2026'' should read ''September 28, 2026''.

[FR Doc. C1–2026–15326 Filed 8–18–26; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the World Trade Center Health Program Scientific/Technical Advisory Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), is seeking nominations for membership on the World Trade Center (WTC) Health Program Scientific/Technical Advisory Committee (STAC), in accordance with provisions of the James Zadroga 9/11 Health and Compensation Act of 2010, as amended. The STAC consists of 17 members including experts in fields associated with occupational medicine, pulmonary medicine, environmental medicine, environmental health, industrial hygiene, epidemiology, toxicology, and mental health, and representatives of WTC responders as well as representatives of certified-eligible WTC survivors.

DATES: Nominations for membership on the STAC must be received no later than November 13, 2026. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should bemailed to NIOSH Docket 229–M, c/o Mia Wallace, Committee Management Specialist, National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop S108–7, Atlanta, Georgia 30329–4027, or emailed to *nioshdocket@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Tania Carreón-Valencia, Ph.D., M.S., Designated Federal Officer, World Trade Center Health Program Scientific/Technical Advisory Committee, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop R–12, Atlanta, Georgia 30329–4027. Telephone: (513) 841–4515 (this is not a toll-free number); Email: *TCarreonValencia@cdc.gov.*

SUPPLEMENTARY INFORMATION: The World Trade Center (WTC) Health Program Scientific/Technical Advisory Committee (STAC) reviews scientific and medical evidence and makes recommendations to the Administrator of the WTC Health Program on

additional Program eligibility criteria and, upon request, additional WTC-related health conditions, reviews and evaluates policies and procedures used to determine whether sufficient evidence exists to support adding a health condition to the List of WTC-Related Health Conditions (List), makes recommendations regarding individuals to conduct independent peer reviews of the scientific and technical evidence underlying a final rule adding a condition to the List, and provides consultation on research regarding certain health conditions related to the September 11, 2001, terrorist attacks.

Nominations are sought for individuals with the expertise and qualifications necessary to accomplish the Committee's objectives. The Administrator of the WTC Health Program is seeking nominations for members fulfilling the following categories:

- Occupational Physician;
- Environmental Medicine/Environmental Health Professional; and
- Representative of WTC Responders.

Members may be invited to serve for four-year terms. Selection of members is based on candidates' qualifications to contribute to accomplishing STAC objectives. More information on the Committee is available at *https://www.cdc.gov/wtc/stac.html.*

Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of race, religion, color, national origin, age, disability, or sex. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning of and annually during their terms. NIOSH identifies potential candidates and provides a slate of nominees for consideration to the Director of the Centers for Disease Control and Prevention (CDC) for STAC membership each year; CDC reviews the proposed slate of candidates and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in October, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address);
- The category of membership (environmental medicine or environmental health specialist, occupational physician, pulmonary physician, representative of WTC responders, certified-eligible WTC survivor representative, industrial hygienist, toxicologist, epidemiologist, or mental health professional) that the candidate is qualified to represent;
- A summary of the background, experience, and qualifications that demonstrates the candidate's suitability for the nominated membership category along with an indication of whether the candidate is currently enrolled in the WTC Health Program; and
- At least one letter of recommendation from person(s) not employed by HHS. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, National Institutes of Health, Food and Drug Administration).

Nominations may be submitted by the candidate or by the person/organization recommending the candidate.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–16852 Filed 8–18–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Sole Source Cooperative Agreement To Fund Ministry of Health Zambia

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately $15,000,000 for Federal Fiscal Year 2026 funding to Ministry of Health Zambia, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation. The award will support Zambia through the Ministry of Health (MOH) to lead and oversee the national HIV response in alignment with the U.S. Government's (USG) goal to transition to the host government by 2030.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: Cristel Bender, Global Health Center, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE, Atlanta, GA 30329, Email: *DGHTNOFOs@cdc.gov.*

SUPPLEMENTARY INFORMATION: The sole source award will support Zambia through the Ministry of Health (MOH) to lead and oversee the national HIV response in alignment with the U.S. Government's (USG) goal to transition to host government by 2030.

The MOH is the only entity that can carry out this work, as it is the line ministry with the core mandate, sole authority, and unique qualifications to perform the programmatic activities of this award. The MOH under the Government of Zambia (GRZ) is tasked with ensuring that services, supplies, and infrastructure are in place for the health of Zambian citizens. The MOH is also tasked to ensure that the policies, leadership strategies, capacity building, and appropriate related guidelines are provided to regulate activities within the health sector.

Summary of the Award

Recipient: Ministry of Health Zambia.

Purpose of the award: The purpose of this award is to support the MOH to lead and oversee the national HIV response in alignment with the USG's

goal for transitioning to host government self-reliance.

Authority: This program is authorized under Public Law 108–25 (the United States Leadership Against HIV AIDS, Tuberculosis and Malaria Act of 2003) [22 U.S.C. 7601, *et seq.*] and Public Law 110–293 (the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008), Public Law 113–56 (PEPFAR Stewardship and Oversight Act of 2013), and Public Health Service Act (42 U.S.C. 242I). Additionally, these programs are authorized under Public Health Service Act, Sections 301(a) [42 U.S.C. 241(a)] and, 307 [42 U.S.C. 2421], as amended.

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–16865 Filed 8–18–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Rural Maternity and Obstetrics Management Strategies Program Data Collection, OMB No. 0915–0394—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than October 19, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Rural Maternity and Obstetrics Management Strategies Program Data Collection, OMB No. 0915–0394—Revision.

Abstract: HRSA administers the Rural Maternity and Obstetrics Management Strategies (RMOMS) Program, which is authorized by section 330A–2(d) of the Public Health Service Act. The RMOMS Program grants support networks that improve access to, and continuity of, maternal and obstetrics care in rural communities. The goals of the RMOMS Program are to: (1) improve maternal and neonatal outcomes within a rural region; (2) develop a sustainable network approach to increase the delivery and access of preconception, prenatal, pregnancy, labor and delivery, and postpartum services; (3) develop a safe delivery environment with the support and access to specialty care for perinatal patients and infants; and (4) develop sustainable financing models for the provision of maternal and obstetrics care in rural hospitals and communities. HRSA currently collects information about RMOMS grants using an OMB-approved set of performance measures and seeks to revise that approved collection. The proposed changes are a result of keeping this instrument relevant, responsive to the RMOMS Program needs, and to improve clarity of reporting for respondents.

Need and Proposed Use of the Information: The purpose of the revised data collection is to assess RMOMS awardees' progress in meeting the program goals and how well each awardee meets their community needs. Additionally, HRSA will be able to monitor and assess the impact of the RMOMS Program and ensure that funds are effectively used to provide services that meet the target population's needs.

The proposed changes to this data collection include:

- Changing the frequency of data reporting from an annual basis to a biannual basis (twice a year).
- Changing from aggregate data reporting to patient level data reporting.
- Reducing the number of measures from 34 to approximately 25 data elements.
- Removing Forms/Sections 1 (Consortium/Network) and 2 (Sustainability).
- Form/Section 3: Demographics will be changed to Section 1: Demographic Information.
- Form/Section 4: Project Specific Domain will be separated into the following: Section 2: Prenatal Care and Pregnancy Characteristics; Section 3: Labor and Delivery; Section 4: Postpartum Care; Section 5: Health Behaviors and High-Risk Conditions; and Section 6: Program and Support Services.

HRSA also estimates an increase in the estimated total burden hour compared to the currently approved ICR package. The increase in burden is to account for additional RMOMS respondents, changes to the instrument and frequency of data reporting, and the time it takes for awardees to refine their existing processes to coordinate and collect data from their partner organizations. Awardee organizations vary in data collection and reporting capacity as well as in the number of member organizations each must coordinate with to report this data to HRSA. The amount of time it takes to build processes to coordinate and collect data from network partners will vary. Larger networks with multiple partners across different organizations are likely to report higher burdens due to the wait time in between coordinating data requests. Networks that already have established working relationships with member organizations may have existing processes in place to effectively collect data for this program.

Likely Respondents: Respondents will be the RMOMS award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Maternity and Obstetrics Management Strategies Data Collection	14	2	28	105	2,940
Total	14	2	28	105	2,940

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–16871 Filed 8–18–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Voluntary Partner Survey on HRSA Customer Service, OMB No. 0906–0084—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than October 19, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Voluntary Partner Survey on HRSA Customer Service—OMB No. 0906–0084—Revision.

Abstract: The purpose of the information collections under this generic umbrella ICR package is to conduct customer satisfaction surveys to gather feedback from customers, set customer service standards, and measure performance against those standards with the goal of improving federal government service delivery.

HRSA customer service feedback will mostly be gathered in the form of voluntary surveys about stakeholder experiences with HRSA programs, resources, training experiences, internal procedures, and other standard interactions between HRSA and stakeholders. Voluntary focus groups may also be used to learn more about the needs and concerns of HRSA stakeholders (*e.g.,* grantees, people served by HRSA programs). The majority of collections approved under this ICR will be conducted online, but collections may occur via phone, mail, or in-person.

Along with the instruments themselves, each information collection under this ICR will specify the specific procedures to be used to assess customer satisfaction. Participation will be fully voluntary, and non-participation will not affect eligibility for, or receipt of, future HRSA health services research activities, grant awards, recruitment, or participation. In the case of focus groups, appropriate consent procedures will be customized and used for each information collection activity, and any collection of personal, privacy-protected information will be handled in accordance with all applicable federal requirements. If HRSA wishes to record the encounter, the respondent's permission to record will be obtained before beginning the interview. If consent is not provided, the interview will either not be recorded or not be conducted. When screening is used (*e.g.,* quota sampling), the screening will be as brief as possible, and the screening questionnaire will be provided to OMB for review.

Once the information collection is confirmed to be voluntary, low-burden, and uncontroversial, a proposed customer satisfaction survey will go through an abbreviated approval process called a ''generic'' or ''fast-track'' information collection. Information collected under this generic clearance will not be used for data collection, reports, or policy documents to be released to the public. It is anticipated that data collection approved under this generic clearance will rely heavily on qualitative techniques and not the collection of numerical data. In general, these activities will be used to assess strengths and weaknesses in HRSA program services and processes as they are not designed to yield results that meet generally accepted standards of statistical rigor.

HRSA will also request continued approval for the following generic information collections previously approved by OMB:

- Tree Testing of HRSA's Ryan White HIV/AIDS Program website
- HRSA Web User Survey
- HRSA Electronic Handbooks Customer Service Survey
- Division of Independent Review Objective Review Assessment Survey
- Collection of Qualitative Feedback on Telehealth.HHS.gov
- National Maternal Mental Health Hotline
- Maternal, Infant, and Early Childhood Home Visiting Technical Assistance Resource Center Satisfaction Survey
- Maternal, Infant, and Early Childhood Home Visiting Awardee Feedback Form
- National Marrow Donor Program Donation Experience Survey
- Federal Tort Claim Act Site Visit Follow-Up Survey

- Technical Assistance to Support the HHS Viral Hepatitis National Strategic Plan
- Health Center Program Support Customer Service Survey
- Bureau of Primary Health Care Customer Service Survey
- Division of Practitioner Data Bank Webinar Feedback and Satisfaction Surveys

Need and Proposed Use of the Information: Results of these surveys will be used to plan and redirect resources and efforts as needed to improve services and processes.

Likely Respondents: HRSA partners are typically state or local governments, health care facilities, health care consortia, health care providers, and researchers. HRSA partners may also include individuals served by HRSA programs and/or funding recipients. Participation in any collections under this clearance will be entirely voluntary.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

There will be a modest increase in the number of estimated collections, respondents, and total burden hours based on the shifts in the number of respondents, total burden hours, and the number of generic information collections approved over the past six generic umbrella ICRs. This increase will allow HRSA to assess its performance from a larger swath of its partner population to help ensure that HRSA's customer service delivery continues to improve.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Type of information collection	Number of collections	Number of respondents per collection	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total annual burden hours
Customer Service Instruments	35	3,930	1	137,550	0.13	17,881.50

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–16912 Filed 8–18–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Health Professions Student Loan Program, Loans for Disadvantaged Students Program, Primary Care Loan Program, and Nursing Student Loan Program Administrative Requirements, OMB No. 0906–0088—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–9094.

SUPPLEMENTARY INFORMATION: *Information Collection Request Title:* Health Professions Student Loan Program, Loans for Disadvantaged Students Program, Primary Care Loan Program, and Nursing Student Loan Program Administrative Requirements, OMB No. 0906–0088—Extension.

Abstract: The Health Professions Student Loan (HPSL) Program, authorized by Public Health Service (PHS) Act sections 721–722 and 725–735, is a grant program where recipients provide long-term, low-interest loans to students attending schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, and pharmacy. The Loans for Disadvantaged Students (LDS) Program, authorized by PHS Act sections 721–722 and 724–735, is a grant program where recipients provide long-term, low interest loans to certain students attending schools of allopathic medicine, osteopathic medicine, podiatric medicine, dentistry, optometry, pharmacy, and veterinary medicine. The Primary Care Loan (PCL), authorized by PHS Act sections 721–723 and 725–735, is a grant program where recipients provide long-term, low interest loans to students attending schools of allopathic medicine and osteopathic medicine to practice primary health care. The Nursing Student Loan (NSL) Program, authorized by PHS Act sections 835–842, is a grant program where recipients provide long-term, low-interest loans to students who attend eligible schools of nursing in programs leading to a

diploma degree, an associate degree, a baccalaureate degree, or a graduate degree in nursing. These programs have a number of recordkeeping and reporting requirements for academic institutions and loan applicants. The applicable program regulations are found in 42 CFR 57.201–218 and 57.301–318.

A 60-day notice was published in the **Federal Register** on May 27, 2026, vol. 91, No. 101; pp. 31465–67. There was one public comment from the American Pharmacists Association (APhA) that was largely supportive of the HPSL and LDS programs, the two programs listed in this ICR that support pharmacy education. APhA described challenges facing pharmacy students, especially in light of predicted pharmacist shortages in various regions. APhA encouraged HRSA to create pathways such as the HPSL program to help pharmacy students access federal loans given the important role pharmacists play related to the nation's public health efforts.

HRSA appreciates APhA's comments and continued support for the HPSL and LDS program objectives. HPSL and LDS program recipients with active revolving loan programs continue to issue loans to students, including pharmacy students, even in years when HRSA is not accepting applications for new grant awards. As the comment did not address any technical or burden-related aspects of this information collection; no changes were made to the information collection tool, methodology, or burden calculations.

The burden table listing estimated burden for reporting requirements (see Table 3) has been updated, estimating 10 burden hours each for record retention and reporting requirements associated with administrative hearings, as well as 10 hours for administrative hearings. The 60-day **Federal Register** notice estimated no respondents or burden hours associated with administrative hearings. This was modified for the 30-day **Federal Register** notice because it is not consistent with the currently approved ICR. As a result, the total administrative burden associated with reporting requirements increased by 30 hours compared to the 60-day **Federal Register** notice but not compared to the currently approved collection.

Need and Proposed Use of the Information: Participating HPSL, LDS, PCL, and NSL schools are responsible for determining the eligibility of applicants, making loans, and collecting monies owed by borrowers on their outstanding loans. Participating schools include schools that are no longer disbursing loans but are required to report and maintain program records, student records, and repayment records until all student loans are repaid in full, and all monies due to the federal government are returned.

Likely Respondents: Institutions who have received HPSL, LDS, PCL, and/or NSL Program awards.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TABLE 1—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Instrument (HPSL, LDS, PCL, & NSL)	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Deferment-HRSA Form 519	2,060	1	2,060	0.500	1,030
AOR–HRSA–Form 501	726	1	726	12.000	8,712
Total	2,786		2,786		9,742

Table 2 shows the estimated burden for schools to maintain required records on the history and status for each loan account, which are necessary to complete the forms listed in Table 1 above.

TABLE 2—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR RECORDKEEPING REQUIREMENTS

Data required to be submitted	Number of record keepers	Hours per year	Total burden hours
HPSL, LDS, and PCL Program:			
Documentation of Cost of Attendance	432	1.050	454
Promissory Note	432	1.250	540
Documentation of Entrance Interview	432	1.250	540
Documentation of Exit Interview	*475	0.370	176
Program Records	*475	10.000	4,750
Student Records	*475	10.000	4,750
Repayment Records	*475	19.550	9,286
HPSL/LDS/PCL Subtotal	475		20,496
NSL Program:			
Documentation of Cost of Attendance	304	0.250	76
Promissory Note	304	0.500	152
Documentation of Entrance Interview	304	0.500	152
Documentation of Exit Interview	*486	0.140	68
Program Records	*486	5.000	2,430

TABLE 2—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR RECORDKEEPING REQUIREMENTS—Continued

Data required to be submitted	Number of record keepers	Hours per year	Total burden hours
Student Records	*486	1.000	486
Repayment Records	*486	2.510	1,220
NSL Subtotal	486		4,584

*Includes active and closing schools

Table 3 shows the estimated burden for schools to complete reporting requirements for loan records, which are necessary to complete the forms listed in Table 1 above.

TABLE 3—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR REPORTING REQUIREMENTS

	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total burden hours
HPSL, LDS, and PCL Program:					
Student Financial Aid Transcript	4,600	1.0	4,600	0.250	1,150
Loan Information Disclosure	325	299.5	97,338	0.630	61,323
Entrance Interview	325	139.5	45,338	0.500	22,669
Exit Interview	*334	113.5	37,909	1.000	37,909
Notification of Repayment	*334	862.5	288,075	0.380	109,469
Notification During Deferment	*333	17.0	5,661	0.630	3,566
Notification of Delinquent Accounts	334	172.5	57,615	1.250	72,019
Credit Bureau Notification	334	6.0	2,004	0.500	1,002
Write-off of Uncollectable Loans	520	1.0	520	3.000	1560
Disability Cancellation	3	1.0	3	1.000	3
Administrative Hearings record retention	10	1.0	10	10.000	10
Administrative Hearings reporting requirements	10	1.0	10	10.000	10
HPSL Subtotal					310,690
NSL Program:					
Student Financial Aid Transcript	4,100	1.0	4,100	0.250	1,025
Entrance Interview	282	17.5	4,935	0.420	2,073
Exit Interview	348	9.0	3,132	0.420	1,315
Notification of Repayment	348	9.0	3,132	0.270	846
Notification During Deferment	348	1.5	522	0.290	151
Notification of Delinquent Accounts	348	42.5	14,790	0.040	592
Credit Bureau Notification	348	709.0	246,732	0.006	1,480
Write-off of Uncollectable Loans	23	1.0	23	3.000	69
Disability Cancellation	16	1.0	16	1.000	16
Administrative Hearings	10	1.0	10	10.000	10
NSL Subtotal					7,577

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–16878 Filed 8–18–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0110]

Notification of the Removal of Conditions of Entry on Vessels Arriving From Nigeria

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard announces that it is removing the Federal Republic of Nigeria from the Port Security Advisory.

DATES: The policy announced in this notice is effective on August 19, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Edward Munoz, Division Chief, International Port Security Assessments, U.S. Coast Guard, telephone 202–372–2122, *HQS-DG-IPSProgramHQs@uscg.mil*.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The authority for this notice is 5 U.S.C. 552(a) (''Administrative Procedure Act''), 46 U.S.C. 70110 (''Maritime Transportation Security Act''), and Department of Homeland Security Delegation No. 0170.1(II)(97)(f). As delegated, section 70110(a) authorizes the U.S. Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the U.S. Coast Guard has not found to maintain effective antiterrorism measures.

In 2014, following a determination that Nigeria was not implementing effective antiterrorism measures in its ports, with certain exceptions, the U.S. Coast Guard announced that it was imposing conditions of entry on vessels arriving from Nigeria. Based on recent

assessments, the U.S. Coast Guard has determined that Nigeria is maintaining effective antiterrorism measures in its ports, and is, accordingly removing the conditions of entry announced in previously published notices.

With this notice, the current list of countries assessed and not maintaining effective antiterrorism measures is as follows: Cambodia, Cameroon, Comoros, Cuba, Democratic People's Republic of Korea (North Korea), Equatorial Guinea, Gambia (The), Guinea-Bissau, Haiti, Iran, Iraq, Libya, Madagascar, Micronesia (Federated States of), Nauru, Sao Tome and Principe, Seychelles, Sudan, Suriname, Syria, Timor-Leste, Venezuela, and Yemen. The current Port Security Advisory is available at: *http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/International-Domestic-Port-Assessment/.*

Nathan A. Moore,

Vice Admiral, USCG, Deputy Commandant for Operations.

[FR Doc. 2026–16868 Filed 8–18–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accuracy of Importer of Record Data Submitted to CBP

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document notifies the public that U.S. Customs and Border Protection (CBP) is taking initial steps to implement Executive Order 14411 ''Strengthening Customs Enforcement.'' CBP is executing enhanced enforcement procedures to verify the accuracy of the information provided by new and existing importers of record on the CBP Form 5106, consistent with Executive Order 14411 and governing statutes. Importers of Record (IORs), or customs brokers providing information on the IOR's behalf, must provide accurate and complete information for the IOR. Inaccurate information may result in immediate voiding of IOR numbers and other enforcement actions. IORs, or customs brokers providing information on the IOR's behalf, should ensure that the information is accurate to avoid the voiding of their IOR number, and in preparation for future Executive Order implementation.

DATES: This enhanced enforcement, including immediate voiding of IOR numbers with inaccurate information on the CBP Form 5106, will commence on September 18, 2026.

ADDRESSES: Questions concerning this enforcement effort and requests for reestablishment of a voided IOR number may be submitted via email to *IORProgram@cbp.dhs.gov* using the subject line ''Enforcing IOR Accuracy.''

FOR FURTHER INFORMATION CONTACT: Anita Rivera, Branch Chief, Revenue Enforcement Branch, Trade Modernization Division, Trade Programs Directorate, Office of Trade, at (771) 233–2939 or *IORProgram@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 3, 2026, President Trump signed Executive Order (E.O.) 14411 (Strengthening Customs Enforcement).[1] Section 1 of the E.O. emphasizes the importance of customs enforcement for national security, foreign policy, and the economy of the United States. As further stated in Section 1, effective customs enforcement prevents the importation of unlawful and dangerous goods, ensures importers of record (IORs) are correctly identified and accountable for duties owed, and guarantees compliance with numerous Federal laws, including laws governing forced labor, rules of origin, origin marking, intellectual property, revenue collection, and product safety. Section 2(e) of E.O. 14411 directs the Secretary of the Department of Homeland Security (DHS), among other things, to confirm that active IORs are compliant with all applicable regulations and disclosures. More generally, it should be noted that U.S. Customs and Border Protection (CBP) is currently taking steps to revise importer eligibility regulations, guidance, and policies pursuant to Section 2 of the E.O. and governing statutes. Further public announcements will be made via the CBP website and other public means of dissemination, including, but not limited to, publications in the **Federal Register**, as appropriate.

CBP is the DHS component responsible for enforcing compliance with U.S. customs and trade laws, including those applicable to IORs. Consistent with 19 U.S.C. 1484 and 4320, CBP's regulations in section 24.5 of title 19 of the Code of Federal Regulations (CFR) (19 CFR 24.5) set forth a process for requesting an importer identification number, also known as an IOR number, from CBP to make entry or request services that will result in the issuance of a bill or a refund. To obtain an IOR number, an individual or entity must complete and submit CBP Form 5106, *Create/Update Importer Identity Form.*

More specifically, to become an IOR and make entry in the United States, an individual or entity (or a licensed customs broker on behalf of the individual or entity) must submit a CBP Form 5106 via the Automated Broker Interface (ABI) or via email to a Center of Excellence and Expertise (Center).[2] The form requires the following data elements: (1) importer name, (2) Internal Revenue Service (IRS) Employer Identification Number (EIN), Social Security Number (SSN) or CBP-assigned number, (3) mailing address, (4) physical location address if different from themailing address, (5) phone number, and (6) email address. CBP Form 5106 includes several additional optional data elements, such as information regarding the company, business structure, beneficial ownership, and company officers.

II. Review of Information Provided on the CBP Form 5106

Consistent with Section 2(e) of E.O. 14411 and governing statutes, CBP is implementing enhanced enforcement measures to ensure the accuracy of the information provided to identify and verify importers of record on CBP Form 5106. IORs, or customs brokers providing information on the IOR's behalf, must ensure that all information, including the physical addresses, email addresses, phone numbers, Internal Revenue Service (IRS) employer identification (EIN), and any Social Security Number (SSN) provided on the CBP Form 5106 are accurate and complete, and that each one belongs directly to the IOR. Customs brokers submitting the CBP Form 5106 on behalf of a client must have a valid Power of Attorney (POA) executed directly with the IOR, as required by CBP regulations.[3]

CBP is comprehensively reviewing the CBP Form 5106 information on file for IORs for accuracy. Beginning on September 18, 2026, if CBP determines that an IOR or customs broker acting on behalf of an IOR has failed to provide complete and accurate information, CBP will void the IOR number, rendering it

[1] 91 FR 35125 (June 10, 2026).

[2] The appropriate Center is the IOR's assigned Center, or if an IOR has not yet been assigned to a Center, the appropriate Center is the Center that most closely aligns with the Harmonized Tariff Schedule of the United States classification of the IOR's highest valued commodity. *See https://www.cbp.gov/trade/centers-excellence-and-expertise-information/cee-directory.*

[3] 19 CFR 111.36(c)(3).

invalid for any purpose, including entering imported merchandise into the United States. CBP may also take other enforcement actions, as appropriate.

To ensure compliance with legal requirements and avoid potential voiding of IOR numbers, the IOR, or customs broker providing information on the IOR's behalf, must provide accurate and complete information when submitting entity details via CBP Form 5106, and ensure that the information on file remains accurate and up-to-date. Customs brokers must exercise due diligence to ensure this information is accurate.[4] Customs brokers should not transmit information to CBP that they know or should know is false or misleading, including unverified information.[5] This includes, but is not limited to:

- *Physical Address:* The physical address provided for the IOR must be the actual physical location of the business or individual.[6] It cannot be a registered agent, customs broker, freight forwarder, P.O. box, a business service center, or an address of another person or entity.
- *Email Address:* The email address submitted must be valid and belong to the IOR. Customs brokers or third parties may not supply their own email address, or the email address of another person or entity, in place of the IOR's email address.
- *Phone Number:* The phone number provided must be valid and belong to the IOR. Numbers not associated with the IOR should not be submitted. Customs brokers or third parties may not supply their own phone number, or the phone number of another person or entity, in place of the IOR's phone number.

When updating this and all other information on CBP Form 5106, the party certifying the CBP Form 5106 must take appropriate steps to verify the information prior to submission. The certifying party may be subject to fines or imprisonment under 18 U.S.C. 1001 or other legal consequences for making an intentional false statement or committing deception or fraud on the CBP Form 5106. Additionally, because IOR data is an important identifier for liability for payment of duties, the provision of inaccurate or misleading information on CBP Form 5106 is material to an obligation to pay money to CBP and could subject the IOR or associated individuals to liability under the False Claims Act or other laws. *See, e.g.,* 31 U.S.C. 3729 *et seq.* Refer to CBP Form 5106 instructions for detailed requirements and ensure all updates and corrections are made promptly to avoid compliance issues and other consequences. Customs brokers submitting inaccurate or invalid information on a CBP Form 5106 may also be subject to broker penalties or other consequences pursuant to 19 U.S.C. 1641.

Furthermore, customs brokers must have a valid POA with the IOR that authorizes the customs broker to submit information to CBP on the IOR's behalf. Customs brokers must execute the POA directly with the IOR, not via a freight forwarder or other third party.[7]

III. Procedure for Voiding IOR Numbers and Requesting That Voided IOR Numbers Be Reestablished

As noted above, consistent with E.O. 14411, customs enforcement is essential to the national security, foreign policy, and economy of the United States. Enhanced customs enforcement will protect Americans from unlawful and dangerous goods. Accurate information regarding IORs is essential for ensuring compliance with customs and trade laws of the United States in order to safeguard national security, enforce product safety requirements, and protect the revenue. As such, if CBP determines that the information provided on a CBP Form 5106 is inaccurate or incomplete, CBP will, as of September 18, 2026, immediately void the associated IOR number. CBP will issue a written notice of this action to an IOR to the email address the IOR most recently submitted to CBP, that notifies the IOR of the basis for voiding the IOR number. If applicable, CBP will copy the customs broker that last filed entry on behalf of the IOR when issuing the notice. The notice will include information on how to request reestablishment of the IOR number, including what information must be submitted to CBP to corroborate the identity of the requesting IOR. The IOR or a customs broker with a valid POA may contact CBP at *IORProgram@cbp.dhs.gov* with questions regarding a voided IOR number.

Susan S. Thomas,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2026–16911 Filed 8–18–26; 8:45 am]

BILLING CODE 9111–14–P

[4] 19 CFR 111.29(a).

[5] 19 CFR 111.32.

[6] As explained in the instructions to CBP Form 5106, the physical address must be the address that is associated with the business or the individual. The address associated with the business can be the principal's home address.

[7] 19 CFR 111.36(c)(3).

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2026–0166]

Agency Information Collection Activities: The Department of Homeland Security, Emergency Communications Division, Communications Assets Survey and Mapping (CASM) Tool Registration Tool

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; This is an extension of an existing information collection that was previously approved on 10/17/2023 with an expiration date of 10/31/2026. The control number for this collection is 1670–0043.

SUMMARY: The Emergency Communications Division (ECD) within the Cybersecurity and Infrastructure Security Agency (CISA) submits the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance.

DATES: Comments are encouraged and will be accepted until October 19, 2026.

Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number Docket # CISA–2026–0166, by following the instructions below for submitting comment via the Federal eRulemaking Portal at *http://www.regulations.gov.*

Instructions: All comments received must include the agency name and docket number Docket # CISA–2026–0166. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anais Azoulay, 202–704–5829, *anais.azoulay@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) Emergency Communications Division (ECD), formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 571 *et seq.,* as amended, is required, pursuant to 6 U.S.C. 571(c)(5)to conduct extensive, nationwide outreach and foster the

development of interoperable emergency communications capabilities by state, regional, local, and tribal governments and public safety agencies, and by regional consortia thereof. To achieve this, ECD provides the communications assets and survey mapping (CASM) tool. The CASM tool is the primary resource nationwide for the emergency communications community to inventory and share asset and training information for the purpose of planning public safety communications operability and interoperability. ECD provides the communications assets survey and mapping (CASM) tool as a secure and free nationwide database to contain communications capabilities for use by federal, state, local, territorial, and tribal (SLTT) emergency personnel. CASM allows federal employees and SLTT statewide interoperability coordinators (SWIC) to inventory emergency communication equipment and resources. The information entered is voluntary and used by SWIC to support tactical planning and coordination during emergencies. ECD does not utilize the information entered into CASM. ECD only provides, maintains, and stores the information entered in the CASM database and only has administrative access to the information entered.

CASM Registration

To get access to the CASM tool, users click on the ''request new access'' link on the CASM login page (*https://login.CASM.cisa.dhs.gov/*). The registration requires that users enter their name, contact information, reason for their access request, type of data to access, and access level. Once entered, the access request is routed to their organization's approving authority. Once the organization's approving authority vets and authorizes the access request, the user account is automatically created, and users are notified via an auto-generated email.

CASM Modules

The CASM consists of voluntary modules related to the different types of capabilities. There is a module for assets, which contains information about emergency equipment, the equipment capabilities and location. There is a personnel module, which contains personnel name, contact information and information about their communications unit (COMU) training. The personnel module allows SWICs to track their personnel's COMU training.

All information is collected via electronic means. The CASM registration and database tool is available online via *https://login.CASM.cisa.dhs.gov/.* Users can also access and enter information via the CASM resource finder mobile app.

This information collection does not impact small businesses or other small entities. This database allows ECD to execute its statutory authority under 6 U.S.C. 571 to conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters. Without CASM and the federal government's ability to empower the states, ECD would not have an organic way for states to create a centralized and secure emergency assets and equipment database. Information is protected by the Privacy Act of 1974 and is kept private or anonymous to the extent allowable by law.

The DHS Privacy Office review finds that this is a privacy sensitive collection requiring a privacy impact assessment (PIA) and system of records notice (SORN). The collection is covered by PIA—DHS/ALL/PIA–006 DHS general contacts list and SORN—DHS/ALL–002 DHS mailing and other lists system, 73 FR 71659 (Nov. 25, 2008) and SORN—DHS/ALL–004 general information technology access account records system (GITAARS), 77 FR 70792 (Nov. 27, 2012).

This is an *extension* of a currently approved collection without change.

The Office of Management and Budget is particularly interested in comments which:

1. 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;

2. 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;

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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Communications Assets Survey and Mapping (CASM) Tool Registration Form.

OMB Number: 1670–0043.

Frequency: As needed.

Affected Public: Emergency Communication Personnel.

Number of Respondents: 56 annually.

Estimated Time per Respondent: .5 hours (30 minutes).

Total Burden Hours: 341 hours.

Total Annual Burden Cost: $19,981.

Total Annual Government Burden Cost: $3,000,000.

Winfield P. Werntz,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2026–16877 Filed 8–18–26; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0047]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Employment Eligibility Verification

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 18, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0068. All submissions received must include the

OMB Control Number 1615–0047 in the body of the letter, the agency name and Docket ID USCIS–2006–0068.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on MAY 18, 2026, at 91 FR 28615, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0068 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) 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;

(2) 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;

(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, 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.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Employment Eligibility Verification.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–9; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households; Business or other for-profit; Not-for-profit institutions. The Form I–9 was developed to facilitate compliance with Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, making employment of unauthorized aliens unlawful and diminishing the flow of illegal workers in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection I–9 Employers is 62,063,950 and the estimated hour burden per response is 0.35 hours; the estimated total number of annual respondents for the information collection I–9 Employees is 62,063,950 and the estimated hour burden per response is 0.15 hours; and the estimated total number of annual respondents for the information collection by Record Keeping is 27,200,000 and the estimated hour burden per response is 0.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 35,655,796 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection.* The estimated total annual cost burden associated with this collection of information is $0. Any requirements to support the verification process are already available through other approved collections of information that may be employment related or occur as a part of the hiring process. There is no submission to USCIS of materials which eliminates mailing and photocopying costs.

Dated: August 14, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026–16862 Filed 8–18–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0160]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: E-Verify+

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 18, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2023–0011. All submissions received must include the OMB Control Number 1615–0160 in the body of the letter, the agency name and Docket ID USCIS–2023–0011.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy

Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on MAY 18, 2026, at 91 FR 28616, allowing for a 60-day public comment period. USCIS did receive eight comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2023–0011 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) 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;

(2) 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;

(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, 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.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* E-Verify+.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* E-Verify+; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Business or other for-profit; Not-for-profit institutions. E-Verify+ was developed as a demonstration project to further integrate the Form I–9, Employment Eligibility Verification, process with the E-Verify electronic employment eligibility confirmation process to create a more secure and less burdensome employment eligibility verification process overall for employees and employers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection E-Verify+ Employers, Recruiters and Referrers for a fee, and State Employment Agencies is 189,015 and the estimated hour burden per response is 0.05 hours; the estimated total number of annual respondents for the information collection E-Verify+ Employees (New User Account Creation) is 11,668,584 and the estimated burden per response is 0.17 hours; the estimated total number of annual respondents for the information collection E-Verify+ Employees (Employment Eligibility Verification) is 13,231,050 and the estimated burden per response is 0.08 hours; and the estimated total number of annual respondents for the information collection by Record Keeping and Audits is 13,248,648 and the estimated burden per response is 0.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 5,955,966 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. This is a voluntary program. Any requirements to support the verification process are already available through other approved collections of information that may be employment related or occur as a part of the hiring process

Dated: August 14, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026–16863 Filed 8–18–26; 8:45 am]

BILLING CODE 9111–97–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1517]

Certain Transformers and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 16, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ayr Energy, Inc. of Mountain View, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain transformers and components thereof by reason of misappropriation of trade secrets, false advertising, unfair competition, trademark infringement, false designation of origin, and common law trademark infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information

on this matter can be obtained 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 at *https://www.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 14, 2026, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, or in the sale of certain products identified in paragraph (2) by reason of misappropriation of trade secrets, false advertising, unfair competition, trademark infringement, false designation of origin, and common law trademark infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''certain transformer products, including power transformers, inverter duty transformers, distribution transformers, and components thereof, such as core steel, windings, tanks, and insulation systems'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Ayr Energy, Inc., 110 Pioneer Way, Suite G/H, Mountain View, California 94041.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Zetwerk Manufacturing Businesses Private Limited, #84/1, 2nd & 3rd Floor, Vaishnavi Sovereign, Green Glen Layout, Bellandur, Bangalore, Karnataka 560103, India

Zetwerk Manufacturing USA Inc., 548 Market St. #70774, San Francisco, California 94104

KRYFS Power Components Ltd., 3rd Floor, AZA House, 24 Turner Road, Bandra (W), Mumbai—400050, India

Unimacts Global, LLC, 2 Sedge Road, Lexington, Massachusetts 02420

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 17, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–16905 Filed 8–18–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–760, 701–TA–762, 731–TA–1744, 731–TA–1746 (Final)]

Silicon Metal From Australia and Norway; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of silicon metal from Australia and Norway, provided for in subheading 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of Australia and Norway.[2] [3]

Background

The Commission instituted these investigations effective April 24, 2025, following receipt of petitions filed with the Commission and Commerce by Ferroglobe USA, Inc., Beverly, Ohio, and Mississippi Silicon LLC, Burnsville, Mississippi. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of silicon metal from Australia and Norway were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 26, 2025 (90 FR 54365, November 26, 2025).[4] All persons who

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 39593 (June 30, 2026); 91 FR 39597 (June 30, 2026); 91 FR 39598 (June 30, 2026); 91 FR 39601 (June 30, 2026).

[3] Commissioner Pappas not participating.

[4] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in a subsequent notice published in the **Federal Register** on December 16, 2025 (90 FR 58308).

requested the opportunity were permitted to participate.

The investigation schedules became staggered when Commerce postponed the final determination for its antidumping duty investigations regarding Australia and Norway, and aligned its countervailing duty investigations with its antidumping duty investigations with respect to Australia and Norway, but did not postpone the final determinations for its antidumping investigations regarding Angola and Laos, and its countervailing duty investigations for Laos and Thailand. On April 6, 2026, the Commission issued final affirmative determinations in the antidumping investigations of silicon metal regarding Angola and Laos and its countervailing duty investigations of silicon metal from Laos (91 FR 18004, April 9, 2026). The Commission terminated the countervailing duty investigation of silicon metal from Thailand because it determined that subject imports from that country are negligible. Following notification of final determinations by Commerce that imports of silicon metal from Australia and Norway were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)) and were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)), notice of the supplemental scheduling of the final phase of the Commission's antidumping duty and countervailing duty investigations was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 9, 2026 (91 FR 42559).

The Commission made these determinations pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on August 14, 2026. The views of the Commission are contained in USITC Publication 5774 (August 2026), entitled *Silicon Metal from Australia and Norway: Investigation Nos. 701–TA–760 and 762 and 731–TA–1744 and 1746 (Final).*

By order of the Commission.

Issued: August 14, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–16848 Filed 8–18–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–449 and 731–TA–1118–1121 (Third Review)]

Light-Walled Rectangular Pipe and Tube From China, Mexico, South Korea, and Turkey; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty order on light-walled rectangular pipe and tube from China and the antidumping duty orders on light-walled rectangular pipe and tube from China, Mexico, South Korea, and Turkey 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 these reviews on July 1, 2025 (90 FR 28771) and determined on November 24, 2025 that it would conduct full reviews (90 FR 56801, December 8, 2025). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 29, 2026 (91 FR 3928). The Commission conducted its hearing on June 25, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on August 14, 2026. The views of the Commission are contained in USITC Publication 5775 (August 2026), entitled *Light-Walled Rectangular Pipe and Tube from China, Mexico, South Korea, and Turkey: Investigation Nos. 701–TA–449 and 731–TA–1118–1121 (Third Review).*

By order of the Commission.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Amy A. Karpel and Peter-Anthony Pappas not participating.

Issued: August 14, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–16861 Filed 8–18–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States of America, et al. v. CRH PLC, et al. Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the Western District of Tennessee in *United States of America, et al.* v. *CRH PLC, et al.,* Civil Action No. 2:26–cv–03012. On August 7, 2026, the United States filed a Complaint alleging that APAC-Tennessee's (''APAC'') proposed acquisition of Standard Construction Group (''Standard'') would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires APAC and Standard to divest the APAC facility located at 4765 Tuggle Road, Memphis, TN 38113, and Standard's facility at 7666 Raleigh Millington Road, Millington, TN 38053.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's website at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the Western District of Tennessee. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's website, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be submitted in English and directed to Acting Chief Soyoung Choe, Antitrust Division, Department of Justice, Defense, Industrials, and Aerospace Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 8700, Washington, DC 20530 (email

address: *ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

United States District Court for the Western District of Tennessee

United States of America, U.S. Department of Justice, Antitrust Division, 450 Fifth Street NW, Suite 8700, Washington, DC 20530, and *State of Tennessee, Office of the Attorney General and Reporter, Antitrust and Scaled Industries Division, P.O. Box 20207, Nashville, TN 38202,* Plaintiffs, v. *CRH plc, Belgard Castle, Dublin, Ireland 22, APAC-Tennessee, Inc., 1210 Harbor Avenue, Memphis, TN 38113,* and *Standard Construction Group, Inc., 7434 Raleigh LaGrange Road Cordova, TN 38018,* Defendants.

Case No.: 2:26–cv–03012
Judge Thomas L. Parker

Complaint

CRH plc (''CRH''), through its subsidiary APAC-Tennessee, Inc. (''APAC''), and Standard Construction Group, Inc. (''Standard'') are two of the largest firms that compete in the manufacture and sale of hot-mix asphalt used for road construction in Shelby County, Tennessee. APAC has proposed to acquire Standard, but that proposed acquisition may substantially lessen competition in the market for the manufacture and sale of hot-mix asphalt in Shelby County, Tennessee in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed acquisition should therefore be enjoined.

I. Nature of the Action

1. On October 7, 2024, APAC executed a letter of intent to acquire Standard for at least $133.9 million. APAC's acquisition of Standard's hot-mix asphalt business would secure APAC's control over the supply of hot-mix asphalt necessary to complete various road construction projects in parts of Shelby County, Tennessee. Hot-mix asphalt is one of the primary materials used to build, pave, and repair roads and is used widely in other types of construction. Hot-mix asphalt is an essential input into state and county roads.

2. Hot-mix asphalt is a mixture of aggregates, binder, and filler used for, among other things, constructing and maintaining roads. Hot-mix asphalt is manufactured in an asphalt plant. To supply road construction projects funded by states, either directly or through bids submitted to contractors acting on behalf of states, hot-mix asphalt suppliers must be tested and approved by state departments of transportation. The Tennessee Department of Transportation (''TDOT'') uses hot-mix asphalt to pave roads.

3. APAC and Standard compete directly against one another to supply hot-mix asphalt to TDOT and other purchasers. The proposed acquisition would result in APAC owning five of the seven TDOT-approved hot-mix asphalt facilities that supply Shelby County, Tennessee. Today, APAC and Standard are two of the three suppliers of hot-mix asphalt for road projects in this area purchased directly by TDOT or purchased by contractors for use in TDOT projects. APAC and Standard are also two of the leading suppliers of hot-mix asphalt used in private construction projects in Shelby County, Tennessee. The proposed acquisition would eliminate this head-to-head competition between APAC and Standard. As a result, prices for hot-mix asphalt would likely increase significantly if the acquisition is consummated.

4. Plaintiff State of Tennessee spends hundreds of millions of dollars on new construction and road maintenance projects each year. Without competing suppliers for the necessary inputs for road construction and other building projects, customers, and Plaintiff State of Tennessee, which receives funding from federal and state taxpayers, would pay the price for APAC's control over these important markets. Due to these market conditions, APAC's acquisition of Standard's hot-mix asphalt business would likely cause significant anticompetitive effects in the market for hot-mix asphalt in Shelby County, Tennessee. Therefore, the proposed acquisition violates Section 7 of the Clayton Act, 15 U.S.C. 18, and should be enjoined.

II. Defendants

5. Defendant CRH is an Irish corporation with headquarters in Dublin, Ireland. CRH produces and sells construction materials and mineral resources. In the United States, CRH, through its network of subsidiaries, is a leader in the supply of aggregate, asphalt, and ready-mix concrete, among numerous other products. CRH conducts business in 44 states and employs 18,500 people at approximately 1,200 operating locations across the country. In 2025, CRH had global sales of approximately $37.4 billion.

6. Defendant APAC, a Delaware corporation with its principal place of business in Atlanta, Georgia, is a wholly owned subsidiary of CRH. APAC is a regional aggregate, asphalt, and construction company serving Memphis, western Tennessee, and northern Mississippi. APAC is one of the largest suppliers of aggregate, asphalt, ready-mix concrete, and construction and paving services in the south-central United States. APAC has a large network of facilities in this part of the United States that operate in different localities.

7. Defendant Standard is a Tennessee corporation headquartered in Cordova, Tennessee. Standard owns four hot-mix asphalt plants and six sand and gravel plants. In 2024, Standard had sales of approximately $81 million.

III. Background

8. Hot-mix asphalt is a composite material used to surface roads, parking lots, and airport tarmacs, among other uses. Hot-mix asphalt consists of aggregate combined with liquid asphalt and other materials. After it is mixed, the hot-mix asphalt is laid in several layers and compacted. Hot-mix asphalt has unique performance characteristics compared to other building materials, such as ready-mix concrete. For example, hot-mix asphalt is the desired material used to build roadways because it has optimal surface durability and friction, resulting in low tire wear, high breaking efficiency, and low roadway noise.

9. Other products generally cannot be used as economically to build and maintain roadways and therefore are not adequate substitutes. Ready-mix concrete in particular is significantly more expensive for paving roadways than hot-mix asphalt and takes significantly longer to set, delaying use of the road. Only in limited circumstances can ready-mix concrete be used to build new roads. In addition, ready-mix concrete cannot be used for repairing asphalt roads.

IV. Relevant Market

10. TDOT purchases significant quantities of hot-mix asphalt for road construction and maintenance projects within the State of Tennessee. For each road project, TDOT provides precise specifications for hot-mix asphalt. TDOT specifications are designed to ensure that the roads are built safely and withstand heavy usage over time. TDOT tests the hot-mix asphalt used in its projects to ensure that it meets TDOT specifications. Using hot-mix asphalt that does not meet TDOT specifications could compromise the safety of the road or cause the need for repairs sooner than would otherwise be required. Therefore, hot-mix asphalt that does not meet TDOT specifications cannot be used for TDOT projects.

11. A small but significant increase in the price of hot-mix asphalt that meets TDOT specifications (hereinafter

''TDOT-approved hot-mix asphalt'') would not cause customers to substitute other materials in sufficient quantities, or to utilize hot-mix asphalt that does not meet TDOT specifications, with sufficient frequency so as to make such a price increase unprofitable. Accordingly, the manufacture and sale of TDOT-approved hot-mix asphalt is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

12. The relevant geographic markets for TDOT-approved hot-mix asphalt are local due to the physical characteristics of the material and high costs of transportation. The geographic area an asphalt plant can profitably serve is primarily determined by the location of its plant in relation to the job site and the relative location of competing suppliers. Hot-mix asphalt suppliers typically deliver asphalt to a job site.

13. Distance from the plant to the job site is important for two reasons—temperature and transportation costs. First, hot-mix asphalt must be maintained at a certain temperature range before it is poured. If the temperature drops below that required by the asphalt specifications, it cannot be applied to the paving surface. The temperature of hot-mix asphalt drops as it travels from the plant and drops faster in colder weather than in warmer weather. As a result, the distance between a hot-mix asphalt plant and the project site determines whether a plant can service a particular geographic area. Second, hot-mix asphalt is heavy and, as a result, expensive to transport. Therefore, the distance between the site where the asphalt is poured and the asphalt plant drives the transportation costs and has a considerable impact on the area a supplier can profitably serve.

14. Another factor that determines the area a supplier can profitably serve is the location of its plant in relation to the location of competing plants. Suppliers know the importance of transportation costs to a customer's selection of a supplier and also generally know which competing suppliers are within range to deliver to a job site. A hot-mix asphalt supplier often can charge a lower and more competitive price than its competitor if its plant is closer to the customer's location than its competitor's plant.

15. APAC is well positioned with respect to transportation costs because it owns multiple hot-mix asphalt plants in Shelby County, Tennessee from which it can serve various projects. Specifically, APAC owns and operates two of the seven hot-mix asphalt plants that supply projects using TDOT-approved hot-mix asphalt in Shelby County. Standard owns three such hot-mix asphalt plants. The defendants' only other competitor in the area also owns two.

16. A small but significant post-acquisition increase in the price of TDOT hot-mix asphalt to job sites in Shelby County, Tennessee would not cause customers to procure TDOT-approved hot-mix asphalt from suppliers outside Shelby County in sufficient quantities so as to make such a price increase unprofitable. Accordingly, Shelby County, Tennessee constitutes a relevant geographic market for TDOT-approved hot-mix asphalt within the meaning of Section 7 of the Clayton Act.

V. Anticompetitive Effects

17. APAC's acquisition of Standard would substantially lessen competition in the market for TDOT-approved hot-mix asphalt in Shelby County, Tennessee. APAC, Standard, and one other competitor have historically dominated this market. TDOT implements stringent material standards to ensure the safety and durability of highways. APAC's proposed acquisition of Standard would reduce the number of competitors operating hot-mix asphalt plants in Shelby County, Tennessee from three to two and reduce the number of competitors supplying hot-mix asphalt for all types of road construction projects built by TDOT in Shelby County, Tennessee from three to two.

18. Combined, APAC and Standard account for more than 45 percent of the market for TDOT-approved hot-mix asphalt in Shelby County, Tennessee. The market for TDOT-approved hot-mix asphalt is already highly concentrated and, as evidenced by the parties' combined market share, would be significantly more concentrated after the proposed acquisition.

19. Further, the elimination of Standard as an independent competitor in the manufacture and sale of TDOT-approved hot-mix asphalt is likely to facilitate anticompetitive coordination among the remaining producers in bidding to customers in the relevant geographic market. Suppliers in this industry have access to information about competitors' output, capacity, and costs. Given these market conditions, eliminating an important supplier of TDOT-approved hot-mix asphalt is likely to further increase the ability of the remaining competitors to successfully coordinate, reducing the benefits of competition to customers.

20. APAC's proposed acquisition of Standard is likely to substantially lessen head-to-head competition in the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County, Tennessee. In Shelby County, APAC and Standard are two of the leading suppliers of hot-mix asphalt and two of only a small number of firms that can supply TDOT-approved hot-mix asphalt.

21. APAC and Standard compete directly against one another in Shelby County, Tennessee to provide TDOT-approved hot-mix asphalt to customers. Price competition between APAC and Standard in the manufacture and sale of TDOT-approved hot-mix asphalt has benefited customers. APAC and Standard also vie to win customers' business by offering quality products, reliable delivery, and superior customer support.

22. APAC's proposed acquisition of Standard's hot-mix asphalt assets in Shelby County, Tennessee would eliminate the competition between them and its benefits to customers. The proposed acquisition would substantially increase the likelihood that APAC would unilaterally increase the price of TDOT-approved hot-mix asphalt.

VI. Absence of Countervailing Factors

23. Entry or repositioning of new competitors into the manufacture and sale of TDOT-approved hot-mix asphalt is unlikely to be sufficient or timely enough to prevent the loss of competition that will result from APAC acquiring Standard.

24. Not only does entering into the market for the manufacture and sale of TDOT-approved hot-mix asphalt require significant time and investment to set up production facilities and test new products, brand reputation is also very important to competing successfully for the manufacture and sale of TDOT-approved hot-mix asphalt.

25. In addition, a new entrant into the TDOT-approved hot-mix asphalt market would have to purchase appropriate land close to an aggregate quarry, build a plant, procure the necessary land-use and environmental permits, and obtain TDOT approval of each hot-mix asphalt mix made. These actions and other prerequisites to competing in the relevant market involve significant costs and often lengthy time periods.

26. As a result of these high barriers to entry, entry into the manufacture and sale of TDOT-approved hot-mix asphalt would not be timely, likely, or sufficient to defeat the substantial lessening of competition that would likely result from APAC's acquisition of Standard.

VII. Jurisdiction and Venue

27. The United States brings this action under Section 15 of the Clayton Act, 15 U.S.C. 25, as amended, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

28. Plaintiff State of Tennessee, by and through its Attorney General, brings this action in its sovereign capacity and as *parens patriae* on behalf of the citizens, general welfare, and economy of the State of Tennessee under its statutory, equitable, or common law powers, and pursuant to Section 16 of the Clayton Act, 15 U.S.C. 26, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

29. Defendants manufacture and sell hot-mix asphalt in the flow of interstate commerce. Defendants' activity in the sale of hot-mix asphalt substantially affects interstate commerce. The Court has subject matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345.

30. Defendants have consented to venue and personal jurisdiction in this judicial district. Venue is therefore proper in this district under Section 12 of the Clayton Act, 15 U.S.C. 22 and 28 U.S.C. 1391(b) and (c).

VIII. Violations Alleged

31. APAC's acquisition of Standard may substantially lessen competition in the manufacture and sale of hot-mix asphalt in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

32. Unless enjoined, the proposed acquisition likely would have the following anticompetitive effects relating to the manufacture and sale of TDOT-approved hot-mix asphalt, among others:

(a) actual and potential competition between APAC and Standard in the market for the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County, Tennessee would be eliminated;

(b) competition in the market for the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County, Tennessee would be substantially lessened; and

(c) prices for TDOT-approved hot-mix asphalt in Shelby County, Tennessee would likely increase, service quality would likely decrease, and product quality would likely be reduced.

IX. Request for Relief

33. The Plaintiffs request that this Court:

(a) adjudge and decree that APAC's acquisition of Standard would be unlawful and violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) preliminarily and permanently enjoin and restrain Defendants and all persons acting on their behalf from consummating the proposed acquisition of Standard by APAC, or from entering into or carrying out any other contract, agreement, plan, or understanding, the effect of which would be to combine APAC and Standard;

(c) award the Plaintiffs their costs for this action; and

(d) award the Plaintiffs such other and further relief as the Court deems just and proper.

Dated: August 7, 2026

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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Attorneys for Plaintiff State of Tennessee Pro Hac Vice Motions Forthcoming

United States District Court for the Western District of Tennessee

United States of America, and *State of Tennessee,* Plaintiffs, v. *CRH plc, APAC-Tennessee, INC.* and *Standard Construction Group, Inc.,* Defendants.

Case No.: 2:26–cv–03012

Judge Thomas L. Parker

Proposed Final Judgment

Whereas, Plaintiffs, United States of America and the State of Tennessee, filed their Complaint on August 7, 2026;

And whereas, the United States, the State of Tennessee, and Defendants, CRH plc, APAC-Tennessee, Inc., and Standard Construction Group, Inc., have consented to entry of this Final Judgment without the taking of testimony, without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party relating to any issue of fact or law;

And whereas, Defendants agree to make certain divestitures to remedy the loss of competition alleged in the Complaint;

And whereas, Defendants represent that the divestiture and other relief required by this Final Judgment can and will be made and that Defendants will not later raise a claim of hardship or difficulty as grounds for asking the Court to modify any provision of this Final Judgment;

Now therefore, it is *ordered, adjudged, and decreed*:

I. Jurisdiction

The Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Acquirer'' means Dunn Investment Company or another entity approved by the United States in its sole discretion to which Defendants divest the Divestiture Assets.

B. ''APAC'' means Defendant APAC-Tennessee, Inc., a Delaware corporation with its headquarters in Memphis, Tennessee, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''CRH'' means Defendant CRH plc, an Irish public limited company with its headquarters in Dublin, Ireland, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Divestiture Assets'' means the Tuggle Road Divestiture Assets and the Millington Divestiture Assets.

E. ''Divestiture Date'' means the date on which the Divestiture Assets are divested to Acquirer pursuant to this Final Judgment.

F. ''Dunn Investment Company'' means Dunn Investment Company, a Delaware corporation with its headquarters in Birmingham, Alabama, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

G. ''Hot-mix asphalt plant'' means a plant that produces hot-mix asphalt.

H. ''Including'' means including, but not limited to.

I. ''Millington Plant'' means Standard's Millington hot-mix asphalt plant located at 7666 Raleigh Millington Road, Millington, TN 38053.

J. ''Millington Divestiture Assets'' means all of Standard's rights, titles, and interests in and to all property and assets, tangible and intangible, wherever located, relating to or used in connection with the manufacture and sale of hot-mix asphalt from the Millington Plant, including:

1. the Millington Plant and the real property located at 7666 Raleigh Millington Road, Millington, TN 38053;

2. all other real property, including fee simple interests, real property leasehold interests and renewal rights thereto, improvements to real property, and options to purchase any adjoining or other property, together with all buildings, facilities, and other structures;

3. all tangible personal property, including fixed assets, machinery and manufacturing equipment, tools, vehicles, inventory, materials, office equipment and furniture, computer hardware, and supplies;

4. all contracts, contractual rights, and customer relationships, and all other agreements, commitments, and understandings, including supply agreements, teaming agreements, and leases, and all outstanding offers or solicitations to enter into a similar arrangement;

5. to the extent permissible by law, all licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals;

6. the following records and data: (a) customer lists, accounts, sales, and credit records, (b) production, repair, maintenance, and performance records, (c) manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees, and (d) drawings, blueprints, and designs; and, at the option of Acquirer, all other records and data, including (e) records and research data concerning historic and current research and development activities, including designs of experiments and the results of successful and unsuccessful designs and experiments; and

7. the following intangible property: (a) technical information and (b) know-how, trade secrets, design protocols, specifications for materials, specifications for parts, specifications for devices, safety procedures (*e.g.,* for the handling of materials and substances), quality assurance and control procedures and, if Dunn Investment Company is not the Acquirer, at the option of Acquirer, all other intangible property, including: (c) commercial names and d/b/a names, (d) computer software and related documentation, (e) design tools and simulation capabilities, and (f) rights in internet websites and internet domain names.

K. ''Relevant Personnel'' means the employees listed in Appendix A, and, if Dunn Investment Company is not the Acquirer, at the option of the Acquirer, all full-time, part-time, or contract employees of APAC or Standard, wherever located, whose job responsibilities relate in any way to the Divestiture Assets, at any time between October 7, 2024, and the Divestiture Date. The United States, in its sole discretion, will resolve any disagreement relating to which employees are Relevant Personnel.

L. ''Standard'' means Defendant Standard Construction Group, Inc., a Tennessee corporation with its headquarters in Cordova, Tennessee, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

M. ''Transaction'' means the proposed acquisition of Standard by APAC.

N. ''Tuggle Road Plant'' means APAC's hot-mix asphalt plant located at 4765 Tuggle Road, Memphis, TN 38113.

O. ''Tuggle Road Divestiture Assets'' means all of CRH and APAC's rights, titles, and interests in and to all property and assets, tangible and intangible, wherever located, relating to or used in connection with the manufacture and sale of hot-mix asphalt from the Tuggle Road Plant, including:

1. the Tuggle Road Plant and, at the option of Acquirer, APAC's leasehold interest in the real property located at 4765 Tuggle Road, Memphis, TN 38113;

2. all other real property, including fee simple interests, real property leasehold interests and renewal rights thereto, improvements to real property, and options to purchase any adjoining or other property, together with all buildings, facilities, and other structures;

3. all tangible personal property, including fixed assets, machinery and manufacturing equipment, tools, vehicles, inventory, materials, office equipment and furniture, computer hardware, and supplies;

4. all contracts, contractual rights, and customer relationships, and all other agreements, commitments, and understandings, including supply agreements, teaming agreements, and leases, and all outstanding offers or solicitations to enter into a similar arrangement;

5. to the extent permissible by law, all licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals;

6. the following records and data: (a) customer lists, accounts, sales, and credit records, (b) production, repair, maintenance, and performance records, (c) manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees, and (d) drawings, blueprints, and designs; and, at the option of Acquirer, all other records and data, including (e) records and research data concerning historic and current research and development activities, including designs of experiments and the results of successful and unsuccessful designs and experiments; and

7. the following intangible property: (a) technical information, and (b) know-how, trade secrets, design protocols, specifications for materials, specifications for parts, specifications for devices, safety procedures (*e.g.,* for the handling of materials and substances), quality assurance and control procedures.

III. Applicability

A. This Final Judgment applies to CRH, APAC, and Standard, as defined above, and all other persons in active concert or participation with any Defendant who receive actual notice of this Final Judgment.

B. If, prior to complying with Section IV and Section V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of business units that include the Divestiture Assets, Defendants must require any purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from Acquirer.

IV. Divestiture

A. Defendants are ordered and directed, within 30 calendar days after the Court's entry of the Asset Preservation Stipulation and Order in this matter, to divest the Divestiture Assets in a manner consistent with this Final Judgment to Dunn Investment Company or another Acquirer acceptable to both the United States and the State of Tennessee. After consultation with the State of Tennessee, the United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed 90 calendar days in total and will notify the Court of any extensions.

B. For all contracts, agreements, and customer relationships (or portions of such contracts, agreements, and customer relationships) included in the Divestiture Assets, Defendants must assign or otherwise transfer all contracts, agreements, and customer relationships.

C. Defendants must not interfere with any negotiations between Acquirer and a contracting party or customer.

D. Defendants must use best efforts to divest the Divestiture Assets as expeditiously as possible. Defendants must take no action that would jeopardize the completion of the divestiture ordered by the Court, including any action to impede the permitting, operation, or divestiture of the Divestiture Assets.

E. Unless both the United States and the State of Tennessee otherwise consent in writing, divestiture pursuant to this Final Judgment must include the entire Divestiture Assets and must be accomplished in such a way as to satisfy the United States, in its sole discretion after consultation with the State of Tennessee, that the Divestiture Assets can and will be used by Acquirer as part of a viable, ongoing business of the manufacture and sale of hot-mix asphalt, including TDOT-approved hot-mix asphalt, and that the divestiture to Acquirer will remedy the competitive harm alleged in the Complaint.

F. The divestiture must be made to an Acquirer that, in the United States' sole judgment after consultation with the State of Tennessee, has the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete effectively in the manufacture and sale of hot-mix asphalt, including TDOT-approved hot-mix asphalt.

G. The divestiture must be accomplished in a manner that satisfies the United States, in its sole discretion after consultation with the State of Tennessee, that none of the terms of any agreement between Acquirer and Defendants give Defendants the ability unreasonably to raise Acquirer's costs, to lower Acquirer's efficiency, or otherwise interfere in the ability of Acquirer to compete effectively in the manufacture and sale of hot-mix asphalt, including TDOT-approved hot-mix asphalt.

H. In the event Defendants are attempting to divest the Divestiture Assets to an Acquirer other than Dunn Investment Company, Defendants promptly must make known, by usual and customary means, the availability of the Divestiture Assets. Defendants must inform any person making an inquiry relating to a possible purchase of the Divestiture Assets that the Divestiture Assets are being divested in accordance with this Final Judgment and must provide that person with a copy of this Final Judgment. Defendants must offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets that are customarily provided in a due diligence process; *provided, however,* that Defendants need not provide information or documents subject to the attorney-client privilege or work-product doctrine. Defendants must make all information and documents available to the United States at the same time that the information and documents are made available to any other person.

I. Defendants must provide prospective Acquirers with (1) access to make inspections of the Divestiture Assets; (2) access to all environmental, zoning, and other permitting documents and information relating to the Divestiture Assets; and (3) access to all financial, operational, or other documents and information relating to the Divestiture Assets that would customarily be provided as part of a due diligence process. Defendants also must disclose all encumbrances on any part of the Divestiture Assets, including on intangible property.

J. Defendants must cooperate with and assist Acquirer in identifying and, at the option of Acquirer, hiring all Relevant Personnel, including:

1. Within 10 business days following the filing of the Complaint in this matter, Defendants must identify all Relevant Personnel to Acquirer and the United States, including by providing organization charts covering all Relevant Personnel.

2. Within 10 business days following receipt of a request by Acquirer or the United States and the divestiture trustee Defendants must provide to Acquirer, the United States, and the divestiture trustee additional information relating to Relevant Personnel, including name, job title, reporting relationships, past experience, responsibilities, training and educational histories, relevant certifications, and job performance evaluations. Defendants must also provide to Acquirer, the United States, and the divestiture trustee information relating to current and accrued compensation and benefits of Relevant Personnel, including most recent bonuses paid, aggregate annual compensation, current target or guaranteed bonus, if any, any retention agreement or incentives, and any other payments due, compensation or benefits accrued, or promises made to the Relevant Personnel. If Defendants are barred by any applicable law from providing any of this information, Defendants must provide, within 10 business days following receipt of the request, the requested information to the full extent permitted by law and also must provide a written explanation of Defendants' inability to provide the remaining information, including specifically identifying the provisions of the applicable laws.

3. At the request of Acquirer, Defendants must promptly make Relevant Personnel available for private interviews with Acquirer during normal business hours at a mutually agreeable location.

4. Defendants must not interfere with any effort by Acquirer to employ any Relevant Personnel. Interference includes offering to increase the compensation or improve the benefits of Relevant Personnel unless (a) the offer is part of a company-wide increase in compensation or improvement in benefits that was announced prior to October 7, 2024, or (b) the offer is approved by the United States in its sole discretion. Defendants' obligations under this Paragraph IV.J.4. will expire 180 calendar days after the Divestiture Date.

5. For Relevant Personnel who elect employment with Acquirer within 180 days before the Divestiture Date, Defendants must waive all non-compete and non-disclosure agreements; vest and pay to the Relevant Personnel (or to Acquirer for payment to the employee) on a prorated basis any bonuses, incentives, other salary, benefits, or other compensation fully or partially accrued at the time of the transfer of the employee to Acquirer; vest any unvested pension and other equity rights; and provide all other benefits that those Relevant Personnel otherwise would have been provided had the Relevant Personnel continued employment with Defendants, including

any retention bonuses or payments. Defendants may maintain reasonable restrictions on disclosure by Relevant Personnel of Defendants' proprietary non-public information that is unrelated to the Divestiture Assets and not otherwise required to be disclosed by this Final Judgment.

6. For a period of 24 months from the Divestiture Date, Defendants may not solicit to re-hire Relevant Personnel who were hired by Acquirer within 180 days of the Divestiture Date unless (a) an individual is terminated or laid off by Acquirer or (b) Acquirer agrees in writing that Defendants may solicit to re-hire that individual. Nothing in this Paragraph IV.J.6. prohibits Defendants from advertising employment openings using general solicitations or advertisements and re-hiring Relevant Personnel who apply for an employment opening through a general solicitation or advertisement.

K. Defendants must warrant to Acquirer that (1) the Divestiture Assets will be operational and without material defect on the date of their transfer to the Acquirer; (2) there are no material defects in the environmental, zoning, or other permits relating to the operation of the Divestiture Assets; and (3) Defendants have disclosed all encumbrances on any part of the Divestiture Assets, including on intangible property. Following the sale of the Divestiture Assets, Defendants must not undertake, directly or indirectly, challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

L. Defendants must use best efforts to assist Acquirer to obtain all necessary licenses, registrations, and permits to operate the Divestiture Business in the manufacture and sale of hot-mix asphalt. Until Acquirer obtains the necessary licenses, registrations, and permits, Defendants must provide Acquirer with the benefit of Defendants' licenses, registrations, and permits to the full extent permissible by law.

M. If any term of an agreement between Defendants and Acquirer, including an agreement to effectuate the divestiture required by this Final Judgment, varies from a term of this Final Judgment, to the extent that Defendants cannot fully comply with both, this Final Judgment determines Defendants' obligations.

V. Appointment of Divestiture Trustee

A. If Defendants have not divested all of the Divestiture Assets within the period specified in Paragraph IV.A., Defendants must immediately notify the United States and the State of Tennessee of that fact in writing. Upon application of the United States, which Defendants may not oppose, the Court will appoint a divestiture trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a divestiture trustee by the Court, only the divestiture trustee will have the right to sell those Divestiture Assets that the divestiture trustee has been appointed to sell. The divestiture trustee will have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States, in its sole discretion after consultation with the State of Tennessee, at a price and on terms obtainable through reasonable effort by the divestiture trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and will have other powers as the Court deems appropriate. The divestiture trustee must sell the Divestiture Assets as quickly as possible.

C. Defendants may not object to a sale by the divestiture trustee on any ground other than malfeasance by the divestiture trustee. Objections by Defendants must be conveyed in writing to the United States, the State of Tennessee, and the divestiture trustee within 10 calendar days after the divestiture trustee has provided the notice of proposed divestiture required by Section VI.

D. The divestiture trustee will serve at the cost and expense of Defendants pursuant to a written agreement, on terms and conditions, including confidentiality requirements and conflict of interest certifications, approved by the United States in its sole discretion.

E. The divestiture trustee may hire at the cost and expense of Defendants any agents or consultants, including investment bankers, attorneys, and accountants, that are reasonably necessary in the divestiture trustee's judgment to assist with the divestiture trustee's duties. These agents or consultants will be accountable solely to the divestiture trustee and will serve on terms and conditions, including confidentiality requirements and conflict-of-interest certifications, approved by the United States in its sole discretion.

F. The compensation of the divestiture trustee and agents or consultants hired by the divestiture trustee must be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement that provides the divestiture trustee with incentives based on the price and terms of the divestiture and the speed with which it is accomplished. If the divestiture trustee and Defendants are unable to reach agreement on the divestiture trustee's compensation or other terms and conditions of engagement within 14 calendar days of the appointment of the divestiture trustee by the Court, the United States, in its sole discretion, may take appropriate action, including by making a recommendation to the Court. Within three business days of hiring an agent or consultant, the divestiture trustee must provide written notice of the hiring and rate of compensation to Defendants, the United States, and the State of Tennessee.

G. The divestiture trustee must account for all monies derived from the sale of the Divestiture Assets sold by the divestiture trustee and all costs and expenses incurred. Within 30 calendar days of the Divestiture Date, the divestiture trustee must submit that accounting to the Court for approval. After approval by the Court of the divestiture trustee's accounting, including fees for unpaid services and those of agents or consultants hired by the divestiture trustee, all remaining money must be paid to Defendants, and the trust will then be terminated.

H. Defendants must use best efforts to assist the divestiture trustee to accomplish the required divestiture. Subject to reasonable protection for trade secrets, other confidential research, development, or commercial information, or any applicable privileges, Defendants must provide the divestiture trustee and agents or consultants retained by the divestiture trustee with full and complete access to all personnel, books, records, and facilities of the Divestiture Assets. Defendants also must provide or develop financial and other information relevant to the Divestiture Assets that the divestiture trustee may reasonably request. Defendants must not take any action to interfere with or to impede the divestiture trustee's accomplishment of the divestiture.

I. The divestiture trustee must maintain complete records of all efforts made to sell the Divestiture Assets, including by filing monthly reports with the United States and the State of Tennessee setting forth the divestiture trustee's efforts to accomplish the divestiture ordered by this Final Judgment. The reports must include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring any interest in the Divestiture

Assets and must describe in detail each contact.

J. If the divestiture trustee has not accomplished the divestiture ordered by this Final Judgment within 180 calendar days of appointment, the divestiture trustee must promptly provide the United States and the State of Tennessee with a report setting forth: (1) the divestiture trustee's efforts to accomplish the required divestiture; (2) the reasons, in the divestiture trustee's judgment, why the required divestiture has not been accomplished; and (3) the divestiture trustee's recommendations for completing the divestiture. Following receipt of that report, the United States may make additional recommendations to the Court. The Court thereafter may enter such orders as it deems appropriate to carry out the purpose of this Final Judgment, which may include extending the trust and the term of the divestiture trustee's appointment by a period requested by the United States.

K. The divestiture trustee will serve until divestiture of all Divestiture Assets is completed or for a term otherwise ordered by the Court.

L. If the United States determines that the divestiture trustee is not acting diligently or in a reasonably cost-effective manner, the United States may recommend that the Court appoint a substitute divestiture trustee.

VI. Notice of Proposed Divestiture

A. Within two business days following execution of a definitive agreement with an Acquirer other than Dunn Investment Company to divest the Divestiture Assets, Defendants or the divestiture trustee, whichever is then responsible for effecting the divestiture, must notify the United States and the State of Tennessee of the proposed divestiture. If the divestiture trustee is responsible for completing the divestiture, the divestiture trustee also must notify Defendants. The notice must set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets.

B. After receipt by both the United States and the State of Tennessee of the notice required by Paragraph VI.A., the United States and the State of Tennessee may make one or more requests to Defendants or the divestiture trustee for additional information concerning the proposed divestiture, the proposed Acquirer, and other prospective Acquirers. Defendants and the divestiture trustee must furnish any additional information requested within 15 calendar days of the receipt of each request unless the requesting party provides written agreement to a different period.

C. Within 45 calendar days after receipt of the notice required by Paragraph VI.A. or within 20 calendar days after the United States and the State of Tennessee have been provided the additional information requested pursuant to Paragraph VI.B., whichever is later, the United States will provide written notice to Defendants and any divestiture trustee that states whether the United States, in its sole discretion after consultation with the State of Tennessee, objects to the proposed Acquirer or any other aspect of the proposed divestiture. Without written notice that the United States does not object, a divestiture may not be consummated. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Paragraph V.C. of this Final Judgment. Upon objection by Defendants pursuant to Paragraph V.C., a divestiture by the divestiture trustee may not be consummated unless approved by the Court.

VII. Financing

Defendants may not finance all or any part of Acquirer's purchase of all or part of the Divestiture Assets.

VIII. Asset Preservation Obligations

Defendants must take all steps necessary to comply with the Asset Preservation Stipulation and Order entered by the Court.

IX. Affidavits

A. Within 20 calendar days of entry of the filing of the Complaint in this matter, and every 30 calendar days thereafter until the divestiture required by this Final Judgment has been completed, each Defendant must deliver to the United States an affidavit, signed by each Defendant's Chief Financial Officer and General Counsel describing in reasonable detail the fact and manner of that Defendant's compliance with this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

B. In the event Defendants are attempting to divest the Divestiture Assets to an Acquirer other than Dunn Investment Company, each affidavit required by Paragraph IX.A. must include: (1) the name, address, and telephone number of each person who, during the preceding 30 calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, an interest in the Divestiture Assets and describe in detail each contact with such persons during that period; (2) a description of the efforts Defendants have taken to solicit buyers for and complete the sale of the Divestiture Assets and to provide required information to prospective Acquirers; and (3) a description of any limitations placed by Defendants on information provided to prospective Acquirers. Objection by the United States to information provided by Defendants to prospective Acquirers must be made within 14 calendar days of receipt of the affidavit, except that the United States may object at any time if the information set forth in the affidavit is not true or complete.

C. Defendants must keep all records of any efforts made to divest the Divestiture Assets until one year after the Divestiture Date.

D. Within 20 calendar days of the filing of the Complaint in this matter, each Defendant must deliver to the United States an affidavit signed by APAC's Chief Financial Officer and Defendant Standard's Chief Financial Officer that describes in reasonable detail all actions that Defendant has taken and all steps that Defendant has implemented on an ongoing basis to comply with Section VIII of this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

E. If a Defendant makes any changes to actions and steps described in affidavits provided pursuant to Paragraph IX.D., the Defendant must, within 15 calendar days after any change is implemented, deliver to the United States an affidavit describing those changes.

F. Defendants must keep all records of any efforts made to comply with Section VIII until one year after the Divestiture Date.

G. At the State of Tennessee's request, Defendants must furnish copies of all affidavits and records required by this Section IX to the State of Tennessee for review.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment or of related orders such as the Asset Preservation Stipulation and Order or of determining whether this Final Judgment should be modified or vacated, upon the written request of an authorized representative of the Assistant Attorney General for the Antitrust Division or the Tennessee

Attorney General's Office and reasonable notice to Defendants, Defendants must permit, from time to time and subject to legally recognized privileges, authorized representatives, including agents retained by the United States:

1. to have access during Defendants' business hours to inspect and copy, or at the option of the United States, to require Defendants to provide electronic copies of all books, ledgers, accounts, records, data, and documents, wherever located, in the possession, custody, or control of Defendants relating to any matters contained in this Final Judgment; and

2. to interview, either informally or on the record, Defendants' officers, employees, or agents, wherever located, who may have their individual counsel present, relating to any matters contained in this Final Judgment. The interviews must be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General for the Antitrust Division or the Tennessee Attorney General's Office, Defendants must submit written reports or respond to written interrogatories, under oath if requested, relating to any matters contained in this Final Judgment.

XI. Notification

A. Unless a transaction is otherwise subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a (the ''HSR Act''), Defendants may not, without first providing at least 30 calendar days advance notification to the United States and the State of Tennessee, directly or indirectly acquire any assets of or any interest, including a financial, security, loan, equity, or management interest, in an entity involved in the manufacture and sale of hot-mix asphalt in the State of Tennessee during the term of this Final Judgment; provided that notification pursuant to this Section is not required if the entity whose assets or interest are being acquired generated less than $5 million in revenue from the manufacture and sale of hot-mix asphalt in the State of Tennessee the most recent completed calendar year.

B. Defendants must provide the notification required by this Section XI in the same format as, and in accordance with the instructions relating to, the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations, as amended, except that the information requested in Items 5 through 8 of the instructions must be provided only about hot-mix asphalt.

C. Notification must include, beyond the information required by the instructions, the names of the principal representatives who negotiated the transaction on behalf of each party, and all management or strategic plans discussing the proposed transaction. If, within the 30 calendar days following notification, representatives of the United States make a written request for additional information, Defendants may not consummate the proposed transaction until 30 calendar days after submitting all requested information.

D. Early termination of the waiting periods set forth in this Section XI may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder. This Section XI must be broadly construed, and any ambiguity or uncertainty relating to whether to file a notice under this Section XI must be resolved in favor of filing notice.

XII. No Reacquisition

Defendants may not reacquire any part of or any interest in the Divestiture Assets during the term of this Final Judgment without prior written authorization of both the United States and the State of Tennessee.

XIII. Public Disclosure

A. No information or documents obtained pursuant to any provision in this Final Judgment may be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party, including grand-jury proceedings, for the purpose of evaluating a proposed Acquirer or securing compliance with this Final Judgment, or as otherwise required by law.

B. In the event of a request by a third party, pursuant to the Freedom of Information Act, 5 U.S.C. 552, for disclosure of information obtained pursuant to any provision of this Final Judgment, the Antitrust Division will act in accordance with that statute and the Department of Justice regulations at 28 CFR part 16, including the provision on confidential commercial information at 28 CFR 16.7. Defendants submitting information to the Antitrust Division should designate the confidential commercial information portions of all applicable documents and information under 28 CFR 16.7. Designations of confidentiality expire 10 years after submission, ''unless the submitter requests and provides justification for a longer designation period.'' *See* 28 CFR 16.7(b).

C. If at the time that Defendants furnish information or documents to the United States pursuant to any provision of this Final Judgment, Defendants represent and identify in writing information or documents for which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure,'' the United States must give Defendants 10 calendar days' notice before divulging the material in any legal proceeding (other than a grand jury proceeding).

D. Pursuant to Tenn. Code Ann. § 10–7–504(a)(5)(a), all information obtained pursuant to any provision in this Final Judgment by the State of Tennessee and protected as confidential or privileged under federal law must not be open for public inspection. This information must not be disclosed to the public by the State of Tennessee except in the discharge of the duties of the office of the Tennessee Attorney General and Reporter or as otherwise required by law. The State of Tennessee must give Defendants ten (10) calendar days' notice before disclosing any information or documents obtained pursuant to any provision in this Final Judgment.

XIV. Retention of Jurisdiction

The Court retains jurisdiction to enable any party to this Final Judgment to apply to the Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XV. Enforcement of Final Judgment

A. If at any time during the five-year period following entry of this Final Judgment, the United States or the State of Tennessee determines in its sole discretion that the Final Judgment has failed to fully redress the violations alleged in the Complaint, then the United States or the State of Tennessee may re-open this proceeding to seek additional relief, including divestiture of additional assets. Such additional relief may be ordered by this Court upon a finding by a preponderance of the evidence that there is a reasonable probability that the proposed Final Judgment did not fully redress the violations alleged in the Complaint.

B. The United States and the State of Tennessee retain and reserve all rights to enforce the provisions of this Final Judgment, including the right to seek an order of contempt from the Court. In a civil contempt action, a motion to show cause, or a similar action brought by the United States or the State of Tennessee relating to an alleged violation of this Final Judgment, the United States or the State of Tennessee may establish a violation of this Final Judgment and the appropriateness of a remedy therefor by a preponderance of the evidence, and Defendants waive any argument that a different standard of proof should apply.

C. This Final Judgment should be interpreted to give full effect to the procompetitive purposes of the antitrust laws and to restore the competition the United States and the State of Tennessee allege was harmed by the challenged conduct. Defendants may be held in contempt of, and the Court may enforce, any provision of this Final Judgment that, as interpreted by the Court in light of these procompetitive principles and applying ordinary tools of interpretation, is stated specifically and in reasonable detail, whether or not it is clear and unambiguous on its face. In any such interpretation, the terms of this Final Judgment should not be construed against either party as the drafter.

D. In an enforcement proceeding in which the Court finds that Defendants have violated this Final Judgment, the United States or the State of Tennessee may apply to the Court for an extension of this Final Judgment, together with other relief that may be appropriate. In connection with a successful effort by the United States or the State of Tennessee to enforce this Final Judgment against a Defendant, whether litigated or resolved before litigation, that Defendant must reimburse the United States and the State of Tennessee for the fees and expenses of their attorneys, as well as all other costs including experts' fees, incurred in connection with that effort to enforce this Final Judgment, including in the investigation of the potential violation.

E. For a period of four years following the expiration of this Final Judgment, if the United States or the State of Tennessee has evidence that a Defendant violated this Final Judgment before it expired, the United States or the State of Tennessee may file an action against that Defendant in this Court requesting that the Court order: (1) Defendant to comply with the terms of this Final Judgment for an additional term of at least four years following the filing of the enforcement action; (2) all appropriate contempt remedies; (3) additional relief needed to ensure the Defendant complies with the terms of this Final Judgment; and (4) fees or expenses as called for by this Section XV.

XVI. Expiration of Final Judgment

Unless the Court grants an extension, this Final Judgment will expire 10 years from the date of its entry, except that after five years from the date of its entry, this Final Judgment may be terminated upon joint motion by the United States and the State of Tennessee to the Court and notice by the United States and the State of Tennessee to Defendants that the divestiture has been completed and continuation of this Final Judgment is no longer necessary or in the public interest.

XVII. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including by making available to the public copies of this Final Judgment and the Competitive Impact Statement, public comments thereon, and any response to comments by the United States. Based upon the record before the Court, which includes the Competitive Impact Statement and, if applicable, any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

_____

United States District Judge

Appendix A

Tuggle Road Asphalt Plant—Employees: (1) Plant Foreman; (2) Loader Operator; (3) Quality Control Technician; (4) Asphalt Plant Laborer.

United States District Court for the Western District of Tennessee

United States of America, and *State of Tennessee,* Plaintiffs, v. *CRH plc, APAC-Tennessee, Inc.* and *Standard Construction Group, Inc.,* Defendants.
Case No.: 2:26–cv–03012
Judge Thomas L. Parker

Competitive Impact Statement

In accordance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the ''APPA'' or ''Tunney Act''), the United States of America files this Competitive Impact Statement related to the proposed Final Judgment filed in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

Defendants CRH plc (''CRH''), CRH's United States subsidiary APAC-Tennessee, Inc. (''APAC''), and Standard Construction Group, Inc. (''Standard'') entered into an agreement pursuant to which CRH and APAC would acquire Standard's sand and gravel, hot-mix asphalt, and paving and construction services business. The United States and the State of Tennessee filed a civil antitrust Complaint on August 7, 2026, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of this proposed acquisition would be to substantially lessen competition in the manufacture and sale of Tennessee Department of Transportation (''TDOT'')-approved hot-mix asphalt (hereinafter ''TDOT-approved hot-mix asphalt'') in the Shelby County, Tennessee area in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

At the same time the Complaint was filed, the United States and the State of Tennessee filed a proposed Final Judgment and an Asset Preservation Stipulation and Order (''Stipulation and Order''), which are designed to remedy the loss of competition alleged in the Complaint.

Under the proposed Final Judgment, which is explained more fully below, Defendants are required, among other things, to divest APAC's Tuggle Road facility and Standard's Millington facility, which are in Shelby County. Under the terms of the Stipulation and Order, Defendants must take certain steps to operate, preserve, and maintain the full economic viability, marketability, and competitiveness of the assets that must be divested. The purpose of these terms in the Stipulation and Order is to ensure that competition is maintained during the pendency of the required divestitures.

The United States, the State of Tennessee, and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of Events Giving Rise to the Alleged Violation

A. The Defendants and the Proposed Transaction

Defendant CRH is an Irish corporation with headquarters in Dublin, Ireland. Through a network of subsidiaries in the

United States, including Defendant APAC—a Delaware corporation with its principal place business in Atlanta, Georgia that serves western Tennessee and northern Mississippi—CRH produces and sells construction materials and mineral resources. In the United States, CRH is a leader in the supply of aggregate, asphalt, and ready-mix concrete, among numerous other products. In 2025, CRH had global sales of approximately $37.4 billion.

Defendant Standard is a Tennessee corporation headquartered in Cordova, Tennessee. Standard owns four hot-mix asphalt plants and six sand and gravel plants. In 2024, Standard had sales of approximately $81 million.

On October 7, 2024, APAC and Standard entered into a letter of intent pursuant to which CRH and APAC would acquire Standard's sand and gravel, hot mix asphalt, and paving and construction services business. The effect of the proposed transaction, as initially agreed to by Defendants, may be substantially to lessen competition as a result of APAC's acquisition of Standard's assets.

B. The Competitive Effects of Transaction

Hot-mix asphalt is a composite material used to surface roads, parking lots, and airport tarmacs, among other uses. Hot-mix asphalt consists of aggregate, which includes sand, gravel and crushed stone, combined with liquid asphalt and other materials. Hot-mix asphalt has unique performance characteristics compared to other building materials, such as ready-mix concrete. For example, hot-mix asphalt is the desired material used to build roadways because it has optimal surface durability and friction, resulting in low tire wear, high breaking efficiency, and low roadway noise.

1. Relevant Product Market

As alleged in the Complaint, other products generally cannot be used as economically to build and maintain roadways and therefore are not adequate substitutes for TDOT-approved hot-mix asphalt. Ready-mix concrete in particular is significantly more expensive for paving roadways than hot-mix asphalt and takes significantly longer to set, delaying use of the road. Only in limited circumstances can ready-mix concrete be used to build new roads. In addition, ready-mix concrete cannot be used for repairing asphalt roads.

TDOT and other customers purchase significant quantities of TDOT-approved hot-mix asphalt for road construction and maintenance projects within the State of Tennessee. To ensure that roads are built safely and can withstand heavy usage over time, TDOT implements stringent material standards, provides precise specifications for hot-mix asphalt on each project, and performs tests to ensure that it meets TDOT specifications. Using TDOT-approved hot-mix asphalt that does not meet TDOT specifications could compromise the safety of the road or cause the need for repairs sooner than would otherwise be required. Therefore, hot-mix asphalt that does not meet TDOT specifications cannot be used for TDOT projects.

A small but significant increase in the price of TDOT-approved hot-mix asphalt would not cause customers to substitute other materials in sufficient quantities, or to use hot-mix asphalt that does not meet its specifications, with sufficient frequency so as to make such a price increase unprofitable. Accordingly, the manufacture and sale of TDOT-approved hot-mix asphalt is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

2. Relevant Geographic Market

As alleged in the Complaint, the relevant geographic markets for TDOT-approved hot-mix asphalt are local due to the physical characteristics of the material and high costs of transportation. Suppliers of TDOT-approved hot-mix asphalt typically deliver asphalt to a job site, and the geographic area an asphalt plant can profitably serve is primarily determined by the location of its plant in relation to the job site and the relative location of competing suppliers. This is because hot-mix asphalt must be maintained at a certain temperature range before it is poured or else it cannot be applied to the paving surface. Additionally, hot-mix asphalt is heavy and, as a result, expensive to transport, meaning that transportation costs can considerably affect the area a supplier can profitably serve. Lastly, the area a supplier can profitably serve depends on the location of its plant relative to competing plants because a hot-mix asphalt supplier often can charge a lower and more competitive price than its competitor if its plant is closer to the customer's location than its competitor's plant.

A small but significant post-acquisition increase in the price of TDOT-approved hot-mix asphalt to job sites in Shelby County, Tennessee would not cause customers to procure TDOT-approved hot-mix asphalt from suppliers outside Shelby County in sufficient quantities so as to make such a price increase unprofitable. Accordingly, Shelby County, Tennessee constitutes a relevant geographic market for TDOT-approved hot-mix asphalt within the meaning of Section 7 of the Clayton Act.

3. Anticompetitive Effects

As alleged in the Complaint, APAC's acquisition of Standard would substantially lessen competition in the market for TDOT-approved hot-mix asphalt in Shelby County, Tennessee, which has historically been dominated by APAC and Standard. APAC's proposed acquisition of Standard would reduce the number of competitors operating TDOT-approved hot-mix asphalt plants in Shelby County, Tennessee from three to two and would give the combined firm more than 45 percent of the market for TDOT-approved hot-mix asphalt sold there. The market for TDOT-approved hot-mix asphalt is already highly concentrated and, as evidenced by the parties' combined market share, would be significantly more concentrated after the proposed acquisition.

The Complaint further alleges that the elimination of Standard as an independent competitor in the manufacture and sale of TDOT-approved hot-mix asphalt is likely to facilitate anticompetitive coordination among the remaining producers in bidding to customers in the relevant geographic market. Suppliers in this industry have access to information about competitors' output, capacity, and costs, since bid information submitted to TDOT is public. Given these market conditions, eliminating an important hot-mix asphalt supplier is likely to further increase the ability of the remaining competitors to successfully coordinate, reducing the benefits of competition to customers.

APAC's proposed acquisition of Standard is likely to substantially lessen head-to-head competition in the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County, Tennessee. In Shelby County, APAC and Standard are two of the leading suppliers of TDOT-approved hot-mix asphalt and two of only a small number of suppliers that can supply TDOT-approved hot-mix asphalt.

APAC and Standard compete directly against one another in Shelby County, Tennessee to provide TDOT-approved hot-mix asphalt to customers. Price competition between APAC and Standard in the manufacture and sale of TDOT-approved hot-mix asphalt has benefited customers. APAC and Standard also vie to win customers' business by offering quality products, reliable delivery, and superior customer support.

As alleged in the Complaint, APAC's proposed acquisition of Standard's hot-mix asphalt assets in Shelby County, Tennessee would eliminate the competition between them and its benefits to customers. The proposed acquisition would substantially increase the likelihood that APAC would unilaterally increase the price of TDOT-approved hot-mix asphalt.

4. Absence of Countervailing Factors

As alleged in the Complaint, due to significant time, financial investment, and need for brand reputation, entry or repositioning of new competitors into the manufacture and sale of TDOT-approved hot-mix asphalt is unlikely to be sufficient or timely enough to prevent the loss of competition that will result from APAC acquiring Standard. A new entrant into the hot-mix asphalt market would need to purchase appropriate land close to an aggregate quarry, build a plant, procure the necessary land-use and environmental permits, and obtain TDOT approval of each hot-mix asphalt mix made. These actions and other prerequisites to competing in the relevant market involve significant costs and often take considerable time to accomplish. These high barriers to entry would preclude timely or likely entry into the manufacture and sale of TDOT-approved hot-mix asphalt by new competitors that would sufficiently remedy the substantial lessening of competition that would likely result from APAC's acquisition of Standard.

III. Explanation of the Proposed Final Judgment

The relief required by the proposed Final Judgment would sufficiently remedy the loss of competition alleged in the Complaint by establishing an independent and economically viable competitor in the market for the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County, Tennessee. Paragraph IV(A) of the proposed Final Judgment requires Defendants, within 30 days after the entry of the Stipulation and Order by the Court in this matter, to divest the divestiture assets described below to Dunn Investment Company (''Dunn'') or an alternative acquirer acceptable to both the United States and the State of Tennessee. The assets must be divested in such a way as to satisfy the United States, in its sole discretion, after consultation with the State of Tennessee, that the assets can and will be operated by the acquirer as a viable, ongoing business that can compete effectively in the manufacture and sale of hot-mix asphalt, including TDOT-approved hot-mix asphalt, in Shelby County, Tennessee. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and must cooperate with the acquirer.

A. Divestiture Assets

The assets Defendants are required to divest to Dunn or an alternative acquirer pursuant to the proposed Final Judgment include: (1) Standard's hot-mix asphalt plant located at 7666 Raleigh Millington Road, Millington, TN 38053, along with other related assets, defined in the proposed Final Judgment as the ''Millington Divestiture Assets,'' and (2) APAC's hot-mix asphalt plant located at 4765 Tuggle Road, Memphis, TN 38113, along with other related assets, defined in the proposed Final Judgment as the ''Tuggle Road Divestiture Assets.'' These divestiture assets include, among other things, real and personal property, contracts, agreements, licenses, and certain records, data, and intellectual property. If the acquirer of the divestiture assets is not Dunn, then additional assets are required to be divested at the acquirer's option. including a leasehold interest in the property on which the Tuggle Road facility sits, additional records and data, intellectual property, and intangible assets related to the divested plants.

B. Other Provisions

The proposed Final Judgment contains provisions intended to facilitate the Acquirer's efforts to hire certain employees. In the Final Judgment, Dunn would be hiring the relevant personnel listed in Appendix A. In the event Dunn is not the acquirer, then an alternative Acquirer, at the option of the Acquirer, can hire all full-time, part-time, or contract employees of APAC or Standard, wherever located, whose job responsibilities relate in any way to the Divestiture Assets, at any time between October 7, 2024, and the Divestiture Date. Specifically, Paragraph IV(J) of the proposed Final Judgment requires Defendants to provide the acquirer and the United States with organization charts and information relating to these employees and to make them available for interviews. It also provides that Defendants must not interfere with any negotiations by the acquirer to hire these employees. In addition, for employees who elect employment with the acquirer, Defendants must waive all non-compete and non-disclosure agreements, vest all unvested pension and other equity rights, provide any pay pro rata, provide all compensation and benefits that those employees have fully or partially accrued, and provide all other benefits that the employees would generally be provided had those employees continued employment with Defendants, including but not limited to any retention bonuses or payments. Paragraph IV(J)(6) further provides that Defendants may not solicit to hire any of those employees who were hired by the acquirer, unless an employee is terminated or laid off by the acquirer or the acquirer agrees in writing that Defendants may solicit to hire that individual. The non-solicitation period runs for 24 months from the date of the divestiture.

Paragraph IV(B) of the proposed Final Judgment will facilitate the transfer to the acquirer of customers and other contractual relationships that are included within the Divestiture Assets. Defendants must transfer all contracts, agreements, and relationships to the acquirer and must make best efforts to assign, subcontract, or otherwise transfer contracts or agreements that require the consent of another party before assignment, subcontracting, or other transfer.

During the term of the Final Judgment, Defendants are required by Section XI of the proposed Final Judgment to provide the United States and the State of Tennessee advance notice of any direct or indirect acquisition of any interest in any business engaged in the manufacture and sale of hot-mix asphalt in the State of Tennessee that would not otherwise be reportable under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a (the ''HSR Act''). Notification pursuant to this Section is not required, however, if the entity whose assets or interest are being acquired generated less than $5 million in revenue from the manufacture and sale of hot-mix asphalt in the State of Tennessee in the most recent completed calendar year.

Pursuant to Paragraph XI(B), Defendants must notify the United States and the State of Tennessee of such acquisitions as it would for a required HSR Act filing, as specified in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations. The proposed Final Judgment further provides for waiting periods and opportunities for the United States to obtain additional information analogous to the provisions of the HSR Act before such acquisitions can be consummated. Requiring notification before acquisition of an entity involved in the manufacture and sale of hot-mix asphalt in the State of Tennessee will permit the United States and the State of Tennessee to assess the competitive effects of that acquisition before it is consummated

and, if necessary, seek to enjoin the transaction. The proposed Final Judgment's notification requirement is important because the market for the manufacture and sale of hot-mix asphalt is already highly concentrated and there is a possibility that transactions may not be large enough to trigger the applicable thresholds under the HSR Act.

If Defendants do not accomplish the divestiture within the period prescribed in Paragraph IV(A) of the proposed Final Judgment, Section V of the proposed Final Judgment provides that the Court will appoint a divestiture trustee selected by the United States to effect the divestiture. If a divestiture trustee is appointed, the proposed Final Judgment provides that Defendants must pay all costs and expenses of the trustee. The divestiture trustee's commission must be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After the divestiture trustee's appointment becomes effective, the trustee must provide monthly reports to the United States and the State of Tennessee setting forth his or her efforts to accomplish the divestiture. If the divestiture has not been accomplished within 180 days of the divestiture trustee's appointment, the United States may make recommendations to the Court, which will enter such orders as appropriate, in order to carry out the purpose of the Final Judgment, including by extending the trust or the term of the divestiture trustee's appointment.

The proposed Final Judgment also contains provisions designed to promote compliance with and make enforcement of the Final Judgment as effective as possible.

Paragraph XV(A) provides that if, at any time during the five-year period following entry of the Final Judgment, the United State or the State of Tennessee determines in its sole discretion that the Final Judgment has failed to fully redress the violations alleged in the Complaint, then the United States or the State of Tennessee may re-open this proceeding to seek additional relief, including the divestiture of additional assets. The Court may order such additional relief if it finds by a preponderance of the evidence that there is a reasonably probability that the proposed Final Judgment did not fully redress the violations alleged in the Complaint.

Paragraph XV(B) provides that the United States and the State of Tennessee retain and reserve all rights to enforce the Final Judgment, including the right to seek an order of contempt from the Court. Under the terms of this paragraph, Defendants have agreed that in any civil contempt action, any motion to show cause, or any similar action brought by the United States or the State of Tennessee regarding an alleged violation of the Final Judgment, the United States or the State of Tennessee may establish the violation and the appropriateness of any remedy by a preponderance of the evidence and that Defendants have waived any argument that a different standard of proof should apply. This provision aligns the standard for compliance with the Final Judgment with the standard of proof that applies to the underlying offense that the Final Judgment addresses.

Paragraph XV(C) provides additional clarification regarding the interpretation of the provisions of the proposed Final Judgment. The proposed Final Judgment is intended to remedy the loss of competition the United States and the State of Tennessee allege would otherwise be harmed by the transaction. Defendants agree that they will abide by the proposed Final Judgment and that they may be held in contempt of the Court for failing to comply with any provision of the proposed Final Judgment that is stated specifically and in reasonable detail, as interpreted in light of this procompetitive purpose.

Paragraph XV(D) provides that if the Court finds in an enforcement proceeding that a Defendant has violated the Final Judgment, the United States or the State of Tennessee may apply to the Court for an extension of the Final Judgment, together with such other relief as may be appropriate. In addition, to compensate American taxpayers for any costs associated with investigating and enforcing violations of the Final Judgment, Paragraph XV(D) provides that, in any successful effort by the United States or the State of Tennessee to enforce the Final Judgment against a Defendant, whether litigated or resolved before litigation, the Defendant must reimburse the United States and the State of Tennessee for attorneys' fees, experts' fees, and other costs incurred in connection with that effort to enforce this Final Judgment, including the investigation of the potential violation.

Paragraph XV(E) states that the United States or the State of Tennessee may file an action against a Defendant for violating the Final Judgment for up to four years after the Final Judgment has expired or been terminated. This provision is meant to address circumstances such as when evidence that a violation of the Final Judgment occurred during the term of the Final Judgment is not discovered until after the Final Judgment has expired or been terminated or when there is not sufficient time for the United States or the State of Tennessee to complete an investigation of an alleged violation until after the Final Judgment has expired or been terminated. This provision, therefore, makes clear that, for four years after the Final Judgment has expired or been terminated, the United States or the State of Tennessee may still challenge a violation that occurred during the term of the Final Judgment.

Finally, Section XVI of the proposed Final Judgment provides that the Final Judgment will expire ten years from the date of its entry, except that after five years from the date of its entry, the Final Judgment may be terminated upon joint motion by the United States and the State of Tennessee to the Court and notice by the United States and the State of Tennessee to Defendants that the divestiture has been completed and continuation of the Final Judgment is no longer necessary or in the public interest.

IV. Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment neither impairs nor assists the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States, the State of Tennessee, and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment

should do so within 60 days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or within 60 days of the first date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the U.S. Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before the Court's entry of the Final Judgment. The comments and the response of the United States will be filed with the Court. In addition, the comments and the United States' responses will be published in the **Federal Register** unless the Court agrees that the United States instead may publish them on the U.S. Department of Justice, Antitrust Division's internet website.

Written comments should be submitted in English to:

Soyoung Choe, Acting Chief, Defense, Industrials, and Aerospace Section, Antitrust Division, United States Department of Justice, 450 Fifth St. NW, Suite 8700, Washington, DC 20530, *ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

As an alternative to the proposed Final Judgment, the United States considered a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against CRH's acquisition of Standard. The United States is satisfied, however, that the relief required by the proposed Final Judgment will substantially remedy the anticompetitive effects alleged in the Complaint, preserving competition for the manufacture and sale of TDOT-approved hot-mix asphalt in Shelby County. Thus, the proposed Final Judgment achieves substantially all of the relief the United States would have obtained through litigation but avoids the time, expense, and uncertainty of a full trial on the merits.

VII. Standard of Review Under the APPA For the Proposed Final Judgment

Under the Clayton Act and APPA, proposed Final Judgments, or ''consent decrees,'' in antitrust cases brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States* v. *U.S. Airways Grp., Inc.,* 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that a court's review of a proposed Final Judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable'').

As the U.S. Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's Complaint, whether the proposed Final Judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not ''make de novo determination of facts and issues.'' *United States* v. *W. Elec. Co.,* 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Instead, ''[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.'' *W. Elec. Co.,* 993 F.2d at 1577 (quotation marks omitted). ''The court should also bear in mind the *flexibility* of the public interest inquiry: the court's function is not to determine whether the resulting array of rights and liabilities is the one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.'' *Microsoft,* 56 F.3d at 1460 (quotation marks omitted); *see also United States* v. *Deutsche Telekom AG,* No. 19–2232 (TJK), 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would ''have enormous practical consequences for the government's ability to negotiate future settlements,'' contrary to congressional intent. *Microsoft,* 56 F.3d at 1456. ''The Tunney Act was not intended to create a disincentive to the use of the consent decree.'' *Id.*

The United States' predictions about the efficacy of the remedy are to be afforded deference by the Court. *See, e.g., Microsoft,* 56 F.3d at 1461 (recognizing courts should give ''due respect to the Justice Department's . . . view of the nature of its case''); *United States* v. *Iron Mountain, Inc.,* 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (''In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' (internal citations omitted)); *United States* v. *Republic Servs., Inc.,* 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting ''the deferential review to which the government's proposed remedy is accorded''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (''A district court must accord due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of

the case.''). The ultimate question is whether ''the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.''' *Microsoft,* 56 F.3d at 1461 (*quoting W. Elec. Co.,* 900 F.2d at 309).

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement, Public Law 108–237 § 221, and added the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). ''A court can make its public interest determination based on the competitive impact statement and response to public comments alone.'' *U.S. Airways,* 38 F. Supp. 3d at 76 (citing *Enova Corp.,* 107 F. Supp. 2d at 17).

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: August 7, 2026
Respectfully Submitted,

Stanley E. Woodward, Jr.,
Associate Attorney General

G. Charles Beller,
Deputy Assistant Attorney General

Andrew L. Kline
Acting Deputy Director of Civil Enforcement

Soyoung Choe
Acting Chief,
Defense, Industrials, and Aerospace Section

Daniel Monahan,
Elizabeth Gudis,
Assistant Chiefs,
Defense, Industrials, and Aerospace Section

Paul Torzilli, *United States Department of Justice, Antitrust Division, Defense, Industrials, and Aerospace Section, 450 Fifth Street NW, Suite 8700, Washington, DC 20530, Tel.: (202) 476–0547, Email: Paul.Torzilli@usdoj.gov.*

[FR Doc. 2026–16850 Filed 8–18–26; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

[4410–36]

Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board.

Name of the Committee: NIC Advisory Board.

General Function of the Committee: To aid the National Institute of Corrections in developing long-range plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

Date and Time: Public meeting 8:30 a.m.–5:00 p.m. ET on Wednesday and Thursday, September 9–10, 2026. Closed session 8:30 a.m.–12:00 p.m. ET, Friday, September 11, 2026.

Location: 400 First Street NW, Washington, DC 20534.

Contact Person: Marla Clayton, Designated Federal Officer (DFO) to the NIC Advisory Board, The National Institute of Corrections, 400 First Street NW, Washington, DC 20534. To contact Ms. Clayton, please email *M1Clayton@bop.gov.*

Agenda: From September 9–11, 2026, the Advisory Board will: (1) receive a brief Agency Report from the NIC Director, (2) receive feedback from various data gathering efforts, and (3) updates from agency partners to the Board. Time for questions and counsel from the Board is built into the agenda.

Procedure: On Wednesday and Thursday, September 9–10, 2026, 8:30 a.m.–5:00 p.m. ET, the meeting is open to the public. Interested persons may request to attend virtually and present data, information, or views, orally and/or in writing, on issues pending before the committee. Such requests must be made to the contact person on or before Tuesday, September 1, 2026. The public comment period is scheduled for 4:45 p.m.–5:00 p.m. ET on September 10, 2026. The time allotted for each presentation and/or comment is limited. Those who wish to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names, titles, agencies, addresses, and email addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 1, 2026.

Closed Committee Deliberations: On September 11, 2026, between 8:30 a.m.–12:00 p.m. ET, the meeting will be closed to permit discussion of information that (1) relates solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c) (2)), and (2) disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action (5 U.S.C. 552b(c) (6)).

General Information: NIC welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Marla Clayton by September 1, 2026. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Marla A. Clayton,

Designated Federal Officer, National Institute of Corrections.

[FR Doc. 2026–16860 Filed 8–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Linked Open Data on Credentials

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning an initial request for the authority to conduct the information collection request (ICR) titled, ''Linked Open Data on Credentials.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 19, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting the Office of Workforce Investment at 202–693–3980 (this is not a toll-free number) or by contacting Jenn Smith by email at *smith.jenn@dol.gov* or the program office by email at *SCC@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave NW, C–4518, Washington, DC 20210; by email: *SCC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Jenn Smith by telephone at 202–693–3980 (this is not a toll-free number) or by email at *SCC@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR seeks to require that Strengthening Community Colleges Training Grants grantees make information about their work publicly accessible by openly licensing to the public all curricula and credentials that they create in whole or in part with grant funds and posting these products (with the open license affixed) to a public distribution platform, such as a state Open Educational Resources repository, *SkillsCommons.org,* or other public distribution platforms. This new information collection request concerns the type of information that grantees must make publicly accessible and the way in which they must do so. That is, it directs grantees to share more detailed and useful data about the applicable credentials and to provide such data in a standard, shareable format. Specifically, this ICR specifies grantees to (1) make publicly accessible certain information about all credentials (including but not limited to diplomas, badges, certificates, certifications, apprenticeships, licenses, and degrees of all levels and types) and competencies (knowledge, skills, and abilities) that they develop or deliver through the use of public federal funds; and (2) make such information available through the use of Credential Transparency Description Language specifications. The information may include data about the credential provider, the credential and its associated competencies, delivery mode, geographic coverage, the industry sector(s) and occupation(s) for which the credential was developed, related assessments, related accreditations or other quality assurances where appropriate, costs, and available outcomes related to the attainment and value of the credentials. Section 169(c) of the Workforce Innovation and Opportunity Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention Linked Open Data on Credentials.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: New.

Title of Collection: Linked Open Data on Credentials.

Form: N/A.

OMB Control Number: 1205–0NEW.

Affected Public: State/Local Governments.

Estimated Number of Respondents: 62.

Frequency: Annually.

Total Estimated Annual Responses: 62.

Estimated Average Time per Response: 30 hours.

Estimated Total Annual Burden Hours: 1,860 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–16902 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Disaster Unemployment Assistance Activities Report

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Disaster Unemployment Assistance Activities Report.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 19, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Lea Robin Clary by telephone at 202–693–3894 (this is not a toll-free number), or by email at *OUI-PRA@dol.gov.* For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, ETA, Office of Unemployment Insurance, Disaster Unemployment Assistance Program, Room S–4520, 200 Constitution Ave. NW, Washington, DC 20210; by email: *OUI-PRA@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Lea Robin Clary by telephone at 202–693–3894 (this is not a toll-free number) or by email at *OUI-PRA@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR seeks to extend PRA authority for the Disaster Unemployment Assistance Activities Report information collection. Section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 100–707 (42 U.S.C. 5177), provides for Disaster Unemployment Assistance (DUA) to eligible applicants who are unemployed as a direct result of a major disaster. State Workforce Agencies, through individual agreements with the Secretary of Labor, act as agents of the Federal Government in administering DUA. Form ETA 902 is a monthly report that a state submits on DUA program activities. Section 625.19 of 20 CFR and Section 303(a)(6) of the Social Security Act (42 U.S.C. 503(a)(6)) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control 1205–0051.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Disaster Unemployment Assistance Activities Report.

Form: ETA 902, Disaster Unemployment Assistance Activities.

OMB Control Number: 1205–0051.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 30.

Frequency: Monthly.

Total Estimated Annual Responses: 210.

Estimated Average Time per Response: One (1) hour.

Estimated Total Annual Burden Hours: 210 hours.

Total Estimated Annual Other Cost Burden: $0.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–16903 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Benefit Timeliness and Quality

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ''Benefit Timeliness and Quality.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 19, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Eric Congious by telephone at 202–693–0763 (this is not a toll-free number) or by email at *OUI-PRA@dol.gov*. For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4519, 200 Constitution Ave NW, Washington, DC 20210; by email: *OUI-PRA@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Eric Congious by telephone at 202–693–0763 (this is not a toll-free number) or by email at *OUI-PRA@dol.gov*.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The BTQ program collects information and analyzes data. The BTQ data measures the timeliness and quality of states' administrative actions and decisions related to unemployment insurance benefit payments.

The Department is proposing revisions to the ETA 9056 report to incorporate additional issue codes, ensuring alignment with the proposed updates outlined in the ETA 207 Nonmonetary Determination Activities Report ICR (OMB Control No. 1205–0150) and first noticed under 90 FR 3958 (published January 15, 2025). The changes proposed to the ETA 9056 that would incorporate proposed edits to the ETA 207 report specify issues that were previously grouped together and introduce or revise several nonmonetary definitions; such changes do not include the proposed collection of demographic information on each determination issued. Accurately identifying issue codes during the adjudication process is an essential component of the BTQ review process. BTQ review data collected on the ETA 9056 directly relates to the nonmonetary determination issue codes reported on the ETA 207, therefore accurate and consistent categorization by states is necessary. The determination categories on the ETA 9056 must precisely mirror those reported on the ETA 207 to maintain consistency and reliability.

The proposed changes to the ETA 9056 include:

- Creating new issue codes for:
  - Alien Able and Available issues during the benefit year; and
  - Other non-separation issues not otherwise categorized.
- Renaming issue types. These categories exist on the current ETA 9056 report, but would be modified for clarity:

Current	*Proposed change*
Reporting Requirements.	Failure to Respond or Reporting Requirements.
Profiling	Failure or Refusal to Participate in Profiling or RESEA.
Alien	Alien Base Period Eligibility.
Removal of DQ	Removal of Disqualification.
Multi-claimant (Other)	Multi-claimant (Other than Labor Dispute).

ETA intends to renew the following reports without revision: ETA 9050, ETA 9051, ETA 9052, ETA 9054, ETA 9055, and ETA 9057 reports and Handbook 382. Sections 303(a)(1) and (a)(6) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(6)) authorize this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0359.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Benefit Timeliness and Quality.

Forms: ETA–9050, ETA–9051, ETA–9052, ETA–9054, ETA–9055, ETA–9056, ETA- 9057, and Handbook 382.

OMB Control Number: 1205–0359.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Monthly and Quarterly.

Total Estimated Annual Responses: 28,516.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 37,972 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–16897 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Registered Apprenticeship National Public Awareness Campaign

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed new information collection request (ICR) titled, ''Registered Apprenticeship National Public Awareness Campaign.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 19, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Michelle Mills, Division Director, Office of Apprenticeship, by email at *raawarenesscampaign@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship, 200 Constitution Ave. NW, Washington, DC 20210; by email: *raawarenesscampaign@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michelle Mills, Division Director, Office of Apprenticeship, by email at *raawarenesscampaign@dol.gov.*

(Authority: 44 U.S.C. 3506(c)(2)(A).)

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR seeks approval for a new information collection in support of the Registered Apprenticeship National Public Awareness Campaign. The request includes a General Public Baseline Survey (''Public Survey'' thereafter) and an Employer/Sponsor Baseline Survey (''Employer Survey'' thereafter). The surveys will collect information to establish an initial baseline, and then be fielded quarterly, or as needed, to ascertain changes in awareness, familiarity, understanding, perceptions, barriers, trusted sources, decision drivers, message reactions, and intent related to Registered Apprenticeship and *Apprenticeship.gov,* the website domain maintained by ETA's Office of Apprenticeship. The National Apprenticeship Act, 29 U.S.C. 50 *et seq.,* and DOL regulations at 29 CFR part 29 authorize and support ETA's Office of Apprenticeship activities related to the National Apprenticeship System and this information collection.

The Department has increased efforts to expand and modernize Registered Apprenticeship, a proven and industry-driven workforce training model, to connect all Americans to good-paying jobs. The surveys directly support Executive Order (E.O.) 14278, Preparing Americans for High-Paying Skilled Trade Jobs of the Future, which directs the Secretaries of Labor, Commerce, and Education to develop a plan to reach and surpass one million new active apprentices in Registered Apprenticeship programs. The E.O. also commits to protecting and strengthening Registered Apprenticeship as a means of unlocking the limitless potential of the American worker. In addition, several E.O.s focus on bolstering critical industries and direct federal agencies to increase utilization of Registered Apprenticeship as a critical strategy to strengthen workforces in those key industries, including Artificial Intelligence (E.O. 14277), Maritime (E.O. 14269), and Nuclear Energy (E.O. 14302). To support each of these goals, the Office of Apprenticeship proposes this multi-faceted public awareness campaign to spark national attention, generate interest and engagement, and drive measurable growth.

The public survey will be administered to U.S. adults ages 18 and older, with oversamples of adults ages 18 to 24, parents or guardians, educators/workforce intermediaries, and veterans. The oversample populations include those determined by the marketing campaign strategist to be key priority audiences for the marketing campaign. The employer baseline survey will be administered to representatives of U.S. employers who influence hiring, workforce training, talent development, or apprenticeship-related decisions. ETA will use the information to support campaign planning, audience understanding, message development, key performance indicator benchmarking, and future evaluation of the Registered Apprenticeship National Public Awareness Campaign.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0NEW.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

(*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: New.

Title of Collection: Registered Apprenticeship National Public Awareness Campaign.

Form: Registered Apprenticeship Awareness Campaign General Public Baseline Survey; Registered Apprenticeship Awareness Campaign Employer/Sponsor Baseline Survey.

OMB Control Number: 1205–0NEW.

Affected Public Individuals or Households, Private Sector—businesses or other for-profits and not-for-profit institutions.

Estimated Number of Respondents: 10,200.

Frequency: Once for baseline surveys; quarterly (as needed) for tracking surveys.

Total Estimated Annual Responses: 10,200.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 2,400 hours.

Total Estimated Annual Other Cost Burden: $0.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–16885 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Securing Financial Obligations Under the Longshore and Harbor Workers' Compensation Act and Its Extensions

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: OWCP Forms LS–275–IC, LS–275–SI, and LS–276 cover the submission of information by insurance carriers and self-insured employers regarding their ability to meet their financial obligations under the Longshore Act and its extensions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on, March 6, 2026 (91 FR 11087).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Securing Financial Obligations Under the Longshore and Harbor Workers' Compensation Act and its Extensions.

OMB Control Number: 1240–0005.

Affected Public: Private Sector—Businesses or other for-profits; Not-for-profit institutions.

Total Estimated Number of Respondents: 728.

Total Estimated Number of Responses: 728.

Total Estimated Annual Time Burden: 911 hours.

Total Estimated Annual Other Costs Burden: $728.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026–16896 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety & Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Title 30 CFR 71.400 through 71.402 and 75.1712–1 through 75.1712–3 require coal mine operators to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. If the operator is unable to meet any or all requirements, he/she may apply for a waiver. Title 30 CFR 71.403, 71.404, 75.1712–4, and 75.1712–5 provide procedures by which an

operator may apply for and be granted a waiver. Applications are filed with the District Manager for the district in which the mine is located and must contain the name and address of the mine operator, name and location of the mine, and a detailed statement of the grounds on which the waiver is requested. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 26, 2026 (91 FR 14591).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Application for Waiver of Surface Sanitary Facilities Requirements (Pertaining to Coal Mines).

OMB Control Number: 1219–0024.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 204.

Total Estimated Number of Responses: 612.

Total Estimated Annual Time Burden: 86 hours.

Total Estimated Annual Other Costs Burden: $1,020.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026–16898 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Attending Physician's Certification of Continuing Workers' Compensation Disability

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The information collected on OWCP Form CA–21 will be used by claims examiners for OWCP to determine eligibility for and the computation of benefits. The claimant will use this form to obtain medical documentation from the attending physician to support continued disability. The attending physician completes this form based on their examination of the claimant. The medical evidence is used to determine whether the claimant is entitled to continued compensation for disability for work. The work capacity noted by the attending physician will be used by rehabilitation specialists and nurses to assist partially disabled employees to return to suitable employment. Without the requested information, entitlements to an eligible beneficiary could be denied or delayed, or benefits could be authorized at an incorrect rate, resulting in an underpayment or overpayment of compensation. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 20, 2024 (89 FR 51905).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Attending Physician's Certification of Continuing Workers' Compensation Disability.

OMB Control Number: 1240–0NEW.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 33,372.

Total Estimated Number of Responses: 33,372.

Total Estimated Annual Time Burden: 2,620 hours.

Total Estimated Annual Other Costs Burden: $20,774.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026–16900 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Department has promulgated regulations governing the content, style, and format, and furnishing of Summary Plan Descriptions (SPDs), Summary of Material Modifications (SMMs), and Summary of Material Reductions (SMRs) at 29 CFR 102–2 (Style and Format of Summary Plan Descriptions); 29 CFR 2520.102–3 (Contents of Summary Plan Descriptions); 29 CFR 2520.102–4 (Option for Different Summary Plan Descriptions); 29 CFR 2520.2520.104b–1 (Disclosure); 29 CFR 2520.104b–2 (Summary Plan Descriptions); 29 CFR 104b–3 (Summary of Material Modifications to the Plan and Changes in the Information Required to be Included in the Summary Plan Description); and 29 CFR 104(b)–(4) (Alternative Methods of Compliance for Furnishing the Summary Plan Description and Summaries of Material Modifications of a Pension Plan to a Retired Participant, a Separated Participant, and a Beneficiary Receiving Benefits).

These regulations set standards for the content, style, and format of these disclosure documents, the methods of furnishing that will satisfy the statutory disclosure requirements, and alternative methods of compliance. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 18, 2026 (91 FR 7528).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended.

OMB Control Number: 1210–0039.

Affected Public: Private sector.

Total Estimated Number of Respondents: 3,602,216.

Total Estimated Number of Responses: 129,692,000.

Total Estimated Annual Time Burden: 1,662,000 hours.

Total Estimated Annual Other Costs Burden: $95,794,000.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–16891 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety & Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA established standards and regulations for diesel-powered equipment in underground coal mines that provide additional important protection for coal miners who work on and around diesel-powered equipment. The standards were designed to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter and contain information collection requirements for underground coal mine operators to provide annual training to all miners who may be exposed to diesel emissions, to keep a record of the training, and to require underground coal mine operators to maintain an inventory of diesel powered equipment units together with a list of information about any unit's emission control or

filtration system. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 5, 2026 (91 FR 14595).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines).

OMB Control Number: 1219–0124.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 146.

Total Estimated Number of Responses: 27,954.

Total Estimated Annual Time Burden: 703 hours.

Total Estimated Annual Other Costs Burden: $24.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026–16894 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consent To Receive Employee Benefit Plan Disclosures Electronically

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Department's 2002 regulatory safe harbor at 29 CFR 2520.104b–1(c) describes the circumstances under which the administrator of an employee benefit plan may furnish required disclosure documents through electronic media. The information collection contains a disclosure requirement and a requirement that participants affirmatively consent to electronic disclosure or confirm consent electronically. The consent serves to demonstrate to the plan administrator that an individual has the ability to access information in the electronic form that will be used for disclosure purposes. Such confirmation will ensure the compatibility of the hardware and software between the individual and the plan, and will also serve to demonstrate that the administrator has taken appropriate and necessary measures reasonably calculated to ensure that the system for furnishing documents results in actual receipt, as required under ERISA. Lastly, where applicable, the consent provides a means for the individual to provide the plan with the correct email address to facilitate the efficiencies that may arise from the use of electronic technologies where appropriate.

In 2020, the Department issued a final rule providing a safe harbor (Notice-and-Access Safe Harbor) for plan administrators who wish to satisfy ERISA's delivery requirements for retirement plan documents by posting them on a website and notifying workers of the online availability of such documents (29 CFR 2520.104b–31). Retirement plan administrators may satisfy their obligation to furnish ERISA-required disclosures by making the information accessible online and furnishing a notice of internet availability of these disclosures to covered individuals. The notice of internet availability must be sent to the electronic address of the participant, for example to the participant's email address and include, among other things, a brief description of the document being posted online, a website address where the document is posted, and instructions for requesting a free paper copy or electing paper delivery in the future. It must be sent each time a retirement plan disclosure is posted to the internet website. To prevent ''email overload,'' the 2020 final rule allows a notice of internet availability to incorporate or combine other notices of internet availability in limited circumstances. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 18, 2026 (91 FR 7528).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a

collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Consent to Receive Employee Benefit Plan Disclosures Electronically.

OMB Control Number: 1210–0121.

Affected Public: Private sector.

Total Estimated Number of Respondents: 849,335.

Total Estimated Number of Responses: 63,221,923.

Total Estimated Annual Time Burden: 1,123,616 hours.

Total Estimated Annual Other Costs Burden: $1,527,770.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–16883 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Radiation Sampling and Exposure Records

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety & Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA regulations require operators to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any applicable mandatory health or safety standard promulgated under this Act.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 25, 2026 (91 FR 14589).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Radiation Sampling and Exposure Records.

OMB Control Number: 1219–0003.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 4.

Total Estimated Number of Responses: 404.

Total Estimated Annual Time Burden: 402 hours.

Total Estimated Annual Other Costs Burden: $20.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–16893 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Defined Benefit Plan Annual Funding Notice

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: In 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21). The law provides funding interest rate stabilization for single employer defined benefit (DB) plans, effective for plan years beginning on and after January 1, 2012. MAP–21 set a floor (or ceiling) for the interest rates that single employer defined benefit plan administrators generally are required to use to calculate contributions. Under the rules, the generally required interest rates are limited to rates that are within a specified range, or corridor, above or below a 25-year average for the rates.

The Multiemployer Pension Reform Act of 2014 (MPRA), Public Law 113–

235 (2014), added new disclosure requirements to section 101(f)(2)(B) of ERISA relating to the new multiemployer funding classification of ''critical and declining status.'' A plan is in critical and declining status if it is in critical status and is projected to become insolvent with 15 years (or within 20 years if a special rule applies). MPRA requires the annual funding notice of critical and declining status plans to include the projected date of insolvency; a clear statement that such insolvency may result in benefit reductions; and a statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency. These requirements were added to the final regulation and the multiemployer plan model notice to reflect the MPRA amendments to ERISA section 101(f) and are included in the hour burden to complete that notice.

MPRA requires the annual funding notice of critical and declining status plans to include the projected date of insolvency; a clear statement that such insolvency may result in benefit reductions; and a statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency. These requirements were added to the final regulation and the multiemployer plan model notice to reflect the MPRA amendments to ERISA section 101(f).

On February 2, 2015, the Department published final rules implementing ERISA section 101(f). As required by statute, the final rule requires the plan administrator of a defined benefit pension plan that is subject to the Pension Benefit Guaranty Corporation's Insurance Program to furnish a funding notice annually to participants, beneficiaries, labor organizations representing such participants or beneficiaries, employers obligated to make contributions to a multiemployer plan, and the Pension Benefit Guaranty Corporation (PBGC). Large plans must furnish the notice by the 120th day following the end of the plan year to which the notice relates. A small plan may furnish a funding notice on or before the due date, with extensions, of the plan's Form 5500 Annual Return/Report filed with the Department. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 18, 2026 (91 FR 7528).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Defined Benefit Plan Annual Funding Notice.

OMB Control Number: 1210–0126.

Affected Public: Private sector.

Total Estimated Number of Respondents: 30,451.

Total Estimated Number of Responses: 49,816,936.

Total Estimated Annual Time Burden: 96,489 hours.

Total Estimated Annual Other Costs Burden: $5,458,724.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–16892 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Request for Public Comment

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act, provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at *reginfo.gov* (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before October 19, 2026.

ADDRESSES: U.S. Department of Labor, Employee Benefits Security Administration, Office of Research and Analysis, Attention: PRA Officer, 200 Constitution Avenue NW, Room N–5718, Washington, DC 20210, or *ebsa.opr@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Current Actions

This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules and prohibited transaction exemptions described below. This action is not related to any pending rulemakings and the Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. The following is a summary of the ICRs and the burden estimates:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Registration Requirements to Serve as a Pooled Plan Provider to Pooled Employer Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0164.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 142.

Responses: 142.

Estimated Total Burden Hours: 71.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: The Setting Every Community Up for Retirement

Enhancement Act of 2019 (the SECURE Act) was designed to improve retirement coverage as well as the ability of individuals to manage important retirement-related risks. Section 101 of the SECURE Act amends section 3(2) of the Employee Retirement Income Security Act (ERISA) to eliminate the commonality of interest requirement for establishing certain individual account plans, or ''pooled employer plans,'' that meet specific requirements. Among these requirements, plans must designate a ''pooled plan provider'' to serve as a named fiduciary and as the plan administrator. Further, section 101 of the SECURE Act requires pooled plan providers to register with the Department of Labor (the Department) and the Department of the Treasury (Treasury) before beginning operations. The statute expressly provides a separate authorization for the Department to require additional information.

The Department received approval from OMB for this ICR under OMB Control No. 1210–0164. The current approval is scheduled to expire on January 30, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Suspension of Pension Benefits Pursuant to Regulations.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0048.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 46,207.

Responses: 209,287.

Estimated Total Burden Hours: 156,082.

Estimated Total Burden Cost (Operating and Maintenance): $9,225.

Description: Section 203(a)(3)(B) of ERISA governs the circumstances under which pension plans may suspend pension benefit payments to retirees who return to work or to participants who continue to work beyond normal retirement age. This section sets forth the circumstances and conditions under which such benefit payments may be suspended. In order for a plan to suspend benefits pursuant to the regulation, it must notify the affected retiree or participant during the first calendar month or payroll period in which the plan withholds payment, that benefits are suspended. The notice must include the specific reasons for such suspension, a general description of the plan provisions authorizing the suspension, a copy of the relevant plan provisions, and a statement indicating where the applicable regulations may be found, *i.e.,* 29 CFR 2530.203–3. In addition, the suspension notification must inform the retiree or participant of the plan's procedure for affording a review of the suspension of benefits. Requests for such reviews may be considered in accordance with the claims procedure adopted by the plan pursuant to section 503 of the Act and applicable regulations.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0048. The current approval is scheduled to expire on February 28, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Employee Retirement Income Security Act of 1974 Section 408(a) Prohibited Transaction Provisions Exemption Application Procedure.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0060.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 21.

Responses: 3,592.

Estimated Total Burden Hours: 2,718.

Estimated Total Burden Cost (Operating and Maintenance): $144.

Description: ERISA and the Internal Revenue Code (the Code) direct the Secretary to establish procedures to issue individual and class exemptions from the prohibited transaction rules of ERISA and the Code. The Department's Exemption Application Procedure regulation requires certain information to be provided in a written application for an exemption. All exemption applications must include, among other things: name, contact information and a detailed description of the exemption transaction and alternatives. Applications for individual exemptions must also include specific information about the plan or plans to which the exemption applies. The applicant must certify that the information supplied is accurate and complete.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0060. The current approval is scheduled to expire on February 28, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Employee Retirement Income Security Act Prohibited Transaction Class Exemption 1981–8, Investment of Plan Assets in Certain Types of Short-Term Investments.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0061.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 123,698.

Responses: 618,490.

Estimated Total Burden Hours: 154,623.

Estimated Total Burden Cost (Operating and Maintenance): $23,676.

Description: PTE 81–8 permits the investment of plan assets that involve the purchase or other acquisition, holding, sale, exchange, or redemption by or on behalf of an employee benefits plan in certain types of short-term investments. PTE 81–8 covers five types of short-term investments: banker's acceptances, commercial paper, repurchase agreements, certificates of deposit, and bank securities. Without the exemption, certain aspects of these transactions might be prohibited by ERISA section 406. In order to grant an exemption under ERISA section 408 and Code section 4975(c)(2), the Department must determine that the exemption is: administratively feasible, in the interests of the plan and its participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan.

The exemption's conditions contain the following information collection requirements for repurchase agreements: (1) the repurchase agreements between the seller and the plan must be in writing; and (2) the seller of the repurchase agreements must agree to provide the plan with the most recent available audited statement of its financial condition as well as its most recent available unaudited statement at the time of the sale and as the statements are issued. The seller must also represent, either in the repurchase agreement or prior to each repurchase agreement transaction, that as of the time the transaction is negotiated, there has been no material adverse undisclosed change in the seller's financial condition since the date the last financial statement was furnished.

These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0061. The current approval is scheduled to expire on February 28, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Process for Expedited Approval of an Exemption for Prohibited Transaction, Prohibited Transaction Class Exemption 1996–62.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0098.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 3.

Responses: 711.

Estimated Total Burden Hours: 55.

Estimated Total Burden Cost (Operating and Maintenance): $29.

Description: PTE 96–62 permits certain prospective transactions between plans and parties in interest where the transactions are specifically authorized by the Department and are subject to terms, conditions and representations which are substantially similar to previous exemptions within a specified timeframe. The exemption's conditions contain the following information collection requirements. A party applying for expedited processing must submit written documentation to the Department, in order for Department to make an informed determination whether to authorize the application. If tentative authorization is given, the party that will engage in the transaction must provide written notice to interested persons in a manner that is reasonably calculated to result in the receipt of such notice by interested persons, to ensure that participants and beneficiaries are informed of the application for an exemption and the date of the expiration of the comment period and have an opportunity to comment.

These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0098. The current approval is scheduled to expire on February 28, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 1998–54 Relating to Certain Employee Benefit Plan Foreign Exchange Transactions Executed Pursuant to Standing Instructions.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0111.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 35.

Responses: 420,000.

Estimated Total Burden Hours: 4,200.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: PTE 98–54 permits employee benefit plans to engage in foreign exchange transactions with banks or broker-dealers which are trustees, custodians, fiduciaries, or other parties in interest with respect to such plans pursuant to a standing instruction. The exemption's conditions contain the following information collection requirements: (1) the bank or broker-dealer maintains at all times written policies and procedures regarding the handling of foreign exchange transactions for plans with respect to which the bank or broker-dealer is a trustee, custodian, fiduciary or other party in interest or disqualified person which assure that the person acting for the bank or broker-dealer knows that they are dealing with a plan, a partial copy of which prior to the execution of certain transactions is provided to the plan's independent fiduciary; (2) the covered transaction is performed under a written authorization executed in advance by the fiduciary of the plan whose assets are involved in the transaction, which plan fiduciary is independent of the bank or broker-dealer engaging in the covered transaction or any foreign affiliate thereof; (3) the bank or broker-dealer engaging in the covered transaction furnishes to the independent fiduciary a written confirmation statement with respect to each covered transaction not more than five business days after execution of the transactions with specified information regarding the transaction; and (4) recordkeeping requirements.

These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0111. The current approval is scheduled to expire on February 28, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Delinquent Filer Voluntary Compliance Program.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0089.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 10,638.

Responses: 10,638.

Estimated Total Burden Hours: 5,319.

Estimated Total Burden Cost (Operating and Maintenance): $9,393.

Description: Under Title I of ERISA, the administrator of each welfare plan and each pension plan, unless otherwise exempt, is required to file an annual report with the Secretary containing the information set forth in section 103 of ERISA. The statutory annual reporting requirements under Titles I and IV of ERISA, as well as the Internal Revenue Code (the Code), are satisfied generally by filing the appropriate annual return/report (the Form 5500).

On April 27, 1995, the Department implemented the Delinquent Filer Voluntary Compliance Program (the DFVC Program) in an effort to encourage annual reporting compliance. Under the DFVC Program, administrators otherwise subject to the assessment of higher civil penalties are permitted to pay reduced civil penalties for voluntarily complying with the annual reporting requirements under Title I of ERISA.

The information collection requirement included in the DFVC Program is the requirement of providing data necessary to identify the plan along with the penalty payment. This data is the only means by which each penalty payment is associated with the relevant plan. With respect to most pension plans and welfare plans, the requirement is satisfied by sending, along with the penalty payment, a copy of the delinquent annual report (without attachments or schedules) which is filed with the Department at a different address under the EFAST system. In the event that the plan administrator files the delinquent annual report using a 1998 or prior plan year form, a paper copy of only the first page of the Form 5500 or Form 5500–C, as applicable, should be submitted along with the penalty payment.

Certain pension plans for highly compensated employees, commonly called ''top hat'' plans, and apprenticeship plans may file a one-time statement in lieu of annual reports. With respect to such plans, information collection requirements of the DFVC

Program are satisfied by sending a completed first page of an annual report form along with the penalty payment. The one-time statements are required to be sent to a different address within the Department. The DFVC Program is designed to allow the processing of all penalty payments at a single location within the Department.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0089. The current approval is scheduled to expire on April 30, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers under Prohibited Transaction Exemption 1984–14.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0128.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 10,855.

Responses: 15,786.

Estimated Total Burden Hours: 13,490.

Estimated Total Burden Cost (Operating and Maintenance): $1,250,753.

Description: Prohibited Transaction Exemption 84–14 (49 FR 9494, March 13, 1984, as corrected at 50 FR 41430, October 10, 1985, and amended at 70 FR 49305 (August 23, 2005)) (PTE) 84–14) permits various parties who are related to employee benefit plans to engage in transactions involving plan assets if, among other conditions, the assets are managed by a ''qualified professional asset manager'' (QPAM). On July 6, 2010, the Department adopted a final amendment to PTE 84–14 (75 FR 38837) that added Part V to the exemption that permits a QPAM to manage an investment fund that contains the assets of its own plan or the plan of an affiliate of the QPAM. The exemption's conditions for information collection requirements that are conditions of Part V of the exemption include written policies and procedures and audit requirements for QPAM-sponsored plans. The written policies and procedures are to be used by an independent auditor who will conduct an annual exemption audit and determine the QPAM's compliance with the conditions of the exemption. An independent auditor will conduct an annual exemption audit and make a determination whether the QPAM is in compliance with the written policies and procedures and that the conditions of the exemption have been met. These information collections are designed to safeguard participants and beneficiaries in plans that are involved in transactions covered by the exemption. The exemption does

On April 4, 2024, the Department adopted an amendment to PTE 84–14 that, among other changes, added a requirement for QPAMs to submit a one-time notice to the Department acknowledging that the QPAM is relying on the exemption. This information requirement ensures that the Department is aware of those entities that rely on PTE 84–14. These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0128. The current approval is scheduled to expire on April 30, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Request for Assistance from the Department of Labor, Employee Benefits Security Administration.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0146.

Affected Public: Individuals or Households.

Respondents: 14,991.

Responses: 14,991.

Estimated Total Burden Hours: 7,496.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: EBSA maintains a program designed to provide education and technical assistance to participants and beneficiaries (as well as to employers, plan sponsors, and service providers) related to their health and retirement plan benefits. EBSA assists participants in understanding their rights, responsibilities, and benefits under employee benefit law and intervenes informally on their behalf with the plan sponsor in order to assist them in obtaining the health and retirement benefits to which they may have been inappropriately denied, which can avert the necessity for a formal investigation or a civil action. EBSA maintains a toll-free telephone number through which inquirers can reach Benefits Advisors in ten Regional Offices. EBSA also has an assistance form on its website. Contact with EBSA is entirely voluntary.

The collection of information is an intake form for assistance requests from the public. This information includes the plan type, broad categories of problem type, contact information for responsible parties, and a mechanism for the inquirer to attach relevant documents. Summary data from the existing intake form has also been used, in accordance with section 513 of ERISA, to respond to requests for information regarding employee benefit plans from members of Congress and governmental oversight entities, and to inform the policy formulation process.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0146. The current approval is scheduled to expire on April 30, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Alternative Method of Compliance for Certain Simplified Employee Pensions.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0034.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 35,660.

Responses: 67,930.

Estimated Total Burden Hours: 21,227.

Estimated Total Burden Cost (Operating and Maintenance): $2,066.

Description: Section 110 of ERISA relieves sponsors of certain Simplified Employee Pensions (SEPs) from ERISA's Title I reporting and disclosure requirements by prescribing an alternative method of compliance. These SEPs are, for purposes of this information collection, referred to as ''non-model SEPs'' because they exclude those SEPs which are created through use of Internal Revenue Service (IRS) Form 5305–SEP, and those SEPs in which the employer influences the employees as to their choice of IRAs to which employer contributions will be made, and that also prohibit withdrawals by participants.

This information collection requirement generally requires timely written disclosures by SEP sponsors to employees eligible to participate in non-model SEPs, including specific information concerning: participation requirements; allocation formulas for employer contributions; designated contact persons for further information; and, for employer recommended IRAs, specific terms of the IRAs such as rates of return and any restrictions on

withdrawals. Moreover, general information is required that provides a clear explanation of: the operation of the non-model SEP; participation requirements and any withdrawal restrictions; and the tax treatment of the SEP-related IRA. Furthermore, statements must be provided by SEP sponsors that inform participants of: any options regarding rollovers and contributions to other IRAs; descriptions of IRS disclosure requirements to participants and information regarding social security integration (if applicable); and timely notification of any amendments to the terms of the non-model SEP. The disclosures must also include a statement to the effect that IRAs other than those to which employer contributions will be made under the SEP may provide different rates of return and terms such as those concerning transfers of funds.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0034. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Employee Retirement Income Security Act Prohibited Transaction Exemption 1986–128 For Securities Transactions Involving Employee Benefit Plans and Broker-Dealers.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0059.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 326.

Responses: 4,150.

Estimated Total Burden Hours: 177.

Estimated Total Burden Cost (Operating and Maintenance): $3,300.

Description: Prohibited Transaction Class Exemption (PTE) 86–128 permits a fiduciary's use of its authority to cause a plan (including an individual retirement account) or a pooled investment fund to pay a fee to the fiduciary for effecting or executing securities transactions as agent for the plan or fund. It also permits a fiduciary to act as an agent in an agency cross transaction for both the plan and one or more other parties to the transaction, and to receive reasonable compensation for effecting or executing the agency cross transaction from one or more of the other parties to the transaction.

The class exemption's conditions impose the following information collection requirements on fiduciaries of employee benefit plans that effect or execute securities transactions (''broker-dealers'') and the independent plan fiduciary authorizing the plan to engage in the transactions with the broker-dealer (''authorizing fiduciary'') under the conditions contained in the exemption: (1) The authorizing plan fiduciary must provide the broker-dealer with an advance written authorization for the transactions; (2) The broker-dealer must provide the authorizing fiduciary with a termination form, at least annually, explaining that the authorization is terminable at will, without penalty to the plan, and that failure to return the form will result in continued authorization for the broker-dealer to engage in securities transactions on behalf of the plan; (3) Within three months before an authorization is made, the broker-dealer must provide the authorizing fiduciary with information necessary to determine whether an authorization should be made, including a copy of the exemption, a form for termination, a description of the broker-dealer's brokerage placement practices, and any other reasonably available information regarding the matter that the authorizing fiduciary requests; (4) The broker-dealer must provide the authorizing fiduciary with either (a) a confirmation slip for each individual securities transaction within 10 days of the transaction containing the information described in Rule 10b–10(a)(1–7) under the Securities Exchange Act of 1934, 17 CFR 240.10b–10 or (b) at least quarterly, a compilation of confirmation slips and disclosure of all security transaction-related charges; (5) The broker-dealer must provide the authorizing fiduciary with an annual summary of the confirmation slips and all security transaction-related charges, the brokerage placement practices (if changed), and a portfolio turnover ratio; and (6) A broker-dealer who is a discretionary plan trustee must provide the authorizing fiduciary with an annual report showing separately the commissions paid to affiliated brokers and non-affiliated brokers, on both a total dollar basis and a cents-per-share basis. In addition, for certain agency cross transactions, the disclosure before the authorization must include a statement that the person effecting or executing the transactions will have a potentially conflicting division of loyalties and responsibilities regarding the parties to the transaction, and the annual summary must include a statement identifying the total number of agency cross transactions and the total remuneration. However, the exemption includes certain exceptions for some transactions, including agency cross transactions that meet specified conditions, transactions in which the broker-dealer returns or credits to the plan all profits earned, and different authorization requirements for persons engaging in a covered transaction on behalf of certain pooled funds. These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. These safeguards rely on the prior authorization and monitoring of the broker-fiduciary's activities by a second plan fiduciary that is independent of the first. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0059. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 75–1, Security Transactions with Broker-Dealers, Reporting Dealers, and Banks.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0092.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 3,944.

Responses: 3,944.

Estimated Total Burden Hours: 15,776.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: Prohibited Transaction Exemption (PTE) 75–1 consists of five parts providing relief for securities transactions involving broker-dealers, reporting dealers and banks. Part I of PTE 75–1 provides relief for agency transactions and services, Part II for principal transactions, Part III for underwritings, Part IV for market-making, and Part V for extension of credit.

The exemption's conditions contain the information collection requirement for plans to maintain, for a period of six years from the date of each transaction, information sufficient to demonstrate that the conditions of the exemption have been met. These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption,

would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0092. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Abandoned Individual Account Plan Termination.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0127.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 28,434.

Responses: 1,162,551.

Estimated Total Burden Hours: 56,196.

Estimated Total Burden Cost (Operating and Maintenance): $53,258.

Description: This information collection concerns the three regulations and an exemption related to terminating or abandoned plans and/or to distribution and rollover of distributed benefits for which no participant benefit distribution election has been made. The abandoned plan initiative includes the following actions, which impose the following information collections:

(1) The Termination of Abandoned Individual Accounts regulation (QTA Regulation) (29 CR 2578.1) creates an orderly and efficient process by which a financial institution that holds the assets of a plan that is deemed to have been abandoned may undertake to terminate the plan and distribute its assets to participants and beneficiaries holding accounts under the plan, with limited liability under Title I of ERISA. The regulation requires the qualified termination administrator (QTA) to provide certain notices to the Department, to participants and beneficiaries, and to the plan sponsor (or service providers to the plan, if necessary), and to keep certain records pertaining to the termination.

(2) The Special Terminal Report for Abandoned Plans regulation (29 CFR 2520.103–11) provides an alternative, simplified method for a QTA to satisfy the annual report requirement otherwise applicable to a terminating plan by filing a special simplified terminal report with the Department after terminating an abandoned plan and distributing its accounts to participants and beneficiaries.

(3) The Safe Harbor for Distributions from a Terminated Individual Account Plan regulation (29 CFR 2550.404a–3) establishes a safe harbor method by which fiduciaries who are terminating individual account pension plans (whether abandoned or not) may select a vehicle to receive account balances distributed from the terminated plan when the participant has failed to provide distribution instructions, and the selection of an investment for such account. The regulation requires the fiduciaries to provide advance notice to participants and beneficiaries of how such account balances will be distributed, if no other instructions are provided.

(4) The Abandoned Plan Class Exemption (PTE 2006–06) permits a QTA that terminates an abandoned plan under the QTA regulation to engage in certain transactions with itself as part of the process of terminating abandoned plans and/or the distribution and rollover of distributed benefits. The exemption's conditions contain the following information collection requirements that the QTA keep records of the distributions for a period of six years and make such records available on request to interested persons (including the Department and participants and beneficiaries). If a QTA wishes to be paid out of plan assets for services provided prior to becoming a QTA, the exemption requires the QTA represent under the penalty of perjury that such services were actually performed and, unless the services were performed pursuant to the QTA regulation, to provide to the Department a copy of the executed contract between the QTA and a plan fiduciary or the plan sponsor that authorized the services.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0127. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Investment Advice to Participants and Beneficiaries.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0134.

Affected Public: Private sector, Businesses or other for-profits.

Respondents: 8,938.

Responses: 24,698,107.

Estimated Total Burden Hours: 1,867,800.

Estimated Total Burden Cost (Operating and Maintenance): $247,377,814.

Description: Under ERISA, providing ''investment advice'' is a fiduciary act. A fiduciary who advises participants about plan investment opportunities that pay the adviser fees or commissions may be subject to liability under ERISA's prohibited transaction rules. The Pension Protection Act of 2006 (Pub. L. 109–280) amended ERISA and the Internal Revenue Code (Code) to include a statutory exemption for providing investment advice to participants and beneficiaries in self-directed defined contribution individual account ERISA-covered plans (Plans) and beneficiaries of individual retirement accounts, individual retirement annuities, Archer MSAs, health savings accounts and Coverdell education savings accounts (collectively IRAs) described in the Code. The statutory exemption provides relief from the prohibited transaction provisions of ERISA, and the parallel provisions of the Code. The information collections that are conditions of the implementing regulation include, third-party disclosures, recordkeeping, and audit requirements. With one exception, the regulation does not require any reporting or filing with the Federal government, but the designated records must be made available upon request. The exception is the requirement that the fiduciary adviser is required under certain circumstances to forward the audit report which is also a required disclosure under the regulation to the Department.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0134. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Insurance and Annuity Contracts and Mutual Fund Principal Underwriters (PTE 1984–24).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0158.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 89,818.

Responses: 1,498,615.

Estimated Total Burden Hours: 1,093,403.

Estimated Total Burden Cost (Operating and Maintenance): $191,759.

Description: PTE 84–24, as amended, provides an exemption for the receipt, directly or indirectly, by an insurance agent or broker or a pension consultant of a sales commission from an insurance company in connection with the purchase, with plan or IRA assets, of an insurance or annuity contract. Relief is

also provided for the receipt of a sales commission by a principal underwriter for an investment company registered under the Investment Company Act of 1940 in connection with the purchase, with plan or IRA assets, of securities issued by the investment company.

The exemption's conditions contain the following information collection requirements that in order to receive commissions in conjunction with the purchase of an insurance or annuity contract or of securities issued by the investment company, the insurance agent or broker, pension consultant, or principal underwriter must obtain written authorization from the authorizing fiduciary. Prior to obtaining the written authorization, the insurance agent or broker, pension consultant, or principal underwriter must provide the authorizing fiduciary with sufficient materials and disclosures for the authorizing fiduciary to evaluate the appropriateness of the investment. Finally, the insurance agent or broker, pension consultant, or principal underwriter must maintain sufficient records to demonstrate that the conditions of the exemption have been met.

In order to ensure that the rights of the participants and beneficiaries are protected, and that the exemption's conditions are being complied with, the Department often requires minimal information collection pertaining to the affected transactions. These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0158. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Improving Investment Advice for Workers & Retirees Prohibited Transaction Exemption.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0163.

Affected Public: Individuals or Households.

Respondents: 18,632.

Responses: 114,609,171.

Estimated Total Burden Hours: 2,599,221.

Estimated Total Burden Cost (Operating and Maintenance): $18,359,543.

Description: PTE 2020–02 permits investment advice fiduciaries (registered investment advisers, broker-dealers, banks, and insurance companies) to receive compensation and engage in principal transactions that would otherwise violate the prohibited transaction provisions of ERISA and the Code.

The exemption's conditions contain the following information collection requirements: (1) make disclosures to inform retirement investors of their fiduciary status, services offered, and material conflicts of interest; (2) establish, maintain, and enforce written policies and procedures designed to ensure that they and their investment professionals comply with the Impartial Conduct Standards; (3) document the specific reasons that a rollover recommendation is in the best interest of the retirement investor and provide the documentation to the retirement investor; (4) conduct an annual retrospective review that is reasonably designed to prevent violations of the Impartial Conduct Standards and the institution's own policies and procedures and provide a written report that is certified by a senior executive officer; and (5) maintain records so that parties relying on an exemption can demonstrate, and the Department can verify, compliance with the conditions of the exemption. Investment advice fiduciaries may choose to self-correct certain violations if, among other things, the financial institution notifies the Department of Labor and the person(s) responsible for conducting the retrospective review.

These requirements are designed as appropriate safeguards to ensure the protection of the plan assets involved in the transactions, which, in the absence of the class exemption, would not be permitted. They are necessary, as required under section 408(a) of ERISA, to ensure that respondents rely on the exemption only in the circumstances protective of plan participants and beneficiaries.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0163. The current approval is scheduled to expire on May 31, 2027.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Furnishing Documents to the Secretary of Labor on Request Under Employee Retirement Income Security Act Section 104(a)(6).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0112.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Respondents: 1,181.

Responses: 1,181.

Estimated Total Burden Hours: 53.

Estimated Total Burden Cost (Operating and Maintenance): $826.

Description: Prior to the enactment of the Taxpayer Relief Act of 1997 (Pub. L. 105–34, August 5, 1997) (TRA '97), section 104(a) of the Employee Retirement Security Act of 1974 (ERISA) required administrators of employee benefit plans automatically to file the plan's summary plan description (SPD) and any summaries of material modification (SMMs) with the Secretary of the Department of Labor (the Department). TRA '97 eliminated the requirement that these documents be filed automatically with the Department, but added ERISA section 104(a)(6), requiring a plan administrator to furnish documents related to an employee benefit plan to the Department upon request. The requirement that administrators furnish the Department requested plan documents other than SPDs and SMMs was part of section 104(a) prior to enactment of TRA '97; that requirement was moved by TRA '97 to section 104(a)(6) and consolidated with the new furnishing requirement pertaining to SPDs and SMMs.

Pursuant to the regulation, the Department requests documents under section 104(a)(6) when a participant or beneficiary has previously requested the documents directly from the plan administrator and the administrator has failed or refused to provide them. The Department therefore uses the requested information to respond to participants' requests to the Department for documents that the participants were unable to obtain from their plan administrators.

The Department has received approval from OMB for this ICR under OMB Control No. 1210–0112. The current approval is scheduled to expire on June 30, 2027.

II. Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are 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 collections of

information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the information collection; they will also become a matter of public record.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Signed at Washington, DC, this 29th day of July 2026.

Daniel Aronowitz,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2026–16880 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Periodic Medical Surveillance Examinations for Coal Miners

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety & Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA regulations require that each operator of a coal mine provide to each miner periodic examinations including chest x-rays, spirometry, symptom assessment, and occupational history at no cost to the miner, provide the opportunity to have the examinations at least every 5 years for all miners employed at a coal mine, develop and submit for approval to NIOSH a plan for providing miners with the required periodic examinations and a roster specifying the name and current address of each miner covered by the plan, and post on the mine bulletin board at all times the approved plan for providing the medical examinations as specified. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 25, 2026 (91 FR 14593).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Periodic Medical Surveillance Examinations for Coal Miners.

OMB Control Number: 1219–0152.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 634.

Total Estimated Number of Responses: 761.

Total Estimated Annual Time Burden: 296 hours.

Total Estimated Annual Other Costs Burden: $228.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026–16899 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Agency Information Collection Activities; Submission for OMB Review; Consumer Price Index Commodities and Services Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 18, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of

automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Consumer Price Index (CPI) is a measure of the average change over time in the prices paid by consumers for a market basket of consumer goods and services. Each month, BLS data collectors called economic assistants, visit or call thousands of retail stores, service establishments, rental units, and doctors' offices, all over the United States to obtain information on the prices of the thousands of items used to track and measure price changes in the CPI. The collection of price data from retail establishments is essential for the timely and accurate calculation of the commodities and services component of the CPI. The CPI is then widely used as a measure of inflation, indicator of the effectiveness of government economic policy, deflator for other economic series, and as a means of adjusting dollar values. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 30, 2026 (91 FRN 23311).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Consumer Price Index Commodities and Services Survey.

OMB Control Number: 1220–0039.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; State, Local, or Tribal Governments.

Total Estimated Number of Respondents: 39,571.

Total Estimated Number of Responses: 279,299.

Total Estimated Annual Time Burden: 97,934 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–16895 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0026]

Mechanical Power Press Standard; Extension of the Office of Management and Budget (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Mechanical Power Press Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by October 19, 2026.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number OSHA–2010–0026 for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Belinda Cannon, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–1950.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to address the burden hours associated with gathering information on inspection, maintenance, and modification of presses. Employers are expected to establish and follow an inspection program and conduct regular and periodic inspections of each power press. Additionally, employers are to maintain records of certification.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information collected; and

• Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Mechanical Power Press Standard. The agency is seeking to maintain the currently approved burden of 20,807 hours.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Mechanical Power Presses (29 CFR 1910.217(e)(1)).

OMB Control Number: 1218–0229.

Affected Public: Business or other for-profits.

Number of Respondents: 104,035.

Number of Responses: 62,421.

Frequency of Responses: Monthly.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 20,807.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other materials must identify the agency name and the OSHA docket number for the ICR OSHA–2010–0026. You may supplement electronic submissions by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link.

Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 7–2025 (90 FR 27878).

Signed at Washington, DC, on August 7, 2026.

Amanda Laihow,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2026–16890 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0015]

Proposed Extension Without Change of a Currently Approved Information Collection: Claim for Continuance of Compensation

AGENCY: Division of Federal Employees' Compensation, Office of Workers' Compensation Programs, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, (OWCP/DFEC) is soliciting comments on the information collection for the CA–12, Claim for Continuance of Compensation.

DATES: All comments must be received on or before October 19, 2026.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

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, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.

• If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

• *Mail/Hand Delivery:* Mail or visit DOL–OWCP/DFEC, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, U.S. Department of Labor, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.

• OWCP/DFEC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC, at *suggs.anjanette@dol.gov* (email); (202) 354–9660.

SUPPLEMENTARY INFORMATION:

I. Background

The information requested on the CA–12 is obtained from each beneficiary receiving continuing death benefits. The Office of Workers' Compensation Programs administers the Federal Employees' Compensation Act. which provides for continuation of pay or compensation for work related injuries or disease that resulted from federal employment. Under 5 U.S.C. 8133 of the Act, eligible survivors of deceased

employees receive compensation benefits on account of the employee's death. OWCP has to monitor death benefits for current marital status, potential for dual benefits, and other criteria for qualifying as a beneficiary under the law. Under 5 U.S.C. 8149, the Secretary of Labor may prescribe rules and regulations necessary for the administration and enforcement of this subchapter. Under 20 CFR 10.414, the CA–12 is sent annually to beneficiaries in death cases to verify that their marital and/or beneficiary status has not changed to remain entitled to benefits.

See: *https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca#8107*.

See: *https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-10/subpart-E/subject-group-ECFRf2af91b4203dc4a*.

II. Desired Focus of Comments

OWCP/DFEC is soliciting comments concerning the proposed information collection related to the Claim for Continuance of Compensation. OWCP/DFEC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFEC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

Documents related to this information collection request are available at *https://regulations.gov.* Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns the Claim for Continuance of Compensation, Form CA–12. OWCP/DFEC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension of a currently approved collection.

Agency: Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, OWCP/DFEC.

OMB Number: 1240–0015.

Affected Public: Individuals or Households.

Number of Respondents: 2,362.

Frequency: On occasion.

Number of Responses: 2,362.

Annual Burden Hours: 197.

Annual Respondent or Recordkeeper Cost: $1,603.00.

OWCP/DFEC 1240–0015: OWCP/DFEC Claim for Continuance of Compensation.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2026–16882 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0009]

Proposed Extension of Information Collection: Form CA–2a, Notice of Recurrence

AGENCY: Division of Federal Employees' Compensation, (OWCP/DFEC), Office of Workers' Compensation Programs, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, (OWCP/DFEC) is soliciting comments on the new information collection for the CA–2a, Notice of Recurrence.

DATES: All comments must be received on or before October 19, 2026.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

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, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP/DFEC, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, U.S. Department of Labor, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP/DFEC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC, at *suggs.anjanette@dol.gov@dol.gov* (email); (202) 354–9660.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs administers the Federal Employees' Compensation Act, (5 U.S.C. 8101, *et seq.*), provides for continuation of pay or compensation for work related injuries or disease that result from Federal Employment. Regulation 20 CFR 10.104 designates form CA–2a as the form to be used to request information from claimants with previously accepted injuries who claim

a recurrence of disability, and from their employer, if applicable. The form requests information relating to the specific circumstances leading up to the recurrence as well as information about their employment and earnings.

A recurrence should be reported on Form CA–2a if that recurrence causes the employee to lose time from work and incur a wage loss, or if the employee experiences a renewed need for treatment after previously being released from care. The employee has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury. The employee must include a detailed factual statement as described on Form CA–2a. The employer may submit comments concerning the employee's statement. The employee should arrange for the submittal of a detailed medical report from the attending physician as described on Form CA–2a. The employee should also submit, or arrange for the submittal of, similar medical reports for any examination and/or treatment received after returning to work following the original injury.

Reference: https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca.

Reference: https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-10.

Reference: eCFR:20 CFR 10.104—How and when is a claim for recurrence filed?

II. Desired Focus of Comments

OWCP/DFEC is soliciting comments concerning the proposed information collection related to Attending Physician's Certification of Continuing Workers' Compensation Disability. OWCP/DFEC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFEC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

Documents related to this information collection request are available at *https://regulations.gov.* Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns the Notice of Recurrence, Form CA–2a. OWCP/DFEC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, with change, of a currently approved collection.

Agency: Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, OWCP/DFEC.

OMB Number: 1240–0009.

Affected Public: Private Sector—Businesses or other for-profits.

Number of Respondents: 80.

Frequency: On occasion.

Number of Responses: 80.

Annual Burden Hours: 40 hours.

Annual Respondent or Recordkeeper Cost: $1,295.00.

OWCP/DFEC *1240–0009:* OWCP/DFEC Notice of Recurrence.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2026–16901 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Extension of Information Collection; Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement (LS–18)

AGENCY: Office of Workers' Compensation Programs.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, OWCP is soliciting comments on the information collection for Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement.

DATES: All comments must be received on or before October 19, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for WCPO–2026–0496. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comments as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP, Division of Longshore and Harbor Workers' Compensation, 200 Constitution Avenue, Room S–3524NW, Washington, DC 20210.
- OWCP will post your comments as well as any attachments, except for information marking confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA). LHWCA

provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several Acts extend the Longshore Act's coverage to certain other employees.

The Secretary of Labor has authority to make rules and regulations to establish procedures which are necessary or appropriate to carry out the provisions of the Act. 33 U.S.C. 939, 944. The Secretary has delegated that authority to the Director, Office of Workers' Compensation Programs. Secretary's Order 10–2009; Public Law 111–5 803, 123 Stat. 115, 187 (2009).

Title 20, CFR 702.317 provides for the referral of claims under the Longshore Act for formal hearings. The form LS–18 is used to refer the case for formal hearing under the Act. Any party seeking referral to the Office of Administrative Law Judges (OALJ) shall complete it and return it to the district director. Upon receipt of the forms, the district director, after checking them for completeness and after any further conferences that, in his/her opinion, are warranted, shall transmit them to the OALJ with all available evidence which the parties intend to submit at the hearing. Legal authority for this information collection is found at 33 U.S.C. 939. Regulatory authority is found at 20 CFR 702.317.

II. Desired Focus of Comments

OWCP is soliciting comments concerning the proposed information collection request (ICR) titled, ''Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement (LS–18). OWCP/DLHWC is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP/DLHWC located at 200 Constitution Ave. NW, Room S–3524, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns the Pre-Hearing Statement (LS–18). OWCP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension without change of currently approved collection.

Agency: Office of Workers' Compensation Programs.

OMB Number: 1240–0036.

Affected Public: Individuals or Households.

Number of Respondents: 13,340.

Number of Responses: 13,340.

Annual Burden Hours: 2,223 hours.

Annual Respondent or Recordkeeper Cost: $57,882.

Frequency: On occasion.

Time per Response: 10 minutes.

OWCP Form: Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement, LS–18.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at [*https://www.reginfo.gov*] (*https://www.reginfo.gov*).

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2026–16904 Filed 8–18–26; 8:45 am]

BILLING CODE 4510–CF–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255; NRC–2026–3796]

Palisades Energy, LLC; Palisades Nuclear Plant; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a request dated July 10, 2026, as supplemented by letter dated July 30, 2026, from Palisades Energy, LLC. The exemption authorizes a one-time exemption to allow Operations personnel use of the less restrictive work hour limitations described in NRC regulations for a period of no more than 60 days commencing upon core reload, or until Palisades is connected to the electrical grid, whichever occurs first.

DATES: The exemption was issued on August 12, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–3796 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–3796. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The 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.

FOR FURTHER INFORMATION CONTACT: Brent Ballard, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0680; email: *Brent.Ballard@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: August 14, 2026.

For the Nuclear Regulatory Commission.

Brent Ballard,

Project Manager, Operating Reactor Licensing Branch 3, Division of Licensing Projects 1, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–255

Palisades Energy, LLC; Palisades Nuclear Plant; Exemption

I. Background

Palisades Energy, LLC (Palisades Energy, the licensee), is the holder of Renewed Facility Operating License No. DPR–20, which authorizes operation of the Palisades Nuclear Plant (Palisades). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The facility consists of one pressurized-water reactor located in Van Buren County, Michigan.

Palisades Energy became subject to the work hour requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, ''Fitness for Duty Programs,'' Section 26.205, ''Work hours,'' after Palisades entered an outage status on August 25, 2025. The regulatory history of the Palisades restart effort as it relates to the work hour requirements is presented in the third work hours exemption issued to Palisades Energy on March 18, 2026 (91 **Federal Register** [FR] 13073). However, in the fourth work hours exemption issued to Palisades Energy on June 18, 2026, (91 FR 38035), the NRC staff determined that a graded Fitness for Duty (FFD) approach for fatigue management could be applied to Palisades until nine days before initial fuel load due to a combination of factors that include the NRC staff's risk assessment, continued applicability of the remainder of Subpart I to 10 CFR part 26, and the unique circumstances of restarting a decommissioning power reactor. Therefore, the NRC staff issued an exemption for the Palisades Nuclear Plant to allow the use of the less restrictive outage work hour limitations until nine days before the start of the unit's initial fuel load into the reactor for various covered individuals as described in that exemption, which includes 10 CFR 26.4(a)(1) [Operations] personnel.

II. Request/Action

By letter dated July 10, 2026 (ML26191A405), the licensee requested a one-time exemption from the Fitness for Duty (FFD) Program work hour requirements in 10 CFR 26.205(d), ''Work hour controls,'' pursuant to 10 CFR 26.9, ''Specific exemptions.'' Specifically, the licensee requested to use the outage work hour controls in 10 CFR 26.205(d)(4) in lieu of the non-outage work hour controls described in 10 CFR 26.205(d)(3) and (d)(7) for a period of no more than 60 days commencing with core reload, or until Palisades is connected to the electrical grid, whichever occurs first, for individuals specified in Paragraphs (a)(1) of 10 CFR 26.4, ''FFD program applicability to categories of individuals.''

Section 26.205(d)(3) of 10 CFR requires licensees to comply with the requirements for individuals to have a minimum number of days off per week depending on the duration of shift schedules, averaged over the shift cycle, and the duties being performed. Individuals working 8-hour shift schedules shall have at least 1 day off per week, and individuals who are working 10-hour shift schedules shall have at least 2 days off per week. Individuals working 12-hour shift schedules while performing the duties described in 10 CFR 26.4(a)(1) through (a)(3) shall have at least 2.5 days off per week and individuals working 12-hour shift schedules while performing duties described in 10 CFR 26.4(a)(4) shall have at least 2 days off per week. Section 26.205(d)(7) of 10 CFR, requires licensees to comply with the requirements for maximum average work hours wherein individuals may not work more than a weekly average of 54 hours, calculated using an averaging period of up to 6 weeks, which advances by 7 consecutive calendar days at the finish of every averaging period. The licensee seeks a one-time exemption from the requirements of 10 CFR 26.205(d)(3) and (d)(7).

The requirements in 10 CFR 26.205(d)(4) provide that during the first 60 days of a unit outage, licensees need not meet the requirements of 10 CFR 26.205(d)(3) or (d)(7) for individuals specified in 10 CFR 26.4(a)(1) through (a)(4), while those individuals are working on outage activities. However, 10 CFR 26.205(d)(4) does require the licensee to ensure individuals specified in 10 CFR 26.4(a)(1) through (a)(3) have at least 3 days off in each successive (*i.e.,* non-rolling) 15-day period, and that the individuals specified in 10 CFR 26.4(a)(4) have at least 1 day off in any 7-day period. This is collectively known as the outage minimum days off (MDO) requirement.

In the exemption request, the licensee stated they re-evaluated the operational support necessary to safely conduct core reload, startup, and plant restoration activities through synchronization to the electrical grid. Pursuant to 10 CFR 26.5, for the purposes of Part 26, a unit outage means, for electricity-generation units, that the reactor unit is disconnected from the electrical grid. The licensee asserted that the outage work hour provisions of 10 CFR 26.205(d)(4) are necessary for Operations personnel during the requested exemption period. Concurrently with this exemption request, the licensee requested that the portion of the previous exemption from 10 CFR 26.205(d)(3) and (d)(7) for 10 CFR 26.4(a)(1) [Operations] personnel currently in effect until nine days before core reload be rescinded and replaced by this exemption.

III. Discussion

Pursuant to 10 CFR 26.9, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 26 when the exemptions are authorized by law and will not endanger life or property or the common defense and security; and are otherwise in the public interest.

A. The Exemption Is Authorized by Law

The exemption would authorize a one-time exemption from the requirements of 10 CFR 26.205(d)(3) and (d)(7) for personnel performing duties under 10 CFR 26.4(a)(1) to allow the use of the less restrictive work hour controls in 10 CFR 26.205(d)(4) for a period not to exceed 60 days commencing with core reload, or until Palisades is connected to the electrical grid. As stated, 10 CFR 26.9 allows the NRC to grant exemptions from the requirements of 10 CFR part 26. After reviewing the exemption, the NRC staff has determined that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, other laws, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Will Not Endanger Life or Property

The purpose of Subpart I, ''Managing Fatigue,'' of 10 CFR part 26 is to ensure that worker fatigue does not compromise the abilities of individuals to perform their duties safely and competently. The purpose of 10 CFR 26.205(d)(4) is to provide licensees flexibility for a limited period in scheduling required days off while accommodating more intense work schedules associated with a unit outage.

During the proposed exemption period, personnel performing duties in 10 CFR 26.4(a)(1) would be permitted to work in accordance with the outage MDO requirements for up to a 60-day period. In the July 10, 2026, submittal, the licensee asserted that the exemption and the use of the outage work hour controls are ''necessary for Operations personnel during this period to maintain continuity of experienced operators and supervisors, minimize personnel turnovers, preserve operational knowledge, and support effective decision-making during safety-significant startup evolutions.'' In addition, the licensee asserted that the requested exemption provides ''necessary flexibility to safely complete remaining restart activities while maintaining fatigue-management protections, enhancing human performance, and supporting safe, reliable startup execution.'' The licensee also requested that the previously issued exemption on June 18, 2026, (ML26156A018) be rescinded for 10 CFR 26.4(a)(1) personnel and replaced with this exemption request dated July 10, 2026. The exemption issued on June 18, 2026, applied to personnel performing duties specified in 10 CFR 26.4(a)(1), (a)(2), (a)(3), (a)(4) and granted the licensee to utilize the outage work hour controls in 10 CFR 26.205(d)(4) until nine days before initial fuel load. The licensee seeks to rescind the portion of the fourth exemption specifically for 10 CFR 26.4(a)(1) personnel and instead utilize the flexibility provided by the MDO requirements under this fifth exemption for 10 CFR 26.4(a)(1) personnel.

Palisades Energy provides several reasons for the proposed exemption. The licensee stated that the exemption period will encompass safety-significant activities that require heightened operational focus, close coordination across plant organizations, and

conservative decision-making by experienced licensed operators and supervisors. The licensee described reactor startup as a highly operationally intensive period requiring continuous oversight by Reactor Operators and Senior Reactor Operators to direct fuel load activities, authorize plant mode changes, ensure Technical Specification compliance, and manage plant evolutions. In addition, Operations personnel will perform system restorations, integrated testing, plant configuration changes, operator training, and emergent issue resolution, which the licensee stated significantly increases operational workload and the need for continuity of experienced staff.

The licensee asserted that applying outage work-hour controls during the exemption period will support safer startup execution by reducing unnecessary turnovers, preserving operational knowledge, and ensuring critical operational decisions are made by personnel most familiar with current plant conditions. Palisades Energy stated that outage controls provide greater staffing stability, improve oversight and mentoring opportunities for less experienced operators, enhance troubleshooting and issue resolution, and support efficient completion of startup testing and system restoration while maintaining established fatigue-management protections.

Palisades Energy noted that it maintains sufficient licensed operator staffing to meet the requirements of 10 CFR 50.54(m) and to safely conduct startup activities. However, the licensee stated that the exemption is necessary to maintain continuity of experienced Operations personnel during the startup period.

The licensee asserted that the proposed exemption will not endanger life or property because the requested relief is limited to Operations personnel for up to 60 days under a highly controlled environment with extensive procedural guidance, management oversight, testing requirements, and operational reviews. The licensee stated that Operations personnel routinely work under outage work-hour controls during refueling outages, consistent with industry practice, and that applying these controls during the exemption period enhances nuclear safety by maintaining continuity, reducing turnovers, preserving plant status awareness, and supporting conservative decisions during safety-significant evolutions. The licensee added that using outage controls minimizes risks associated with personnel transitions, loss of operational context, and fragmented ownership of plant conditions.

In the section of the submittal titled ''Mitigating Strategy'' the licensee proposed two commitments and several fatigue management actions for the duration of the exemption. The first commitment includes continued compliance with the work hour limitations in 10 CFR 26.205(d)(1), the rest breaks in 10 CFR 26.205(d)(2), and compliance with the outage MDO requirements in 10 CFR 26.205(d)(4) in lieu of the requirements in 10 CFR 26.205(d)(3) and (d)(7). The second commitment is to ensure a portion of weekly supervisory observations are dedicated to fatigue awareness, fatigue indicators, fitness-for-duty behaviors, and worker readiness. The fatigue management actions include items such as providing reasonable opportunities for restorative sleep, monitoring work duration, schedules, and shift rotations, and evaluation of fatigue-related concerns into the corrective action program. In addition, the licensee proposed enhancements to their behavioral observation program including supervisory engagement in the field, individual responsibility to identify and report fatigue, and reinforcement of stop-work authority and conservative decision making. Further, the licensee stated that the personnel performing the duties specified in 10 CFR 26.4(a)(1) have not utilized previous work-hour exemptions and have complied with the work hour requirements of 10 CFR 26.205(d)(7) since August 2025.

The NRC reviewed the exemption request, justification, and mitigation strategy and determined that additional clarification and information was needed to evaluate if the exemption request will not endanger life and property. The NRC staff issued draft request for confirmatory information (RCI) and request for additional information (RAI) to the licensee on July 23, 2026, and held clarification calls with the licensee on July 28, 2026, and July 30, 2026. By letter dated July 30, 2026, (ML26212A004), the NRC staff issued a final RCI and RAI to the licensee that requested additional details about the applicable personnel, the risk of cumulative fatigue, and the potential benefits or impacts to the schedule, fatigue limits, and continuity of operations. The licensee submitted a response to the RCI and RAIs on July 30, 2026 (ML26211A374) which is discussed below.

The NRC staff evaluated the licensee's proposed mitigating actions and commitments to manage fatigue for individuals performing duties specified in 10 CFR 26.4(a)(1) during the requested exemption. Palisades Energy requested authorization to implement the outage work-hour controls in 10 CFR 26.205(d)(4), in lieu of the online work-hour requirements in 10 CFR 26.205(d)(3) and (d)(7), for a 60-day period supporting fuel load and startup activities starting with commencement of fuel load. The staff noted that Operations personnel were included in the previous exemption. However, the licensee has demonstrated compliance with the applicable maximum average work hour controls in 26.205(d)(7) and confirmed in the RCIs that Operations personnel have not worked more than 54 hours since at least the end of the first exemption period and will not work more than 54 hours prior to implementation of core load. Additionally, the licensee committed that Operations personnel will not exceed 54 hours per week averaged over a 6-week cycle prior to core-load activities, and will receive at least a 34-hour break in the nine days preceding implementation of outage controls. In support of its request, the licensee requested recession of the previous exemption portion that is applicable individuals performing duties in 10 CFR 26.4(a)(1) [Operations]. These factors provided assurance that cumulative fatigue has been and will be adequately managed prior to the exemption.

The licensee stated that Operations personnel normally work under outage work-hour provisions during refueling outages while performing shutdown, maintenance, testing, restoration, and startup preparations. The staff notes that during the proposed exemption period, Palisades will continue to be in outage period as defined by 10 CFR 26.5 until connected to the electrical grid. While the staff acknowledges that using outage controls is standard industry practice during refueling outages, the overall scope and complexity of Palisades Energy's activities differ from a typical outage because the plant is concurrently restoring a number of safety-significant systems, structures, and components (SSC) to operability in addition to startup activities. These additional activities could increase the amount and intensity of operator tasks or the number and complexity of operational decisions which can contribute to an increased risk of human error and cumulative fatigue.

In response to RAI 1a, the licensee clarified that most safety-related systems required for startup will be restored and have completed Technical Specification surveillance requirements and procedural testing before entering the applicable modes for power ascension. As Operations personnel transition from overseeing large-scale equipment restoration to directing integrated startup evolutions, the licensee expects operator workload to shift toward plant operations, situational awareness, and decision-making. Contracted Operations personnel will supplement licensed operators by performing functions traditionally performed by licensed staff, thereby reducing administrative burden and operator cognitive load.

The licensee made the following assertions regarding staffing and its implications for Operations personnel considering compliance with either the outage or online work hour controls. First, using outage work-hour controls minimizes fatigue risk by continuing to limit maximum hours and continuing to provide minimum break requirements while maintaining stable crew schedules to maintain continuity among experienced operators thereby reducing cognitive burden. Second, compliance with online work-hour provisions would require a five-on/three-off rotation, increasing personnel transitions and reducing continuity. Third, operators returning from their scheduled time off must regain familiarity with evolving plant conditions, ongoing activities, increasing reliance on personnel transitions, shift turnovers, and the transfer of detailed operational knowledge. As a result, Operators may not complete the full transfer of information and context during turnover during a period of rapidly changing plant conditions and decision-making. Finally, the licensee asserts that reducing the frequency of personnel transitions while continuing to manage fatigue through the utilization of outage work hour controls will allow Operators to maintain continuity of plant knowledge, oversight, and decision-making.

Startup activities are highly operationally intensive, requiring licensed operators to direct fuel load, authorize mode changes,

determine operability, maintain Technical Specification compliance, and manage plant evolutions. During this exemption period, Operations personnel will conduct startup activities in parallel with system restoration and operability determinations. The staff previously described that outages ''increase the risk of human error as a result of higher workload, the performance of more complex and infrequent tasks, and the pressure to meet schedular goals.'' (73 FR 16966). However, the licensee asserted that online work hour controls would require more days off to maintain compliance, resulting in additional crew rotations and decreasing staffing flexibility, independent oversight opportunities, and team cohesion.

If granted, the licensee states that the outage work hour controls provide scheduling flexibility, so that it could increase shift staffing from four senior reactor operators (SROs) and three reactor operators (ROs) to six SROs and five ROs. The staff determined that this additional qualified staffing will enhance supervision, oversight, peer checking, and independent verification of startup work activities, thereby reducing the potential for human error during a complex restart evolution. Contracted Operations personnel further support licensed operators by alleviating some traditionally performed licensed operator duties.

The staff also considered the benefits of reduced call-ins and fewer on-the-go scheduling changes. Stable outage schedules minimize circadian disruptions and allow personnel to plan rest periods, although night-shift personnel may still experience circadian challenges. Overall, maintaining consistent startup crews reduces information transfers and reacquisitions that could contribute to communication errors and increased cognitive workload.

The NRC evaluated the responses to the RAIs. The Palisades restart project is a first-of-a-kind unique activity where a nuclear power plant in decommissioning status is being returned to operational status. Furthermore, Palisades Energy, LLC is the first NRC licensee to engage in a complex startup evolution of a previously decommissioning nuclear power reactor, which required major restoration of safety-significant systems. In addition, this may be the first time the licensed operators have worked together in operating crews, compromised of a mix of experienced and less experienced operators, who will need to perform many startup activities such as core load, testing, inspections, surveillances, plant configuration changes, operator training, procedural execution, operational readiness verification, and grid synchronization. The staff acknowledge the particular importance of maintaining continuity of operation and crew cohesion throughout these complex and intense activities and the impact of continuity and cohesion on crew dynamics. Continuity and cohesion can lead to crew dynamics demonstrating positive effects such as resilience, adaptability, robust decision-making, shared mental models, questioning attitudes, and coordination. In addition, by reducing information transfers and reacquisitions between licensed operators, the licensee can reduce the potential risk for human error which could occur due to information gaps, communication errors, and increased cognitive workload during the complex startup evolutions.

The NRC staff considered the overall risk profile of the plant during the proposed exemption period. In the fourth exemption, the NRC staff found that the risk profile of Palisades prior to fuel load was substantially different than that of an operating reactor. However, given that Palisades Energy plans to load fuel during this proposed exemption period, the risk profile will now increase to that of an operating reactor. The nuclear safety risk to the public health and safety also increases to that of an operating reactor at the point that fuel is placed in a configuration and environment that enables reactor operation coinciding with licensed operators initiating power ascension activities. The increased risk profile within this exemption is compounded by the restoration of a number of safety-significant systems for safe operations and the first-of-a-kind restart evolution. Specifically in relation to this exemption, this increases the potential number of tasks and decisions, in addition to the need to meet schedule pressure, which increases the potential risk of human error and fatigue.

The NRC staff determined that the mitigating strategy and commitments provided by the licensee during the 60-day exemption period for individuals performing duties specified in 10 CFR 26.4(a)(1) provide assurance that licensee will adequately manage acute and cumulative fatigue. Acute fatigue will be mitigated through ensuring Operations personnel work no more than the maximum work hour limitations specified in 10 CFR 26.205(d)(1) and receive rest breaks between successive work periods specified in 10 CFR 26.205(d)(2)(i). Cumulative fatigue will be mitigated through the 34-hour break in any 9-day period specified in 10 CFR 26.205(d)(2)(ii) and the three days off in each successive (*i.e.,* non-rolling) 15-day period specified in 10 CFR 26.205(d)(4). The staff determined that there is reasonable assurance that fatigue will be adequately managed for Operations personnel because the individuals will not have worked more than 54 hours per week in the 6-week period prior to commencement of core load and will receive a 34-hour break before the utilization of outage work hour controls. Further, the NRC staff has additional assurance that cumulative fatigue will have been managed prior to core load because Operations personnel have not worked more than 54 hours since the first exemption and the licensee has requested recession of the portion of the previous applicable exemption that covers individuals performing duties in 10 CFR 26.4(a)(1). Therefore, the NRC determined that the requested one-time exemption will not endanger life and property.

C. The Exemption Will Not Endanger the Common Defense and Security

The exemption would authorize a one-time exemption from the requirements of 10 CFR 26.205(d)(3) and (d)(7) to allow the use of the less restrictive work hour controls specified in 10 CFR 26.205(d)(4) for personnel performing duties in 26.4(a)(1) for up to 60-days. The proposed exemption is not applicable to security personnel, nor does it have any relation to or impact on security issues. Therefore, the exemption will not endanger the common defense and security.

D. The Exemption Is Otherwise in the Public Interest

The proposed exemption would authorize a one-time exemption from the requirements of 10 CFR 26.205(d)(3) and (d)(7) for personnel performing duties under 10 CFR 26.4(a)(1) to utilize the less restrictive work hour controls specified in 10 CFR 26.205(d)(4) for up to 60-days. In considering whether the requested exemption would be in the public interest, the NRC considered several factors including:

- the nature of the licensee's unique situation transitioning from decommissioning back to a power operations licensing basis, which requires restoration of safety-related equipment, core reload, and plant startup activities; and
- the public health and safety interests of the communities that are impacted by the safe restart of the plant.

The NRC staff considered the unique nature of the Palisades Energy restart project, which was in a decommissioning status before transitioning to a power operations licensing basis and is currently working towards restoration of safety-significant SSCs, core load, and initial startup activities to ensure the plant will be safe prior to restart. The licensee asserted that ''granting the proposed exemption is in the public interest because it supports the safe and orderly completion of core reload, startup, and restoration activities leading to synchronization of the unit to the electrical grid while maintaining the fatigue-management protections established under the outage work-hour controls of 10 CFR 26.205(d)(4).''

In addition, Palisades asserted that the ''scheduling flexibility'' enables the continuity of Operations personnel, reduces unnecessary turnovers, preserves operational knowledge, and supports effective coordination across plant organizations. The licensee further asserted that the proposed exemption enhances human performance, strengthens conservative decision-making and configuration control, and promotes the safe, reliable, and efficient return to service by allowing operators and supervisors that have firsthand knowledge of the plant to remain engaged throughout startup activities. The NRC reviewed the licensee's justification and reasoning to support the proposed exemption. However, the staff could not determine how the exemption would be in the public interest. In the July 30, 2026, RAI letter, the NRC staff requested additional details, the benefits to the public, adverse impacts to the public, and the benefits to the Operations personnel, plant operation, and continuity of Operations.

In the licensee's July 30, 2026, letter, Palisades Energy, LLC asserted in response to RAI 2a that the exemption is in the public interest because it provides a net operational safety benefit during the period of core load,

startup, and restoration activities while managing fatigue under 10 CFR 26.205(d)(4). The licensee asserted that Operations personnel are not presently fatigued because they have not worked more than 54 hours since entering the initial outage and Operations personnel will receive a 34-hour break immediately prior to startup activities. Palisades Energy added that increased operational safety is gained through improved continuity of licensed operating crews during complex and infrequently performed startup evolutions. The licensee asserted that by allowing startup crews to remain together for longer portions of the restart process, if the exemption is granted, will reduce ''turnover-related human performance challenges, preserves shared situational awareness, and supports continuity of oversight and operational decision-making during safety-significant evolutions.'' Palisades Energy asserted that by returning critical equipment to service efficiently will result in a reduction of overall plant risk and supports restoration of defense-in-depth which provide a public benefit of enhanced nuclear safety.

In response to RAI 2b, Palisades Energy asserted that, if the exemption is not granted, operations personnel will remain in compliance with the online work hour controls working a schedule consisting of five consecutive days followed by three days off resulting in additional crew rotations and personnel transitions during fuel loading, system restoration, testing, plant heat up, and power ascension. During these activities, crews may not remain intact due to the scheduled time off required under the online work hour controls. As stated in Section B, the licensee asserted that operators who have a three-day break from shift must return and regain familiarity with the plant conditions and ongoing activities before assuming the shift. Palisades Energy asserted that without the exemption, the licensee would rely on personnel turnovers and the transfer of operational knowledge, however, the frequency would create additional opportunities for incomplete information transfer, loss of operational context, and other turnover-related human performance challenges. The licensee asserted that the impact to the public is the loss of operational and human-performance benefits associated with maintaining dedicated startup crews and result in the reduction of continuity, situational awareness, and crew coordination during startup activities. Lastly, the licensee stated that startup activities could be prolonged, resulting in a delayed return to commercial operation and generation of energy.

The licensee asserted in response to RAI 2c that the exemption would provide benefits to plant operation, operations personnel, and continuity of operations by increasing operational continuity, maintaining startup crews, and reducing turnover-related human performance challenges during startup evolutions. For Operations, the licensee asserted that the exemption would provide greater schedule stability and reduces the need for changes in crew composition and short notice call-ins. For plant operation, the licensee asserted that the exemption would support safe and efficient startup allowing licensed operators to maintain continuity of involvement in system restoration and startup activities. For continuity of operations, the licensee asserted that the exemption would allow startup crews to remain together through larger portions of the startup process which reduces the number of personnel transitions and reliance on repeated transfers of operational knowledge. As a result, Palisades Energy asserted that continuity preserves shared situational awareness, crew coordination, and reduces turnover-related human performance challenges with repeated transfers and reacquisition of plant conditions, equipment status, and ongoing activities. The licensee also asserted that the exemption provides management with greater flexibility to address fatigue concerns when identified in addition to additional staffing flexibility.

The NRC evaluated the RAI responses for their public interest considerations. The staff considered that the exemption, if granted, may provide an increased safety benefit to the public because licensed operators will remain together during complex periods of the startup evolutions resulting in increased continuity of operational knowledge, crew cohesion, and crew coordination which could enhance independent oversight, peer verification, and situational awareness. Further, the staff noted that through the usage of outage work hour controls, during the first startup evolution of a reactor from decommissioning status, will provide increased staffing resources, with experienced operators, additional oversight through increased shift staffing, and allow for mentoring opportunities for less experienced operators. The NRC also considered that because crews would remain together longer and have less crew turnover, that it may reduce the frequency and quantity of information transfers and reacquisitions between individual operators and crews changing shifts. It is possible that without complete turnovers, operators may not receive the entire depth of information and context necessary to identify potential events and intervene during the rapidly changing startup evolutions that the licensee is completing for the first time since decommissioning.

As discussed in Section B, the staff noted that the licensee and this complement of both experienced and less experienced licensed operators will be performing a novel and complex startup evolution for the first time together. This restart project is a unique first-of-a-kind activity for the nuclear industry with unique regulatory considerations. The staff's consideration of the public interest takes into account the novel conditions presented by a restart and the increases in safety provided by increased staffing during the exemption period, with consideration of the mitigating factors to address the increased risk of fatigue.

The NRC also considered the potential adverse impacts to the public if the exemption was not granted. For the public, the primary adverse impact would be the delayed return of Palisades to operation and the reliable generation of energy to support Michigan's electrical grid. The staff considered the potential adverse impact on operations and operations personnel if the exemption was not granted. Specifically, without the exemption, Operations personnel will have an increased frequency of crew turnovers because Operations personnel would continue to comply with the online work hour controls resulting in five consecutive days of work followed by three days off. This increase in turnover could increase opportunities for incomplete information transfers and loss of operational context. It may also reduce continuity, crew cohesion, crew coordination, and shared mental models due to the number of personnel and crew transitions over the duration of the complex startup evolutions. These potential impacts could reduce the overall safe and efficient return to service and startup of the plant to benefit the public interest.

The NRC staff considered the potential benefits of the exemption to operations personnel, plant operation, and continuity of operations. For Operations personnel, the exemption would provide the benefit of an outage schedule where individuals receive more predictable and stable schedules ahead of time which provide certainty in planning daily living obligations outside work and reduces or eliminates the number of day-night transitions which could increase the fatigue risk over the proposed exemption period. In addition, an outage schedule could reduce the potential for sudden changes in crew composition and call-ins. For plant operation, the exemption provides the benefit of retaining startup crews together for longer periods of the startup evolutions where crews could maintain operational knowledge, oversight, situational awareness, and shared mental models without extensive.

The factors discussed above benefit the public interest because they improve safety through maintaining continuity of operations and crew cohesion while reducing the potential number of and volume of information transfers and reacquisitions which could negatively impact the safe and efficient restoration of systems and startup activities. These factors can help support operations personnel remain engaged and situationally aware throughout the startup evolutions. In addition, these factors are known to enhance human performance and decision-making which are important for safe and efficient completion of complex and infrequently performed evolutions like startup and power ascension. Lastly, these factors are important at Palisades because Palisades Energy is performing this first-of-a-kind startup evolution with a complement of licensed operators with a range of experience levels and who may be working together for the first time especially in a unique restart project which is returning a decommissioning nuclear power reactor to operational status.

The NRC staff considered reasons why the proposed exemption may not be in the public interest. For example, compared to the previous exemption before fuel load, the risk level during the proposed exemption will increase as the licensee begins to load fuel into a configuration that will allow manipulation of controls for reactivity.

However, as all operating reactors experience this evolution, this risk is balanced by ensuring that Operations personnel are fit for duty and have reliable human performance to perform the intensive and complex work necessary for startup activities and to mitigate the potential for an accident during startup. In order to ensure Operations personnel are fit for duty and have reliable human performance prior to the startup activities, the licensee confirmed in their RCI response that Operations personnel have not and will not work more than 54 hours per week and will receive a 34-hour break in the nine-day period before commencing core load activities.

The NRC staff evaluated the unique nature of the Palisades restart project, the previous work hours and breaks for Operations personnel, the mitigating strategy and commitments, and RAI responses against the balance of public interest considerations. The NRC determined that providing an exemption to permit individuals performing duties in 26.4(a)(1) to use the outage work hour controls in 10 CFR 26.205(d)(4) for up to a 60 day period commencing with core load would be in the public interest. Therefore, the NRC staff finds that approval of the requested exemption is otherwise in the public interest.

E. Environmental Considerations

This action relates to changes to scheduling requirements. The NRC staff has determined that any ground disturbance is limited to previously disturbed areas. Additionally, the NRC staff has determined that the action involves no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. Finally, the NRC staff has determined that a categorical exclusion applies and that special circumstances under 10 CFR 51.22, ''Categorical exclusions,'' are not present that would preclude reliance on the categorical exclusion. Accordingly, this action meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(d)(5). Pursuant to 10 CFR 51.22, no environmental impact statement or environmental assessment need be prepared in connection with the action.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 26.9, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Palisades Energy, LLC a one-time exemption from 10 CFR 26.205(d)(3) and (d)(7) for individuals performing duties in 10 CFR 26.4(a)(1) to allow the use of the outage MDO requirements described in 10 CFR 26.205(d)(4) starting on upon commencement of core load activities and terminating after 60 days or when Palisades is connected to the electrical grid, whichever occurs first. While the exemption is in effect, Palisades Energy will ensure that individuals performing duties in 10 CFR 26.4(a)(1) have at least 3 days off in each successive (*i.e.,* non-rolling) 15-day period. During the exemption period, Palisades Energy will also ensure that individuals' work hours do not exceed the limits specified in 10 CFR 26.205(d)(1), individuals receive a 10-hour break between successive work periods specified in 10 CFR 26.205(d)(2)(i), and individuals receive a 34-hour break in any 9-day period specified in 10 CFR 26.205(d)(2)(ii).

Additionally, Palisades Energy will use the outage MDO requirements, rest break requirements, maximum work hour limitations, and the mitigating strategy and commitments described in the July 10, 2026, enclosure. These actions and commitments provide reasonable assurance that acute and cumulative fatigue are adequately managed for personnel performing duties in 10 CFR 26.4(a)(1) for a 60-day period commencing on core load, or until connected to the electrical grid, whichever occurs first. Furthermore, the Commission hereby grants the licensee's request and rescinds the fourth exemption granted on June 18, 2026, for Operations personnel described in 26.4(a)(1) and as discussed in Section II of this exemption.

Dated: August 12, 2026.

For the Nuclear Regulatory Commission.

Mahmoud Jardaneh,

Acting Director, Division of Licensing Projects 1, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–16864 Filed 8–18–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–008; NRC–2008–0476]

Virginia Electric and Power Company, (Doing Business as Dominion Energy Virginia); North Anna Site; Early Site Permit Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week, for four consecutive weeks, of receipt and availability of an application for renewal of early site permit (ESP) ESP–003 for the North Anna ESP site from Virginia Electric and Power Company, doing business as (dba) Dominion Energy Virginia. Renewal of the ESP would allow the licensee to reference ESP–003 in a construction permit (CP) or combined license (COL) application for an additional 20-year period beyond the period specified in the ESP. The location for the North Anna ESP site is in Louisa County, Virginia, and the current ESP–003 expires on November 27, 2027.

DATES: The application for renewal of the North Anna ESP is available as of July 14, 2026.

ADDRESSES: Please refer to Docket ID NRC–2008–0476 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0476. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The North Anna ESP renewal application is available in ADAMS under Accession No. ML26195A323.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Billy Gleaves, Office of Advanced Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On July 14, 2026, Virginia Electric and Power Company, dba Dominion Energy Virginia (Dominion), filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application to request that the NRC renew ESP–003 for an additional 20 years beyond the current November 27,

2027, expiration date or from the date of issuance, whichever is later.

In accordance with subpart A of 10 CFR part 52, an applicant may seek an ESP separate from the filing of an application for a CP or COL. The ESP process allows resolution of issues relating to siting. Renewal of ESP–003 would allow for the licensee to reference the ESP in a CP or COL application for an additional 20-year period beyond the period specified in ESP–003 or from the date of issuance, whichever is later. If an application for a CP or COL references an ESP, the Commission shall treat as resolved those matters resolved in the proceeding on the application for issuance or renewal of the ESP, except as provided for in paragraphs (b), (c), and (d) of 10 CFR 52.39.

In the case of the North Anna site, Dominion holds COL NPF–103 for a reactor designated as North Anna, Unit 3. In the renewal application for ESP–003, Dominion notified the NRC of its decision to place COL NPF–103 in deferred status. Dominion also included in its renewal application for ESP–003 a request for an exemption from the subsumption requirements of 10 CFR 52.26(d), ''Duration of permit,'' to provide for the renewal of the ESP in its entirety, rather than renewal of only the portions of ESP–003 not subsumed into NPF–103.

II. Further Information

The NRC will publish subsequent **Federal Register** notices addressing the acceptability of the tendered ESP renewal application for docketing and provisions for participation of the public in the ESP renewal process.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: August 3, 2026.

For the Nuclear Regulatory Commission.

Christopher Cook,

Chief, Advanced Reactor Science Branch 4, Division of Advanced Reactor Science, Office of Advanced Reactors.

[FR Doc. 2026–16851 Filed 8–18–26; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM–2024–0003]

Privacy Act of 1974; Re-Established Matching Program

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of a re-established matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) Circular A–108, the U.S. Office of Personnel Management (OPM) is providing notice of the re-establishment of a matching program between OPM and the Social Security Administration (SSA) under Computer Matching Agreement (CMA) No. 1045. The purpose of the matching program is to enable SSA to disclose wage and self-employment income information to OPM for use in determining continued eligibility for certain retirement and survivor benefits subject to statutory earnings limitations.

DATES: Please submit comments on or before September 18, 2026. The matching program will begin on October 20, 2026, unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months if the respective agency Data Integrity Boards determine that the conditions specified in 5 U.S.C. 552a(o)(D) have been met.

ADDRESSES: You may submit written comments using the Federal eRulemaking Portal at *https://www.regulations.gov.* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* without change, which will include any personal identifiers submitted with the comments.

FOR FURTHER INFORMATION CONTACT: Lisa Morgan, Retirement Services, by email at *Lisa.Morgan@opm.gov* or by mail at Lisa Morgan, Retirement Services, Room 6500, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415–0001.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) amended the Privacy Act of 1974 (5 U.S.C. 552a) by establishing procedural safeguards governing agencies' use of computerized matching programs. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 further amended the Privacy Act by strengthening protections for individuals whose records are used in matching programs.

Notice is given of a re-established matching program between OPM and SSA. This matching program, Computer Matching Agreement (CMA) No. 1045, is being re-established to enable SSA to disclose wage and self-employment income information to OPM. OPM will compare SSA wage and self-employment income information with its retirement records for disability retirees under age 60, disabled adult-child survivors, certain retirees receiving a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS). Federal law limits the amount these retirees, survivors, and annuitants may earn while continuing to receive these benefits, and discontinued service retirement benefits cease upon reemployment in Federal service. OPM will use the wage and self-employment income information provided by SSA to determine individuals' continued eligibility for retirement benefits administered by OPM.

PARTICIPATING AGENCIES:

OPM and SSA.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

Legal authorities for the disclosures under this agreement are 5 U.S.C. 8337(d), 8341(a)(4)(B), 8344(a)(4)(B), and 8468, which establish earnings limitations for certain CSRS and FERS annuitants. The authority to terminate benefits is found at 5 U.S.C. 8341(e)(3)(B) and 8443(b)(3)(B). The Internal Revenue Code, 26 U.S.C. 6103(l)(11), requires SSA to disclose tax return information to OPM upon request for purposes of administering chapters 83 and 84 of title 5, United States Code. SSA is authorized to verify the Social Security numbers submitted by OPM under the Social Security Act (42 U.S.C. 1306), SSA's privacy regulations (20 CFR part 401), and the Privacy Act (5 U.S.C. 552a(b)(3)). Section 7213 of the Intelligence Reform and Terrorism Prevention Act of 2004 also authorizes SSA to include a death indicator in verification routines it determines to be appropriate.

PURPOSE(S):

The purpose of the matching program is to enable SSA to disclose wage and self-employment income information to OPM for comparison with OPM retirement records to determine the continued eligibility of disability retirees under age 60, disabled adult-child survivors, certain Federal Employees Retirement System (FERS) annuity supplement recipients, and certain Civil Service Retirement System (CSRS) discontinued service annuitants

whose benefits are subject to statutory earnings limitations.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are disability retirees under age 60, disabled adult-child survivors, certain retirees receiving a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS) who receive retirement or survivor benefits administered by OPM. OPM will submit identifying information for these individuals to SSA for comparison against SSA's Enumeration System and Earnings Recording and Self-Employment Income System for purposes of determining continued eligibility for benefits.

CATEGORIES OF RECORDS:

OPM will provide SSA with the full name, Social Security number, date of birth, and tax year(s) for the earnings information being requested. In response to a ''match,'' SSA will disclose wage and self-employment income information, including employer identification numbers (EINs), employer address(es), wage amount(s) reported on Form W–2, self-employment earnings amount(s), annual wage totals, and earnings report type. SSA will also disclose a death indicator if the individual is listed as deceased in SSA records. In response to a ''no-match,'' SSA will disclose the reason for the no-match, which may include that the Social Security number is not on file or the name does not match.

SYSTEM(S) OF RECORDS:

OPM's system of records involved in this matching program is OPM/Central–1, Civil Service Retirement and Insurance Records, published at 73 FR 15013 (March 20, 2008) and amended at 87 FR 5874 (February 2, 2022). SSA's systems of records involved in this matching program are the Master Files of Social Security Number Holders and SSN Applications (Enumeration System), System of Records No. 60–0058, last published at 90 FR 10025 (February 20, 2025), and the Earnings Recording and Self-Employment Income System (Master Earnings File (MEF)), System of Records No. 60–0059, last fully published at 71 FR 1819 (January 11, 2006), as updated at 78 FR 40542 (July 5, 2013), 83 FR 54969 (November 1, 2018), 89 FR 825 (January 5, 2024), and 90 FR 53413 (November 25, 2025).

SIGNING STATEMENT:

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

U.S. Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2026–16849 Filed 8–18–26; 8:45 am]

BILLING CODE 6325–46–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–341 and K2026–347; MC2026–346 and K2026–340]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 24, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2026–346 and K2026–340; *Filing Title:* USPS Request

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 121 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 14, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* August 24, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–341 and K2026–347; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1069 and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 14, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–16872 Filed 8–18–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106139; File No. SR–NASDAQ–2026–064]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Equity 4, Rule 4120 Regarding Trading Halts

August 14, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 3, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the previously approved but not yet operative Equity 4, Rule 4120 to update that rule text to reflect intervening rule changes incorporated in Nasdaq's current operative Rule 4120. Nasdaq also proposes to make related conforming changes to other Nasdaq rules.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on August 10, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to amend Equity 4, Rule 4120 to make operative the rule framework that the Commission previously approved in SR–Nasdaq–2022–017,[3] as amended, and to update that approved but not yet operative rule text so that it reflects amendments that have been incorporated into Nasdaq's current operative Rule 4120 since approval of that filing. Nasdaq also proposes related conforming changes to other Nasdaq rules that reference Rule 4120.

Although the Commission approved that framework, the rule text did not become operative immediately. Implementation of the revised halt framework was dependent on industry readiness, including readiness by other exchanges to implement corresponding changes. During the period in which the approved Rule 4120 framework remained inoperative, Nasdaq continued to amend its current operative Rule 4120 through separate rule changes. As a result, the previously approved but dormant Rule 4120 framework must now be conformed to the current operative text of Rule 4120 before it becomes operative. To the extent the applicable rule text has not changed since the Commission's approval of SR–Nasdaq–2022–017, however, Nasdaq is not proposing substantive changes to that text, and the proposed rules remain consistent with the rules approved in that filing.

This proposal is therefore designed to avoid implementing an outdated version of Rule 4120. The proposal preserves the structure and core regulatory framework approved in SR–Nasdaq–2022–017, while incorporating intervening updates that are reflected in Nasdaq's current operative Rule 4120. As proposed in SR–Nasdaq–2022–017, the Exchange would replace the entirety of the currently operative Rule 4120 with the Rule 4120 herein proposed. The Exchange believes that making these updates before the approved framework becomes operative will promote clarity, consistency, and transparency for Members, issuers, and market participants.

Background

Rule 4120 sets forth Nasdaq's authority and procedures with respect to trading halts, trading pauses, regulatory halts, operational halts, and the resumption of trading following such events. The previously approved Rule 4120 framework was designed to conform Nasdaq's rules to amendments to the Nasdaq UTP Plan, including Amendment 50,[4] which established common cross-market concepts and procedures for regulatory and operational halts. The framework incorporated UTP Plan-based definitions and concepts and reorganized Rule 4120 to address authority to initiate Regulatory Halts, procedures for initiating Regulatory Halts, Regulatory Halts initiated by other markets, resumption of trading after a Regulatory Halt, and Operational Halts. That filing was intended to harmonize certain halt and resumption procedures across self-regulatory organizations and to provide greater transparency regarding regulatory and operational halts.

The approved framework also moved certain existing provisions into a more organized structure and updated related cross-references in other Nasdaq rules.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95069 (June 8, 2022), 87 FR 36018 (June 14, 2022) (SR–NASDAQ–2022–017).

[4] *See* Securities Exchange Act Release No. 92071 (May 28, 2021), 86 FR 29846 (June 3, 2021) (File No. S7–24–89) (approving Amendment No. 50 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''UTP Plan'')).

In particular, the framework organized halt authority into discretionary and mandatory Regulatory Halt provisions, incorporated procedures for resumption after Regulatory Halts and SIP Halts and maintained Nasdaq-specific processes for reopening trading through the Nasdaq Halt Cross where applicable.

Because the approved framework remained inoperative pending coordinated industry implementation, however, the current operative version of Rule 4120 continued to evolve. The changes proposed in this filing incorporate those intervening current-rule updates into the approved Rule 4120 structure so that, when the reorganized framework becomes operative, it will reflect the rule text currently maintained in Nasdaq's operative rules. To the extent the applicable rule text has not changed since the Commission's approval of SR-Nasdaq-2022–017, Nasdaq is not proposing substantive changes to that text, and the proposed rules remain consistent with the rules approved in that filing.

Description of Proposed Changes

The proposed changes generally fall into several categories, each of which is intended to conform the previously approved but not yet operative Rule 4120 framework to current operative Rule 4120 and to preserve the intended operation of related Nasdaq rules once the reorganized framework becomes operative.

Definitions and Trading Session Terminology. Nasdaq proposes to update the definitions section of Rule 4120 to align the approved but inoperative framework with current Rule 4120.[5] These updates include adding Class ETF Shares to the definition of Derivative Securities Product and updating terminology relating to Pre-Market Hours, Post-Market Hours, Day Session, Night Session, and Regular Market Hours. Nasdaq also proposes to use current trading-session terminology throughout the rule, including in provisions governing trading in certain Derivative Securities Products pursuant to unlisted trading privileges. These changes conform the dormant framework to terminology and session definitions reflected in Nasdaq's current rules.

Night Session and Corporate Action-Related Halt Provisions. Nasdaq proposes to incorporate provisions now reflected in current Rule 4120 relating to the Night Session and the transition between the Day Session and Night Session.[6] These provisions include halting trading at the conclusion of the Day Session and resuming trading with the commencement of the Night Session, order cancellation at specified session endpoints, the Exchange's authority to pause trading during the Night Session, and procedures for halting or delaying commencement of trading during the Night Session when the primary listing market has halted trading or delayed commencement of trading in a security. Nasdaq also proposes to incorporate current provisions requiring Nasdaq, when it is the Primary Listing Market, to halt trading in a security before the end of Post-Market Hours on the day immediately preceding the market effective date of a reverse stock split, with trading resuming pursuant to the Nasdaq Cross Halt mechanism under Rule 4753.[7]

Limit Up-Limit Down and Order Handling Updates. Nasdaq proposes to conform the Limit Up-Limit Down provisions to current Rule 4120, including updates to terminology and order handling provisions.[8] These updates include references to CORE FIX protocols and to Managed Pegging, Discretionary, and Reserve Order Attributes in the order repricing provisions, as well as an updated cross-reference to the definition of Permitted Price in Rule 4763. Nasdaq also proposes to retain and relocate, within the reorganized framework, current provisions requiring Nasdaq to notify the Processor if it is unable to reopen trading due to a systems or technology issue.

Non-IPO Regulatory Halt Reopening Procedures. Nasdaq proposes to update the resumption provisions in Rule 4120(b)(4) to reflect current operative rule text for reopening after a non-IPO Regulatory Halt.[9] These changes include incorporating provisions for establishing Auction Reference Prices and Auction Collars, extending the Display Only Period when an order imbalance exists, adjusting Auction Collar prices during extended display-only periods, defining order imbalances for purposes of the reopening process, and notifying the securities information processor if the Exchange is unable to reopen trading due to a systems or technology issue. Nasdaq also proposes to incorporate the current provision under which a trading halt that exists at or after 3:50 p.m. in a stock reopens via a Hybrid Closing Cross pursuant to Rule 4754(b)(7). To the extent that text in the approved but not operative Rule 4120(b)(4) are superseded by these proposed conforming changes, the Exchange proposes to delete that text as obsolete.

LULD Trading Pause Reopening Procedures. Nasdaq proposes to retain the LULD-specific reopening process in the reorganized framework and to update related cross-references.[10] The proposal preserves the current process for establishing the Auction Reference Price and Auction Collars for a Trading Pause initiated under the Limit Up-Limit Down Mechanism, extending the Display Only Period when an order imbalance exists, adjusting the applicable Auction Collar, and reopening via a LULD Closing Cross when a Trading Pause exists at or after 3:50 p.m. These proposed updates are non-substantive and are intended only to renumber the LULD reopening provisions within the approved but inoperative Rule 4120 structure and update related cross-references accordingly.

Initial ETP Open. Nasdaq proposes to incorporate provisions reflected in current Rule 4120 relating to an optional Initial ETP Open process for Exchange-Traded Products on their first day of trading.[11] These provisions address the circumstances under which an issuer may opt into the process, the role of a broker-dealer serving as Designated Liquidity Provider, the Display Only Period and Pre-Launch Period, validation checks, price-band selection, and the circumstances under which Nasdaq may delay, postpone, or reschedule the Initial ETP Open. Incorporating these provisions into the reorganized framework conforms the dormant rule text to the current operative rule.

IPO, Direct Listing, and Direct Listing with a Capital Raise Updates. Nasdaq proposes to update the IPO and direct listing provisions to reflect current Rule 4120.[12] These changes include conforming cross-references to the IPO Halt process, updating references to the role of the financial advisor in connection with initial pricing of securities that have not been listed on a national securities exchange immediately prior to initial pricing, and incorporating current Direct Listing with a Capital Raise provisions. The Direct Listing with a Capital Raise

[5] *See* proposed Rule 4120(a).

[6] *See* proposed Rule 4120(a)(7), (8), (19), (20), and (21), and proposed Rule 4120(b)(1)(B)(ix) and (b)(1)(C)(v)–(vi).

[7] *See* proposed Rule 4120(b)(1)(C)(vi).

[8] *See* proposed Rule 4120(b)(1)(C)(ii).

[9] *See* proposed Rule 4120(b)(4)(A).

[10] *See* proposed Rule 4120(b)(4)(A)(i)c.

[11] *See* proposed Rule 4120(b)(1)(B)(viii) and proposed Rule 4120(b)(4)(A)(i)d.

[12] *See* proposed Rule 4120(b)(1)(B)(iii) and proposed Rule 4120(b)(4)(C).

provisions include the related Price Range, DLCR Price Range, Price Volatility Constraint, Pre-Launch Period, Post-Pricing Period, public dissemination of Current Reference Price information, and related disclosure and validation conditions. These updates conform the approved but inoperative framework to current rule text governing those initial pricing processes.

Operational Halt and Resumption Updates. Nasdaq proposes to retain the Operational Halt provisions and related resumption language under Rule 4120(c) largely as approved in SR–Nasdaq–2022–017.[13] These provisions preserve Nasdaq's authority to declare an Operational Halt when appropriate and clarify how Nasdaq resumes trading following an Operational Halt, including when Nasdaq is the Primary Listing Market and when Nasdaq is not the Primary Listing Market. The Exchange is not proposing any changes to these operational halt-related provisions.

Conforming Cross-Reference Changes. Nasdaq proposes conforming changes to related rules that reference Rule 4120. These changes update cross-references in rules relating to order types, the Nasdaq Halt Cross, the Nasdaq Closing Cross, dually listed securities, direct listings, certain derivative securities, the IPO Indicator Service, and clearly erroneous transactions.[14] These changes are intended to preserve the intended operation of the affected rules after the reorganized Rule 4120 framework becomes operative and to avoid obsolete references to the current Rule 4120 structure.

Implementation

The Exchange intends to implement the proposed rule change on August 10, 2026, as part of a cross-market implementation of the revised Rule 4120's regulatory and operational halt framework. The Exchange will provide notice of the scheduled implementation date prior to implementation.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] 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 rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act. The proposal is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

The Exchange believes that the proposal is consistent with Section 6(b)(5) because it will allow Nasdaq to implement a previously approved Rule 4120 framework in a current and accurate form. Implementing the approved framework without incorporating intervening changes reflected in current Rule 4120 could create confusion and result in an operative rule that does not align with Nasdaq's current rulebook. By conforming the dormant approved framework to current operative Rule 4120 before implementation, the proposal will promote clarity and transparency for Members and market participants.

The Exchange also believes that the proposal is consistent with Section 6(b)(5) of the Act because it would make operative rule changes necessary to conform Nasdaq's rules to amendments to the applicable Equity Data Plan [17] governing regulatory and operational halts. As reflected in SR–Nasdaq–2022–017, those amendments were intended to promote greater transparency, clarity, and consistency in the circumstances under which trading may be halted and resumed across markets. The Exchange believes that implementing the previously approved Rule 4120 framework, with the conforming updates described herein, will advance those same objectives by supporting uniform, transparent, cross-market halt rules, reducing the potential for confusion during cross-market events, fostering cooperation and coordination among SROs and market participants, and assisting in the maintenance of fair and orderly markets.

The proposal also supports fair and orderly markets by preserving the Commission-approved organization of Rule 4120 while incorporating current rule provisions concerning trading sessions, halt authority, reopening procedures, LULD processes, Initial ETP Opens, direct listings, and related cross-references. These updates will help market participants understand when Nasdaq may halt, pause, or resume trading and how related Nasdaq rules will operate once the reorganized framework becomes operative.

The Exchange further believes that the proposal protects investors and the public interest by avoiding the implementation of stale rule text. The proposed amendments do not seek to rework the fundamental policy basis of the approved Rule 4120 reorganization. Rather, they update the approved but inoperative framework to reflect intervening rule text that is already incorporated in Nasdaq's current operative rules. This approach promotes consistency between the rule text being made operative and the rule text on which Members and market participants currently rely.

The conforming cross-reference changes are also consistent with Section 6(b)(5) because they will reduce confusion and maintain the intended operation of Nasdaq's rules after the reorganized Rule 4120 framework becomes operative. Updating references in related rules is necessary so that those rules continue to point to the correct provisions within the reorganized Rule 4120 structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is intended to make operative a previously approved Rule 4120 framework and to conform that framework to current operative Rule 4120. The proposal will apply equally to all Members and market participants subject to the affected rules.

The Exchange does not believe that the proposal will impose an undue burden on intermarket competition. The previously approved Rule 4120 framework was designed, in part, to harmonize halt and resumption procedures across markets. This proposal supports that objective by preparing the approved framework for implementation in a form that is

[13] *See* proposed Rule 4120(c).

[14] *See, e.g.,* proposed Equity 4, Rules 4702, 4753, 4754; proposed Nasdaq Listing Rules 5711, IM–5220; IM–5315–2, IM–5405–1, and IM–5505–1; proposed Equity 7, Section 115, and proposed Equity 11, Rule 11890.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] The effective national market system plan(s) that currently govern the collection, consolidation, processing and dissemination of consolidated equity market data via the exclusive securities information processors (''SIPs''), are (1) the Consolidated Tape Association Plan (''CTA Plan''), (2) the Consolidated Quotation Plan (''CQ Plan''), (3) the UTP Plan, and (4) any successor thereto to the named plans (collectively, the ''Equity Data Plans'').

consistent with Nasdaq's current operative rule text.

The Exchange also does not believe that the proposal will impose an undue burden on intramarket competition. The proposed updates are generally conforming, organizational, or cross-referential in nature, or otherwise incorporate provisions already reflected in current operative Rule 4120. They do not unfairly discriminate among Members or classes of market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing and in advance of the planned August 10, 2026, implementation date. The Exchange states that a waiver of the operative delay would permit Nasdaq to implement the previously approved Rule 4120 framework in a current and accurate form, conform Nasdaq's rules to amendments to the applicable Equity Data Plans governing regulatory and operational halts, and support coordinated implementation of uniform cross-market halt procedures. The Exchange also states that the proposed rule change makes operative a Commission-approved framework with conforming updates to reflect intervening changes already incorporated in Nasdaq's current operative rules. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issuers, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[22]

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) [23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2026–064 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2026–064. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2026–064 and should be submitted on or before September 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16856 Filed 8–18–26; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106140; File No. SR–PHLX–2026–51]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Equity 4, Rule 3100 Regarding Trading Halts

August 14, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 3, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the previously approved but not yet operative Equity 4, Rule 3100 to update that rule text to reflect one intervening rule change incorporated in Phlx's current operative Rule 3100. The Exchange also proposes to make related conforming changes to other Phlx rules.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 3100 to update the previously approved [3] but not yet operative rule text before it becomes operative. Specifically, the Exchange proposes to conform that text to a limited intervening change that has since been incorporated into Phlx's current operative Rule 3100. The Exchange also proposes related conforming changes to other Phlx rules that reference Rule 3100.

Although the Commission approved the amended but inoperative Rule 3100 framework,[4] the rule text did not become operative immediately. Implementation of the revised Rule 3100 was dependent on coordinated industry readiness. During the period in which the approved Rule 3100 framework remained inoperative, Phlx made a limited update to its current operative Rule 3100 relating to CORE FIX protocols. As a result, the previously approved but inoperative Rule 3100 framework must now be conformed to the current operative text of Rule 3100 before it becomes operative.

Specifically, the Exchange proposes to update the Limit Up-Limit Down provisions in Rule 3100(b)(1)(A)(i)e.2.a) to include CORE FIX protocols in the provision governing how limit-priced orders entered through OUCH or CORE FIX protocols are repriced upon entry when the applicable Price Bands would otherwise cause the order to be priced outside the permissible range.[5] This update conforms the inoperative Rule 3100 framework to the current operative Rule 3100 text and avoids implementing an outdated version of the rule.

The Exchange also proposes conforming changes to related rules that reference Rule 3100 or terminology affected by the amended but inoperative Rule 3100 framework. These conforming changes update cross-references and terminology in Equity 4, Rules 3301A and 3312 so that those cross-references correspond with the approved Rule 3100 framework once it becomes operative. The conforming changes do not alter the substantive operation of those rules. As in the approved proposal,[6] the Exchange proposes to delete the currently operative Rule 3100 in its entirety and substitute therefor Rule 3100, as proposed herein.

The Exchange believes that making these updates before the approved rule [7] becomes operative will promote clarity, consistency, and transparency for Members and market participants. To the extent the applicable rule text has not changed since the Commission's approval of the inoperative Rule 3100 framework, the Exchange is not proposing substantive changes to that text, and the proposed rules remain consistent with the rules previously approved by the Commission.

Background

Equity 4, Rule 3100 sets forth Phlx's authority and procedures with respect to the Limit Up-Limit Down Plan and trading halts on PSX, including Regulatory Halts, Operational Halts, and the resumption of trading following such events. The previously approved Rule 3100 framework [8] was designed to conform Phlx's rules to certain provisions of the Nasdaq UTP Plan by incorporating plan-based terminology and procedures governing regulatory and operational halts.[9] These changes were intended to provide greater transparency regarding the Exchange's authority to initiate halts, recognize halts initiated by other markets, and resume trading following such events.

The approved rule amended Rule 3100 to incorporate plan-based definitions and concepts and to provide greater transparency around trading halt-related matters, including the Exchange's authority to implement Regulatory Halts initiated by other markets, resumption of trading after a Regulatory Halt, and Operational Halts. The approved rule also moved existing provisions into a more organized structure and updated related cross-references in other Phlx rules.

Because the approved rule remained inoperative pending coordinated implementation, the Exchange now proposes to incorporate a limited current-rule update into the approved Rule 3100 structure so that, when the amended but inoperative Rule 3100 becomes operative, it will reflect the rule text currently maintained in Phlx's operative rules. The proposal is therefore designed to avoid implementing outdated rule text and to preserve the intended operation of related Phlx rules once the amended but inoperative Rule 3100 becomes operative.

Proposed Rule Changes

The proposed changes generally fall into two categories. First, the Exchange proposes one update to the inoperative Rule 3100 to reflect current operative Rule 3100 text. Specifically, the Exchange proposes to add CORE FIX protocols to the provision governing limit-priced orders entered through OUCH protocols that are subject to repricing under the Limit Up-Limit Down mechanism.[10] This change reflects the current operative rule text and will permit the approved Rule 3100 to become operative in a current and accurate form.

Second, the Exchange proposes conforming changes to Equity 4, Rules 3301A and 3312. In Rule 3301A, the Exchange proposes to update an obsolete cross-reference to Rule 3100 so that the rule references the corresponding provision in the amended but inoperative Rule 3100 framework. The Exchange also proposes to replace references to ''Regular Market Session'' with ''Regular Trading Hours'' where appropriate to conform to the terminology used in the amended but inoperative Rule 3100 framework. In Rule 3312, the Exchange similarly

[3] *See* Securities Exchange Act Release No. 34–96574 (Dec. 22, 2022), 87 FR 80213 (Dec. 29, 2022) (SR–Phlx–2022–49) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Modify Equity 4, Rule 3100 to Establish Common Criteria and Procedures for Halting and Resuming Trading in Equity Securities in the Event of Regulatory or Operational Issues).

[4] *See* SR–Phlx–2022–49, *supra* note 3.

[5] *See* proposed Equity 4, Rule 3100(b)(1)(A)(i)e.2.a).

[6] *See* SR–Phlx–2022–49, *supra* note 3.

[7] *See* SR–\Phlx–2022–49, *supra* note 3.

[8] *See* SR–Phlx–2022–49, *supra* note 3.

[9] *See* SR–Phlx–2022–49, *supra* note 3. *See also* Securities Exchange Act Release No. 92071 (May 28, 2021), 86 FR 29846 (June 3, 2021) (File No. S7–24–89) (approving Amendment No. 50 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''UTP Plan'')).

[10] *See* proposed Equity 4, Rule 3100(b)(1)(A)(i)e.2.a).

proposes to replace a reference to ''Regular Market Session'' with ''Regular Trading Hours.'' As in the approved proposal,[11] the Exchange proposes to delete the currently operative Rule 3100 in its entirety and substitute therefor Rule 3100 as proposed herein. These conforming changes are intended to preserve the intended operation of the affected rules after the amended but inoperative Rule 3100 becomes operative.

Implementation

The Exchange proposes to implement the proposed rule change on August 10, 2026, consistent with the coordinated implementation of corresponding trading halt updates.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] 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 proposal is consistent with Section 6(b)(5) because it will allow Phlx to implement a previously approved Rule 3100[14] in a current and accurate form. The proposed update to include CORE FIX protocols in the Limit Up-Limit Down repricing provision conforms the inoperative rule text to the Exchange's current operative rule text and avoids implementation of an outdated provision. The proposal therefore promotes clarity and transparency for Members and market participants.

The Exchange also believes that the conforming changes to Rules 3301A and 3312 are consistent with Section 6(b)(5) because they update cross-references and terminology to align those rules with the amended but inoperative Rule 3100 structure. These changes are designed to preserve the intended operation of the affected rules and to avoid confusion that could result from obsolete references or inconsistent terminology once the approved framework becomes operative.

The proposal does not alter the fundamental operation of the Exchange's trading halt rules or introduce new halt authority. Rather, it conforms a previously approved but not yet operative rule[15] to current operative rule text and makes related conforming changes. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is limited to conforming the inoperative Rule 3100 framework to current operative rule text and making related conforming changes to other Phlx rules. The proposal will apply uniformly to all Members and does not impose any new burden on Members or market participants. Rather, the proposal supports clarity and consistency, and promotes the coordinated implementation of previously approved trading halt procedures.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[16] and subparagraph (f)(6) of Rule 19b–4 thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing and in advance of the planned August 10, 2026, implementation date. The Exchange states that a waiver of the operative delay would permit Phlx to implement the previously approved Rule 3100 framework in a current and accurate form, thus supporting the coordinated implementation of uniform cross-market halt procedures. The Exchange also states that the proposed rule change makes operative a Commission-approved framework with a limited update to reflect an intervening change already incorporated in Phlx's current operative rules, together with related conforming changes. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issuers, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[20]

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)[21] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–PHLX–2026–51 on the subject line.

[11] *See* proposed Equity 4, Rule 3100(b)(1)(A)(i)e.2.a).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* SR–Phlx–2022–49, *supra* note 3.

[15] *See* SR–Phlx–2022–49, *supra* note 3.

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78s(b)(2)(B).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PHLX–2026–51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PHLX–2026–51 and should be submitted on or before September 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16855 Filed 8–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106136; File No. SR–TXSE–2026–009]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend a Continued Listing Standard Relating to Beneficial Holders Applicable to Exchange Traded Fund Shares Listed Under Rule 17.104(b)(2)(B)

August 14, 2026.

On June 17, 2026, Texas Stock Exchange LLC (''TXSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend a continued listing standard relating to beneficial holders applicable to Exchange Traded Fund Shares listed under TXSE Rule 17.104(b)(2)(B). The proposed rule change was published for comment in the **Federal Register** on July 6, 2026.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 20, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 4, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–TXSE–2026–009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16857 Filed 8–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106138; File No. SR–NYSE–2026–38]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

August 14, 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 August 11, 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 its Price List to modify the share threshold requirement for free late D Orders at the close and to make a non-substantive clarifying change. 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

The Exchange proposes to amend its Price List to modify the share threshold requirement for free late D Orders at the close and to make a non-substantive clarifying change.

The Exchange proposes to implement the fee changes effective August 11, 2026.

Background and Proposed Rule Change

Currently, in the section of the Price List headed ''Executions at the Close,'' the Exchange offers fees differentiated by time of entry (or last modification) for D Orders at the close by a member organization. Specifically, for member organizations with an ADV of at least 10,000 shares entered and executed by

[22] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105820 (June 30, 2026), 91 FR 41092. The Commission has received no comments regarding the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

an affiliated Floor broker, D Orders are free up to specific monthly levels, which for Late D Orders is currently the first 5,250,000 shares.[4] Above that threshold, member organizations with Adding ADV of at least 0.50% of Tape A CADV and total close activity of at least 1.75% of Tape A CADV are charged $0.0011 per share; all other member organizations are charged $0.0012 per share.

The Exchange proposes to increase the volume threshold applicable to Late D Orders. As proposed, qualifying member organizations would not be charged for the first 10,000,000 shares of Late D Orders. The existing rate for Late D Orders applicable to volume above that threshold would remain unchanged. The Exchange believes that the proposed change would further encourage additional liquidity on the Exchange, particularly in the Closing Auction. The Exchange notes that several member organizations could benefit from the proposed higher threshold given their current D Order volumes. By increasing the amount of Late D Order volume that may be executed without charge, the Exchange believes that these member organizations would have an additional incentive to submit additional D Orders to the Closing Auction in order to take advantage of the enhanced pricing opportunity. As a result, the Exchange expects the proposal to attract additional liquidity and order flow to the Closing Auction, improving execution opportunities for all market participants. The Exchange further believes that member organizations derive significant value from participating in the Exchange's Closing Auction, a recognized industry benchmark for the pricing and valuation of numerous indices, funds, and derivative products.[5] Increased participation in the Closing Auction contributes to the quality of the auction process by enhancing liquidity, promoting price discovery, and increasing the opportunity for orders to receive executions at the Exchange's closing price. Moreover, because member organizations closely track the adding volumes they submit to the Exchange, the Exchange believes that they can readily determine at the time of execution whether their Late D Orders will execute free of charge or be subject to the current fee set forth in the Price List. Accordingly, the proposal would provide certainty regarding the applicable fees at the time of execution and promote the efficient use of Exchange systems.

The Exchange also proposes a non-substantive, clarifying change to the ''Incremental Discounts on MOC Orders'' section of the Price List that appears directly before ''Executions at the Close.'' The introductory paragraph currently provides that ''[m]ember organizations that meet the requirements of the MOC/LOC Tiers above can qualify for the following discounts on MOC Orders in the billing month.'' The Exchange would add ''the above tiered rates for'' before ''MOC Orders in the billing month'' to clarify that these discounts refer to the tiered MOC/LOC tiers set forth directly before this section. No other changes to this section are proposed. The Exchange believes the proposed change will promote clarity and transparency in its Price List.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposal to increase the volume threshold for Late D Orders so that qualifying member organizations would not be charged for the first 10,000,000 shares of Late D Orders is reasonable.

The Exchange believes that the proposal would encourage additional liquidity on the Exchange, especially during the Closing Auction, thereby contributing to robust levels of liquidity on the Floor and at the close, to the benefit of all market participants. The Exchange further believes that increased trading volumes contribute to the quality of the Closing Auction by improving execution opportunities for participants seeking to transact at the close, which benefits all market participants. In addition, the proposal is designed to attract higher volumes of orders from member organizations, which would promote greater price discovery and increased trading opportunities on the Exchange, both intraday and during the Closing Auction. The Exchange also believes that encouraging additional liquidity and order flow for execution on the trading Floor in the Closing Auction would strengthen the Exchange's competitive position and market share relative to its competitors. As noted, there are several member organizations that could benefit from the proposed higher threshold given their current D Order volumes, and the Exchange believes that increasing the amount of D Orders that are not charged a fee would incentivize those member organizations to enter additional D Orders in the Closing Auction in order to take advantage of the higher threshold. The Exchange's closing auction is a recognized industry benchmark, and member organizations receive a substantial benefit from the Exchange in obtaining high levels of executions at the Exchange's closing price on a daily basis.

Further, the proposed rule change also represents a reasonable attempt to encourage efficient usage of Exchange systems by member organizations by continuing to encourage all member organizations to enter or modify D Orders, which the Exchange believes serves the best interests of all member organizations and investors who access the Exchange. Finally, the Exchange believes that the proposed change is reasonable because it would continue to provide transparency and clarity to market participants, including investors, to determine what fee or rebate level would be applicable to any submitted order at the time of execution and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system.

Finally, the Exchange believes that the non-substantive change to the incremental discount on MOC orders section of the Price List is reasonable because it would ensure that market participants and the investing public can more easily navigate and understand the Exchange's Price List, thereby reducing potential confusion.

The Proposal Is an Equitable Allocation of Credits

The Exchange believes the proposal equitably allocates fees and credits

[4] The Price List defines ''Late D Orders'' as D Orders last modified in the last 1 minute before the scheduled close of trading. Footnote 10 of the Price List specifies that ''last modified'' means the later of the order's entry time or the final modification for a D Order designated for the close.

[5] For example, the pricing and valuation of certain indices, funds, and derivative products require primary market prints.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) & (5).

among market participants because all member organizations that participate on the Exchange may qualify for free Late D Orders up to the proposed level by meeting the current requirements, which would remain unchanged. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations that provide liquidity at the Exchange close and meet the requirements would be eligible for free Late D Orders up to the proposed volume threshold. The Exchange also believes the proposal equitably allocates its fees and credits among its market participants because the proposed change would encourage greater marketable and other liquidity at the closing auction, which helps to maintain the quality of the Exchange's closing auctions for the benefit of all market participants. Member organizations derive a substantial benefit from the higher volume of closing executions.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. The proposal does not permit unfair discrimination because the proposed threshold for late D Orders would be applied to all similarly situated member organizations, who would all be eligible for the same fee waiver on an equal and non-discriminatory basis. The Exchange also believes that the proposal is not unfairly discriminatory because the proposed changes would equally encourage all member organizations to provide greater marketable and other liquidity at the closing auction. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations.

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The proposed waiver threshold would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

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

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[9] and Rule 19b–4(f)(2) thereunder [10] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2026–38 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–2026–38. 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–2026–38 and

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4.

should be submitted on or before September 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16853 Filed 8–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106137; File No. SR-CboeBZX–2026–065]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of 3x Gold ETF, 3x Silver ETF, 3x Bitcoin ETF, 3x Ether ETF, 3x Crude Oil ETF, and 3x Natural Gas ETF, Each a Series of the VS Trust, Under BZX Rule 14.11(e)(4) (Commodity-Based Trust Shares)

August 14, 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 10, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to list and trade shares of 3x Gold ETF, 3x Silver ETF, 3x Bitcoin ETF, 3x Ether ETF, 3x Crude Oil ETF, and 3x Natural Gas ETF (each, a ''Fund'' and together, the ''Funds''), each a series of the VS Trust (the ''Trust''), under BZX Rule 14.11(e)(4), which sets forth generic listing standards for Commodity-Based Trust Shares.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade Shares of each of the Funds under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.[3]

Each Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of a particular commodity: gold, silver, bitcoin, ether, light sweet crude oil, and natural gas (for each Fund, the ''Reference Commodity''), and measures the performance of that Reference Commodity using the price of the Reference Commodity in a specified portfolio of first-month or second-month futures contracts on the Reference Commodity (for each Fund, a ''Benchmark''), as further described under ''Description of the Funds'' below.

The Funds will pursue their investment objectives by investing in futures contracts that comprise the Benchmark (''Benchmark Futures Contracts''), together with cash and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)) that will serve as collateral or margin for a Fund's investments. The Sponsor (defined below) will increase and decrease the number of Benchmark Futures Contracts that each Fund holds in order to accommodate purchases and redemptions of Shares and to account for changes in the value of the Benchmark so that each Fund can meet its daily investment objective.

To the extent that Benchmark Futures Contracts become unavailable for investment (for example, due to price limits, accountability levels, increased margin levels, exchange position limits, margin requirements, futures commission merchant (''FCM'')-imposed position limits, or FCM risk mitigation requirements), the Funds may invest in: (i) futures contracts on the Reference Commodity that settle beyond the second month; (ii) exchange-traded funds (''ETFs'') that provide exposure to the Reference Commodity;[4] (iii) exchange-traded products (''ETPs'') that provide exposure to the Reference Commodity;[5] and (iv) listed options on ETFs, ETPs or Benchmark Futures Contracts. Investing in these instruments allows each Fund to continue to meet its daily investment objective when Benchmark Futures Contracts are unavailable. The ETPs and ETFs in which a Fund may invest, as identified for each Fund below, are referred to collectively herein as the ''Benchmark-Linked ETPs'' and ''Benchmark-Linked ETFs'', respectively. All of a Fund's investments are eligible investments for a Commodity-Based Trust Share to be listed and traded under the generic Commodity-Based Trust Shares Rules, as discussed below.

The Funds do not meet the standard set forth in BZX Rule 14.11(e)(4)(F), which prohibits leveraged products.[6] Because each Fund seeks daily results, before fees and expenses, equal to three times (3x) the daily performance of its Benchmark, the Funds do not satisfy that standard.

BZX Rule 14.11(e)(4)(A) provides that the ''Exchange. . .may submit a rule

[11] 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 Nos. 103995 (September 17, 2025) 90 FR 45414 (September 22, 2025) (SR–CboeBZX–2025–104) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To Adopt Generic Listing Standards for Commodity-Based Trust Shares) (the ''Approval Order''); 106011 (July 29, 2026) 91 FR 48957 (August 3, 2026) (SR–CboeBZX–2026–061) (Order Granting Accelerated Approval of a Proposed Rule Change to Amend Rule 14.11(e)(4) (Commodity-Based Trust Shares)) (the ''Amendment''), which amended the generic listing standards to, among other things, permit actively-managed Commodity-Based Trust Shares, add a definition of ''digital commodity,'' and allow up to 15% of the net asset value of a trust's holdings to consist of certain assets that do not meet the generic eligibility criteria.

[4] ETFs are investment companies registered under the Investment Company Act that operate pursuant to Rule 6c–11 under the Investment Company Act of 1940 (the ''Investment Company Act'') or an exemptive order issued by the Commission and whose shares are registered under the Securities Act of 1933 (the ''Securities Act'').

[5] ETPs are funds whose shares are registered under the Securities Act, but are not registered as investment companies under the Investment Company Act.

[6] Under BZX Rule 14.11(e)(4)(F), ''[t]he Trust may not seek, directly or indirectly, to provide investment returns that correspond to the performance of an index, benchmark, or reference value by a specified multiple, or to provide investment returns that have an inverse or multiple inverse relationship to the performance of an index, benchmark, or reference value, over a predetermined period of time.''

filing pursuant to Section 19(b) of the Exchange Act to permit the listing and trading of Commodity-Based Trust Shares that do not meet the standards set forth in this BZX Rule 14.11(e)(4) on an initial or continuing basis.'' The Exchange is, accordingly, proposing to list the Shares pursuant to a rule filing under Section 19(b). In proposing to list the Shares pursuant to BZX Rule 14.11(e)(4), each Fund and its Shares will comply with all other provisions of BZX Rule 14.11(e)(4), as amended.

Description of the Trust

The Trust [7] will file a registration statement on Form S–1 under the Securities Act of 1933 (the ''1933 Act'').[8] The Trust currently operates as, and is registered as, a commodity pool with the U.S. Commodity Futures Trading Commission (the ''CFTC''), and the Funds will operate as, and be registered as, commodity pools with the CFTC. Neither the Trust nor any Fund will be registered as an investment company under the Investment Company Act of 1940.

Description of the Fund's Service Providers

Volatility Shares LLC is the sponsor (the ''Sponsor'') of the Trust [9] and is a commodity pool operator pursuant to the Commodity Exchange Act and is registered with the CFTC. The Sponsor is a service provider to the Trust and performs day-to-day management of the assets of the Funds. U.S. Bancorp Fund Services, LLC is the transfer agent, fund accountant, and Administrator for the Trust and the Funds (''Administrator''). U.S. Bank National Association serves as custodian for the Trust (the ''Custodian'').

Description of the Funds

3x Gold ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of gold, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on gold that will trade on the Commodity Exchange, Inc. (''COMEX''), a subsidiary of the CME Group Inc. (the ''Gold Futures Benchmark''). The Gold Futures Benchmark will comprise a portfolio of futures positions that will roll over a period of five business days in each of January, March, May, July, September, and November, beginning on the sixth business day and ending on the tenth business day of each respective month. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into a new contract with a longer dated expiry.

The Fund will not invest in physical gold, but rather seeks to achieve its investment objective primarily through investment in futures contracts on gold, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests will trade primarily on COMEX, but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein) (together, the ''Gold Futures Contracts'').

To the extent that Gold Futures Contracts comprising the Gold Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on gold that settle beyond the second month; (ii) shares of other ETPs that provide exposure to gold (''Gold-Linked ETPs''); (iii) shares of ETFs that provide exposure to gold (''Gold-Linked ETFs''); and (iv) exchange traded options on Gold Futures Contracts, Gold-Linked ETPs or Gold-Linked ETFs.

3x Silver ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of silver, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on silver that will trade on COMEX (the ''Silver Futures Benchmark''). The Silver Futures Benchmark will comprise a portfolio of futures positions that will roll over a period of five business days in each of February, April, June, August, and November, beginning on the sixth business day and ending on the tenth business day of each respective month. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into a new contract with a longer dated expiry.

The Fund does not invest in physical silver, but rather seeks to achieve its investment objective primarily through investment in futures contracts on silver, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests will trade primarily on COMEX, but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein) (together, the ''Silver Futures Contracts'').

To the extent that Silver Futures Contracts comprising the Silver Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on silver that settle beyond the second month; (ii) shares of other ETPs that provide exposure to silver (''Silver-Linked ETPs''); (iii) shares of ETFs that provide exposure to silver (''Silver-Linked ETFs''); and (iv) exchange traded options on Silver Futures Contracts, Silver-Linked ETPs or Silver-Linked ETFs.

3x Bitcoin ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of bitcoin, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on bitcoin that trade on the Chicago Mercantile Exchange Inc. (''CME''), a subsidiary of the CME Group Inc. (the ''Bitcoin Futures Benchmark''). The Bitcoin Futures Benchmark will comprise a portfolio of futures positions that will roll each month from the near month contract to expire to the next month contract to expire over a five-day roll period, beginning on the sixth business day prior to the expiry of the near month contract. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into the next month to expire contract.

The Fund does not invest in physical bitcoin, but rather seeks to achieve its investment objective primarily through investment in futures contracts on bitcoin, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests will trade primarily on the CME,

[7] The Trust is organized as a statutory trust under the Delaware Statutory Trust Act (''DSTA''). Each Fund will operate as a ''series'' of the Trust pursuant to § 3806(b) of the DSTA.

[8] The description of the Funds and their Shares contained herein are based on a draft of the registration statement. A registration statement for the Trust is not yet effective, and the Shares will not trade on the Exchange until such time that the registration statement is effective.

[9] The Sponsor, whose principal office is located at 2000 PGA Boulevard, Suite 4440, Palm Beach Gardens, FL 33408, manages the Trust and will manage the Funds. Wilmington Trust, National Association, a national banking association, is the sole Trustee of the Trust. The rights and duties of the Trustee and the Sponsor with respect to the offering of the Shares and Fund management and the shareholders are governed by the provisions of the DSTA and by the Trust Agreement between Wilmington Trust, National Association and the Sponsor. Under the Trust Agreement, the Sponsor has exclusive management and control of all aspects of the Trust's business.

but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein (together, the ''Bitcoin Futures Contracts'').

To the extent that Bitcoin Futures Contracts comprising the Bitcoin Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on bitcoin that settle beyond the second month; (ii) shares of other ETPs that provide exposure to bitcoin (''Bitcoin-Linked ETPs''); (iii) shares of ETFs that provide exposure to bitcoin (''Bitcoin-Linked ETFs''); and (iv) exchange traded options on Bitcoin Futures Contracts, Bitcoin-Linked ETPs or Bitcoin-Linked ETFs.

3x Ether ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of ether, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on ether that will trade on the CME (the ''Ether Futures Benchmark''). The Ether Futures Benchmark will comprise a portfolio of futures positions that will roll each month from the near month contract to expire to the next month contract to expire over a five-day roll period, beginning on the sixth business day prior to the expiry of the near month contract. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into the next month to expire contract.

The Fund does not invest in physical ether, but rather seeks to achieve its investment objective primarily through investment in futures contracts on ether, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests will trade primarily on the CME, but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein (together, the ''Ether Futures Contracts'').

To the extent that Ether Futures Contracts comprising the Ether Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on ether that settle beyond the second month; (ii) shares of other ETPs that provide exposure to ether (''Ether-Linked ETPs''); (iii) shares of ETFs that provide exposure to ether (''Ether-Linked ETFs''); and (iv) exchange traded options on Ether Futures Contracts, Ether-Linked ETPs or Ether-Linked ETFs.

3x Crude Oil ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of light, sweet crude oil, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on light, sweet crude oil that trade on the New York Mercantile Exchange, Inc. (''NYMEX''), a subsidiary of CME Group Inc. (the ''Crude Oil Futures Benchmark''). The Crude Oil Futures Benchmark will comprise a portfolio of futures positions that will roll each month from the near month contract to expire to the next month contract to expire over a five-day roll period, beginning on the first business day of the month. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into the next month to expire contract.

The Fund will not invest in physical light, sweet crude oil, but rather seeks to achieve its investment objective primarily through investment in futures contracts on light, sweet crude oil, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests trade primarily on the NYMEX, but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein (together, the ''Crude Oil Futures Contracts'').

To the extent that Crude Oil Futures Contracts comprising the Crude Oil Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on light, sweet crude oil that settle beyond the second month; (ii) shares of other ETPs that provide exposure to light, sweet crude oil (''Crude Oil-Linked ETPs''); (iii) shares of ETFs that provide exposure to light sweet crude oil (''Crude Oil-Linked ETFs''); and (iv) exchange traded options on Crude Oil Futures Contracts, Crude Oil-Linked ETPs or Crude Oil-Linked ETFs.

3x Natural Gas ETF

The Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of natural gas, as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on natural gas that trade on the NYMEX (the ''Natural Gas Futures Benchmark''). The Natural Gas Futures Benchmark will comprise a portfolio of futures positions that will roll each month from the near month contract to expire to the next month contract to expire over a five-day roll period, beginning on the sixth business day of the month. Each day during the roll period, approximately 20% of the expiring futures positions will be rolled into the next month to expire contract (the ''Natural Gas Futures Benchmark'')

The Fund will not invest in physical natural gas, but rather seeks to achieve its investment objective primarily through investment in futures contracts on natural gas, cash, and Cash Equivalents (as defined in BZX Rule 14.11(e)(4)(C)(iv)). The futures contracts in which the Fund invests trade primarily on the NYMEX, but may trade on any other exchange that is a DCM and ISG member (as such terms are defined herein (together, the ''Natural Gas Futures Contracts'').

To the extent that Natural Gas Futures Contracts comprising the Natural Gas Futures Benchmark become unavailable for investment (for example, due to price limits, accountability levels, exchange position limits, margin requirements, FCM-imposed position limits, or FCM risk mitigation requirements), the Fund may invest in: (i) futures contracts on natural gas that settle beyond the second month; (ii) shares of other ETPs that provide exposure to natural gas (''Natural Gas-Linked ETPs''); (iii) shares of ETFs that provide exposure to natural gas (''Natural Gas-Linked ETFs''); and (iv) exchange traded options on Natural Gas Futures Contracts, Natural Gas-Linked ETPs or Natural Gas-Linked ETFs.

Compliance With BZX Rule 14.11(e)(4)

The Funds do not meet the standard set forth in BZX Rule 14.11(e)(4)(F), which prohibits leveraged [10] products. Because each Fund seeks daily results, before fees and expenses, equal to three times (3x) the daily performance of its Benchmark, the Funds do not satisfy that standard. In proposing to list the Shares pursuant to BZX Rule 14.11(e)(4), each Fund and its Shares

[10] Under Rule 14.11(e)(4)(F), ''[t]he Trust may not seek, directly or indirectly, to provide investment returns that correspond to the performance of an index, benchmark, or reference value by a specified multiple, or to provide investment returns that have an inverse or multiple inverse relationship to the performance of an index, benchmark, or reference value, over a predetermined period of time.''

will comply with all other provisions of BZX Rule 14.11(e)(4), as amended.

Purchases and Redemptions of Creation Units

The Fund will create and redeem Shares from time to time only in large blocks of a specified number of Shares or multiples thereof (''Creation Units'') for cash. A Creation Unit is a block of 10,000 Shares, or as otherwise determined by the Sponsor. Except when aggregated in Creation Units, the Shares are not redeemable securities.

On any Business Day, an authorized participant may place an order with the sub-administrator to create one or more Creation Units. The total cash payment required to create each Creation Unit is the NAV of 10,000 Shares of the applicable Fund on the purchase order date plus the applicable transaction fee.

The procedures by which an authorized participant can redeem one or more Creation Units mirror the procedures for the purchase of Creation Units. On any Business Day, an authorized participant may place an order with the Administrator to redeem one or more Creation Units. The redemption proceeds for each Fund consist of the cash redemption amount. The cash redemption amount is equal to the NAV of the number of Creation Unit(s) of each Fund requested in the authorized participant's redemption order as of the time of the calculation of a Fund's NAV on the redemption order date, less transaction fees.

Initial and Continued Listing

The Shares of each Fund will conform to the initial and continued listing criteria under BZX Rule 14.11(e)(4) except as otherwise provided herein. The Exchange represents that, for initial and continued listing, the Fund and the Trust must be in compliance with Rule 10A–3 under the Act. A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the Sponsor of the Shares that the NAV per Share for the Fund will be calculated daily and will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18 and Rule 14.11(e)(4)(j). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading has ceased in the underlying commodity or Commodity-Based Assets comprising the Fund's portfolio; (2) the extent to which trading is not occurring in the securities and/or the financial instruments composing the daily disclosed portfolio of the Funds; (3) the existence of a national, regional, or localized disruption that necessitates a trading halt to maintain a fair and orderly market; or (4) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

In addition, the Exchange will halt trading in the Shares if the Exchange becomes aware that the Net Asset Value of the Fund is not being disseminated to all market participants at the same time, and will maintain such halt until the Net Asset Value is available to all market participants.[11] Further, as required under BZX Rule 14.11(e)(4)(J), as amended, if the Exchange becomes aware that the information required by BZX Rule 14.11(e)(4)(E)(i) is not disseminated to all market participants at the same time, the Exchange will halt trading in the Shares until such time as such information is available to all market participants. The Exchange may also halt trading during the day on which an interruption to the dissemination of any of the following occurs: (1) the value of the underlying reference asset or index, if it is no longer calculated or made widely available on at least a 15-second delayed basis from a source unaffiliated with the Sponsor, the Trust, the custodian, or the Exchange; or (2) the Intraday Indicative Value, if it is no longer made widely available to all market participants on at least a 15-second basis during Regular Trading Hours; or (3) the information set forth in BZX Rule 14.11(e)(4), if it is no longer disclosed in accordance with the requirements of paragraph (E) of that Rule. If any such interruption persists past the trading day on which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. If the Shares are trading on the Exchange pursuant to unlisted trading privileges, the Exchange will halt trading as specified in BZX Rule 11.18.

Firewalls

If the value of the Shares is based in whole or in part on an index that is maintained by a broker-dealer, the broker-dealer will erect and maintain a ''firewall'' around the personnel responsible for the maintenance of such index or who have access to information concerning changes and adjustments to the index. Any advisory committee, supervisory board, or similar entity that advises an index licensor or administrator, or that makes decisions regarding the index composition, methodology, and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the applicable index.

In addition, if the Trust is affiliated with any entity that has the ability to influence the price or supply of a commodity, or a commodity underlying a Commodity-Based Asset, held by the Trust, the Trust will (i) implement and maintain a ''firewall'' between any such entity and the Trust; (ii) have written policies and procedures designed to prevent the use and dissemination of material, non-public information regarding the Trust; and (iii) have written policies and procedures designed to prevent fraudulent, deceptive, or manipulative acts, practices, or courses of business with respect to the Trust and such commodity.

Surveillance

Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Commodity-Based Trust Shares. All of the futures contracts held by each Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[12] The Exchange, FINRA, on behalf of the Exchange, or both will communicate regarding trading in the Shares and the underlying listed instruments, including listed derivatives held by each Fund, with the ISG, other markets or entities who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, the Exchange, FINRA, on behalf of the Exchange, or

[11] The Gold Futures Benchmark, the Silver Futures Benchmark, the Bitcoin Futures Benchmark, the Ether Futures Benchmark, the Crude Oil Futures Benchmark, and the Natural Gas Futures Benchmark are herein referred to as a Fund's ''Benchmark.''

[12] For a list of the current members and affiliate members of ISG, see *www.isgportal.com.* The Exchange notes that not all components of each Fund's holdings may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

both may obtain information regarding trading in the Shares and the underlying listed instruments, including listed derivatives, held by each Fund from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees. All statements and representations made in this filing regarding the description of the reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of the reference asset and IIV, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for each Fund. The issuer has represented to the Exchange that it will advise the Exchange of any failure by each Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If any Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) Interpretation and Policy .01 of BZX Rule 3.7 which imposes a duty of due diligence on its Members to learn the essential facts relating to every customer prior to trading the Shares; [13] (4) how information regarding the IIV and the Fund's holdings is disseminated; (5) the risks involved in trading the Shares outside of Regular Trading Hours [14] when an updated IIV will not be calculated or publicly disseminated; (6) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (7) trading information.

Further, the Exchange states that FINRA has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inversed leveraged securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009) (collectively, ''FINRA Regulatory Notices''). Members that carry customer accounts will be required to follow the FINRA guidance set forth in these notices.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to each Fund. Members purchasing Shares from each Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Circular will reference that each Fund is subject to various fees and expenses described in the Trust's registration statement. The Information Circular will also disclose the trading hours of the Shares of each Fund and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares of each Fund will be publicly available on each Fund's website.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission has approved Generic Listing Standards for Commodity-Based Trust Shares as set forth in BZX Rule 14.11(e)(4).[18] In the Approval Order, the Commission found that the Generic Listing Standards were consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular that the Generic Listing Standards were consistent with Section 6(b)(5) of the Act. The Commission has since approved amendments to the Generic Listing Standards to, among other things, permit actively-managed Commodity-Based Trust Shares, add a definition of ''digital commodity,'' and allow up to 15% of the net asset value of a trust's holdings to consist of certain assets that do not meet the generic eligibility criteria, and likewise found those amendments consistent with Section 6(b)(5) of the Act. Each Fund and the Shares will comply with all applicable requirements of BZX Rule 14.11(e)(4), as amended, except that the Funds do not meet the standard set forth in BZX Rule 14.11(e)(4)(F) because each Fund seeks performance results that correspond to three times (3x) the daily performance of its Benchmark. BZX Rule 14.11(e)(4)(A) expressly contemplates that an exchange may submit a 19b-4 filing for Commodity-Based Trust Shares that do not meet all of the standards set forth in BZX Rule 14.11(e)(4), and the Exchange submits this filing pursuant to that authority.

The Exchange believes that notwithstanding the Funds' deviation from BZX Rule 14.11(e)(4)(F), the proposed rule change is consistent with Section 6(b)(5) of the Act for the following reasons.

The Underlying Reference Commodities Satisfy the BZX Rule 14.11(e)(4)(D) Eligibility Criteria

Each Fund achieves its 3x leveraged investment objective primarily through Commodity-Based Assets—principally Benchmark Futures Contracts—whose underlying Reference Commodities

[13] Specifically, in part, Interpretation and Policy .01 of Rule 3.7 states ''[n]o Member shall recommend to a customer a transaction in any such product unless the Member has a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction and is financially able to bear the risks of the recommended position.

[14] *See* Exchange Rule 1.5(w).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] *Supra* note 3.

independently satisfy the eligibility criteria of BZX Rule 14.11(e)(4)(D). Specifically, each of gold, silver, bitcoin, ether, crude oil, and natural gas underlies a futures contract that has been made available to trade on a Designated Contract Market (''DCM'') for at least six months, with respect to which the Exchange has a comprehensive surveillance-sharing agreement, directly or through common ISG membership. The Gold Futures Contracts and Silver Futures Contracts trade primarily on COMEX; the Bitcoin Futures Contracts and Ether Futures Contracts trade primarily on the CME; and the Crude Oil Futures Contracts and Natural Gas Futures Contracts trade primarily on NYMEX. COMEX, CME, and NYMEX are each DCMs and ISG members. Benchmark Futures Contracts also may trade on any other exchange that is a DCM and ISG member.

In addition, the 3x leveraged structure of the Funds does not alter or undermine the surveillance rationale underlying the BZX Rule 14.11(e)(4)(D) eligibility criteria: each Fund achieves its leveraged investment objective primarily through Benchmark Futures Contracts that would be surveilled through ISG and DCM channels regardless of whether a fund sought non-leveraged exposure to the Funds' respective Benchmarks.

The Funds also may invest in cash, Cash Equivalents, Benchmark-Linked ETFs, Benchmark-Linked ETPs, and exchange-traded options on Benchmark Futures Contracts, Benchmark-Linked ETFs or Benchmarked-Linked ETPs, all of which are eligible instruments under BZX Rule 14.11(e)(4).

The 3x Exposure Is Achieved Primarily Through CFTC or SEC-Regulated Instruments

Each Fund typically will achieve its 3x exposure through Benchmark Futures Contracts, cash and Cash Equivalents that serve as collateral for margin purposes with respect to those Benchmark Futures Contracts. The Benchmark Futures Contracts are traded on CFTC-regulated DCMs, subject to CFTC oversight, position limit rules, accountability levels, and the full panoply of Commodity Exchange Act protections. The presence of CFTC regulation over the instruments held by the Funds and the markets on which those instruments trade mitigates the risk of fraud or manipulation that could affect the prices of those instruments and, in turn, the NAV and market price of the Shares.

In addition, the exchanges on which Benchmark Futures Contracts trade (*e.g.,* the CME, NYMEX or COMEX) set margin levels, and require margin to be posted by a Fund with any futures commission merchant that the Fund uses for Benchmark Futures Contracts transactions. The purpose of margin in futures contracts is to act as a performance bond. It ensures that both buyers and sellers have the necessary capital to fulfill their financial obligations and cover any potential daily losses. Futures commission merchants must abide by the rules of futures exchange and also those of the CFTC and the National Futures Association (''NFA'').

As well, Each Fund operates as a registered commodity pool, and the Sponsor is a registered commodity pool operator subject to CFTC and NFA regulation. This additional layer of federal regulatory oversight—beyond what a physical commodity-based exchange-traded product would be subject to—provides meaningful protections for investors and the public interest, further mitigating concerns about fraud or manipulation.

The Funds also may invest in Benchmark-Linked ETFs, Benchmark-Linked ETPs, and listed options thereon, as well as options on Benchmark Futures Contracts. Benchmark-Linked ETFs and Benchmark-Linked ETPs are well regulated under the federal securities laws. Listed options on Benchmark-Linked ETFs and Benchmark-Linked ETPs are regulated by the SEC primarily through oversight of exchanges and clearing agencies. It enforces strict rules on the brokers who sell them and mandates reporting to prevent fraud, while delegating day-to-day enforcement and risk limits to various self-regulatory organizations, including Financial Industry Regulatory Authority, Inc. (''FINRA'').

BZX Rule 14.11(e)(4)(F)—Leveraged Products

The Funds do not meet the standard set forth in BZX Rule 14.11(e)(4)(F), which prohibits leveraged [19] products. Because the Funds will directly seek to provide returns that correspond to three times (3x) their respective Benchmarks, the Funds are not eligible to rely on BZX Rule 14.11(e)(4) without separate approval.

The Exchange notes that the Commission has recognized, in the context of ETFs, that ''the mere addition of active management to a portfolio that would otherwise qualify for generic listing as an index-based ETF should not affect the portfolio's susceptibility to manipulation or the availability of arbitrage between the ETF and its underlying portfolio,'' and has stated that this principle holds true for Commodity-Based Trust Shares as well. The same reasoning applies to the Funds' leveraged structure: the 3x daily investment objective does not change the susceptibility of a Fund's portfolio to manipulation, because each Fund obtains its exposure primarily through the same Benchmark Futures Contracts—traded on CFTC-regulated DCMs that are ISG members—that would be surveilled regardless of whether the Fund sought leveraged or unleveraged exposure to the same underlying Reference Commodity. As the Commission has further observed, consistently applying listing standards across products with economic exposures to the same underlying commodities levels the playing field between issuers, which should promote competition and more readily afford investors greater investment options.

The Exchange believes that Shares of the Funds are appropriate for listing and trading on the Exchange. Leveraged ETFs aim to give investors amplified exposure to daily market moves without the need for an investor to establish separate margin accounts and individually trade futures contracts or other derivative instruments. They also allow market professionals and institutions to effectively, quickly, efficiently and relatively inexpensively hedge other positions that they may have in their portfolio. The principal risks of investing in Shares are explained in detail in each Fund's prospectus. In addition, detailed information about Share performance, Fund holdings, and Fund value, among other things, will be available on a daily basis on the Funds' website, as discussed in greater detail below.

Last, shares of approximately 67 exchange-traded investment products that seek performance of either three times (3x) or the inverse of three times (-3x) a benchmark or index are currently listed for trading on a national securities exchange: fifty one ETFs that are registered under the Investment Company Act and sixteen exchange-traded notes issue shares that are debt issuances of large financial institutions and are registered under the 1933 Act.

BZX Rule 14.11(e)(4)—Other Provisions

NAV and IIV Transparency

The NAV per Share for each Fund will be calculated daily and disseminated to all market participants at the same time. An intraday indicative value (''IIV'') for each Fund will be disseminated every 15 seconds during

[19] *Supra* note 10.

Regular Trading Hours through the facilities of the consolidated tape association (''CTA'') and Consolidated Quotation System (''CQS'') high-speed lines and will be available through online information services such as Bloomberg and Reuters. This level of price transparency, which is consistent with the requirements of BZX Rule 14.11(e)(4)(E), is sufficient to enable market participants to assess the fair value of the Shares throughout the trading day notwithstanding the leveraged nature of the Funds.

For the foregoing reasons, the Exchange believes that the policy concerns the Commission identified in approving the Generic Listing Standards are adequately addressed with respect to each Fund, and that the listing and trading of the Shares is consistent with Section 6(b)(5) of the Act.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because, as described above, each of the underlying Reference Commodities satisfies the BZX Rule 14.11(e)(4)(D) eligibility criteria, the Funds invest primarily in CFTC-regulated instruments traded on DCMs that are ISG members, and each Fund is subject to CFTC oversight as a registered commodity pool. Each Fund's portfolio will be valued daily and the NAV per Share will be calculated and disseminated to all market participants at the same time. An IIV will be disseminated every 15 seconds during Regular Trading Hours. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 14.11(e)(4)(J), including when trading is not occurring in the financial instruments composing a Fund's portfolio or when other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

In addition, consistent with BZX Rule 14.11(e)(4) and the trading halt and firewall provisions described above, the Exchange will halt trading in the Shares if it becomes aware that the NAV of a Fund is not disseminated to all market participants at the same time, and may halt trading upon an interruption to the dissemination of the value of the underlying reference asset or the IIV, or where the information required under BZX Rule 14.11(e)(4) is no longer disclosed in accordance with paragraph (E) of that Rule. The Exchange will also implement the firewall requirements applicable to Commodity-Based Trust Shares, including, if the value of the Shares is based in whole or in part on an index maintained by a broker-dealer, the erection and maintenance of a firewall around the personnel responsible for the maintenance of, or who have access to information concerning changes and adjustments to, such index, and, if the Trust is affiliated with any entity that has the ability to influence the price or supply of a commodity (or a commodity underlying a Commodity-Based Asset) held by the Trust, the maintenance of a firewall between any such entity and the Trust together with written policies and procedures designed to prevent the use and dissemination of material, non-public information and to prevent fraudulent, deceptive, or manipulative acts, practices, or courses of business.

The Exchange believes that the proposed rule change is designed to promote just and equitable principles of trade because the Trust will be subject to the full panoply of Exchange rules applicable to Commodity-Based Trust Shares, including BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers, and Interpretation and Policy .01 of BZX Rule 3.7, which imposes a duty of due diligence on members to learn the essential facts relating to every customer prior to trading the Shares. Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares, including the procedures for purchases and redemptions of Shares in Creation Units, the risks involved in trading the Shares outside Regular Trading Hours when an updated IIV will not be calculated or publicly disseminated, and the prospectus delivery requirements applicable to each Fund.

The Exchange believes that the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system because the Shares will be listed and traded on the Exchange pursuant to BZX Rule 14.11(e)(4), and each Fund will comply with all applicable initial and continued listing requirements thereunder, except as otherwise proposed herein. Each Fund and the Shares will be in compliance with Rule 10A–3 under the Act as a condition of initial and continued listing.[20] A minimum of 100,000 Shares will be outstanding at the commencement of trading. The Sponsor has represented to the Exchange that the NAV per Share of each Fund will be calculated daily and made available to all market participants at the same time. Pricing information, including the prior business day's NAV per Share, the BZX Official Closing Price, premium/discount calculations, and historical distribution data, will be publicly available on the Sponsor's website. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

The Exchange believes that the proposed rule change is designed to protect investors and the public interest because the Funds will provide investors with access to a leveraged investment product overseen and operated by a commodity pool operator that can be traded throughout the day on a national securities exchange, while maintaining the transparency, surveillance, and regulatory oversight protections described above.

The Sponsor is not a broker-dealer and is not affiliated with any broker-dealer; in the event the Sponsor or any of its affiliates becomes affiliated with a broker-dealer, it will implement and maintain a firewall with respect to access to information concerning the composition and/or changes to each Fund's portfolio. All statements and representations made in this filing regarding the description of the portfolio or limitations on portfolio holdings or reference assets shall constitute continued listing requirements. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Funds are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under BZX Rule 14.12.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will enhance competition by providing investors with access to an additional set of exchange-traded investment products that seek leveraged exposure to commodities, thereby broadening the range of instruments available for trading on a national securities exchange. To the extent that the listing and trading of the Shares

[20] The Funds expect to rely on the exception under Rule 10A–3(c)(7)(i).

attracts order flow to the Exchange, other exchanges are free to list and trade similar products pursuant to their own rules, including their own generic listing standards for commodity-based trust shares.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition, as the Shares will be available to all categories of market participants in the same manner as any other Commodity-Based Trust Shares listed and traded on the Exchange. All Exchange members will have equal access to trading the Shares on the Exchange, and the rules governing trading in the Shares—including the Exchange's rules relating to order types, priority, and execution—will apply uniformly to all such members.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition. BZX Rule 14.11(e)(4)(A) expressly permits the Exchange to file a proposed rule change pursuant to Section 19(b) of the Act to list Commodity-Based Trust Shares that do not meet the Generic Listing Standards, and each of Nasdaq and NYSE Arca has an equivalent provision in its own generic listing standards for commodity-based trust shares. Accordingly, any national securities exchange with a comparable listing rule framework may seek Commission approval to list products similar to those proposed here. The proposed rule change does not confer any exclusive advantage on the Exchange or on any particular market participant.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2026–065 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2026–065. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2026–065 and should be submitted on or before September 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16854 Filed 8–18–26; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–5017]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Maintenance, Preventive Maintenance, Rebuilding, and Alteration; Correction

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public to make comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 02, 2026. The Information to be collected is necessary to insure the safety of the flying public. Documentation of maintenance repair actions record who, what, when, where and how of the task performed. All maintenance actions as well as documentation are required by Title 14 CFR part 43. This collection focuses on Form 337 which is collected by the FAA. Other records for preventative maintenance, and logbook entries are not collected by the FAA serve as a responsibility of the owner to maintain in case of verification of airworthiness when seeking approval or sale of the aircraft. This ensures proper certification of personnel; proper tooling is utilized and accurate measures to ensure safety. Total form 337s submitted in 2024 is 76,253. Total general aviation aircraft registrations on file are 438,651. It is estimated by the numbers collected one in every five aircraft have a 337-form submitted for major alteration and repairs performed. Each 337 takes approximately 1 hour.

DATES: Written comments should be submitted by September 3, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Jude Sellers by email at: *jude.n.sellers@faa.gov;* phone: 202–267–1675.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA 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.

OMB Control Number: 2120–0020.

Title: Maintenance, Preventive Maintenance, Rebuilding, and Alteration.

Form Numbers: Form 337.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 02, 2026. The Information to be collected is necessary to insure the safety of the flying public. Documentation of maintenance repair actions record who, what, when, where and how of the task performed. All maintenance actions as well as documentation are required by Title 14 CFR part 43. This collection focuses on Form 337 which is collected by the FAA. Other records for preventative maintenance, and logbook entries are not collected by the FAA serve as a responsibility of the owner to maintain in case of verification of airworthiness when seeking approval or sale of the aircraft. This ensures proper certification of personnel; proper tooling is utilized and accurate measures to ensure safety. Total form 337s submitted in 2024 is 76,253. Total general aviation aircraft registrations on file are 438,651. It is estimated by the numbers collected one in every five aircraft have a 337-form submitted for major alteration and repairs performed. Each 337 takes approximately 1 hour.

Respondents: 438,651.

Frequency: On occasion.

Estimated Average Burden per Response: 1 Hour.

Estimated Total Annual Burden: Industry Annual burden 76,253 man hours.

Issued in Issued in Washington, DC, on June 30, 2026.

Jude Sellers,

Aviation Safety Inspector, AFS–340 General Aviation Maintenance Branch.

[FR Doc. 2026–16913 Filed 8–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent To Prepare an Environmental Impact Statement and Draft Environmental Impact Statement: Bishopville Truck Route, Bishopville, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to rescind notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: FHWA is issuing this notice to advise the public that it is rescinding its Notice of Intent (NOI), published in the **Federal Register** on April 14, 2017, to prepare an Environmental Impact Statement (EIS) for the Bishopville Truck Route, state project #033261, a proposal to provide a truck route in the vicinity of the City of Bishopville in Lee County, South Carolina.

ADDRESSES:

Electronic Access

An electronic copy of this notice may be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

FOR FURTHER INFORMATION CONTACT: Aaron M. Dawson, Deputy Division Administrator, Federal Highway Administration, Strom Thurmond Federal Building, 1835 Assembly Street, Suite 1270, Columbia, South Carolina 29201, Telephone: (803) 253–3885, Email: *aaron.dawson@dot.gov.*

SUPPLEMENTARY INFORMATION: FHWA, in cooperation with the South Carolina Department of Transportation (SCDOT) and the Santee-Lynches Regional Council of Governments (SLRCOG), published a notice of intent in the **Federal Register** on April 14, 2017, at 82 FR 18073, to prepare an EIS for a proposal to construct a truck route in the vicinity of the City of Bishopville in Lee County, South Carolina, from US 15 near I–20, southwest of the City, to the junction of US 15 and Bethune Highway (SC 341), northeast of the City. The FHWA and the SCDOT prepared a Draft Environmental Impact Statement (DEIS), which was approved on March 8, 2022. The DEIS was circulated to the public, and a public hearing was held on April 19, 2022. The SCDOT initially considered twenty-four different alternatives for the project that would have created a truck bypass route around the City of Bishopville.

On June 1, 2026, SCDOT and the SLRCOG sent letters to the FHWA South Carolina Division Administrator requesting the Notice of Intent and DEIS be rescinded due to regional funding constraints. The letters requesting the recission are available by contacting FHWA South Carolina Division.

Based on SCDOT and SLRCOG's requests to discontinue work due to scope and funding concerns, FHWA is rescinding the NOI and the March 2022 DEIS. Comments or questions concerning the rescission of this NOI and the EIS for the Bishopville Truck Route project should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 42 U.S.C. 4321 *et seq.;* 23 CFR part 771.

Aaron M. Dawson

Deputy Division Administrator, Columbia, South Carolina.

[FR Doc. 2026–16909 Filed 8–18–26; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before October 19, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–2290'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, 470–769–2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork

Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Control Number: 1545–2290.

Abstract: Under the Government Service Delivery Improvement Act and the 21st Century Integrated Digital Experience Act, along with OMB guidance, agencies are required to continually improve their services to the public using qualitative and quantitative data. The purpose of this information collection request is to collect feedback from the public to improve the Agency's services and support the Agency's compliance with these statutory requirements.

The Agency will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial, meaning they are not expected to raise issues that call for public comment;
- Collections seek feedback from respondents who have experience with the program or may have experience with it in the future;
- Personally identifiable information (PII) is collected only to the extent necessary, and the Agency will comply with applicable legal and policy requirements to ensure its protection;
- Information gathered is intended to be used for general service improvement and program management purposes;
- The agency will follow the procedures specified in any relevant OMB guidance for the required reporting survey data to OMB;
- Other than the reporting to OMB described in the prior bullet, if the Agency intends to release journey maps, user personas, reports, or other data-related summaries from this collection, the Agency must include appropriate caveats around those summaries and explain that conclusions should not be generalized beyond the sample given the sample size and response rates. The Agency must submit the data summary (for example, a report), including the caveat language, to OMB before it releases it outside the Agency.
- Information will be collected electronically when possible. The Agency may use other methods, such as mail, fax, telephone, technical discussions, in-person interviews, focus groups, and observational techniques.

Current Actions: IRS is updating the requested burden hours to reflect current and anticipated needs for these collection activities.

Type of Review: Extension of a currently approved collection.

Affected Public: Collections will seek feedback and opinions from respondents who have experience with the program or may have experience with the program in the future. For the purposes of this request, respondents are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor. Respondents may include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and universities.

Estimated Number of Responses: 2,001,550.

Estimated Time Per Response: Varied, ranging from 3 minutes up to 1.5 hours, dependent upon the data collection method used. For example, the response time for a feedback survey may be 3 minutes while the response time for a focus group may be 1.5 hours.

Estimated Total Annual Burden Hours: 101,125.

Dated: August 17, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–16916 Filed 8–18–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Annual Certification for Multiemployer Defined Benefit Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before October 19, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–2111'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–6008.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to

enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Annual Certification for Multiemployer Defined Benefit Plans.

OMB Control Number: 1545–2111.

Form Number: 15315.

Abstract: Internal Revenue Code section 432(b)(3) requires an actuarial certification of whether a multiemployer plan is in endangered status, and whether a multiemployer plan is or will be in critical status, for each plan year. This certification must be completed by the 90th day of the plan year and must be provided to the Secretary of the Treasury and to the plan sponsor. If the certification is with respect to a plan year that is within the plan's funding improvement period or rehabilitation period arising from a prior certification of endangered or critical status, the actuary must also certify whether the plan is making scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

Actuaries submit Form 15315 to report the actuarial certification of a multiemployer plan's status.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Responses: 1,200.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 900.

Dated: August 14, 2026.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2026–16847 Filed 8–18–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the VA Voluntary Service (VAVS) National Advisory Committee (NAC) will meet September 2–3, 2026 at the Orlando VA Healthcare System's Lake Nona Campus located at 13800 Veterans Way, Orlando, FL 32827. The meeting sessions will begin and end as follows:

Meeting date(s)	Meeting time(s)
Wednesday, September 2, 2026	9:00 a.m. to 5:00 p.m. Eastern Standard Time (EST).
Thursday, September 3, 2026	9:00 a.m. to 12:30 p.m. EST.

The meeting sessions are open to the public.

The Committee, comprised of 52 major Veteran, civic, and service organizations, advises the Secretary, through the Under Secretary for Health, on the coordination and promotion of volunteer activities and strategic partnerships within VA health care facilities, in the community, and on matters related to volunteerism and charitable giving.

Agenda topics will include the NAC goals and objectives; review of minutes from the May 14–16, 2024 meeting; briefings from the Advisory Committee Management Office, Food Security Office, Office of Rural Health, and VA Center for Development and Civic Engagement (CDCE); subcommittee reports; review of standard operating procedures; assessment of member organization data; and any new business.

On September 3, 2026, the public comment period will be open for 30 minutes from 12:00 p.m. to 12:30 p.m. EST. The comment period may end sooner if there are no comments presented or they are exhausted before the end time. Any member of the public wishing to virtually attend the meeting or seeking additional information should contact Dr. Matthew Eitutis, Designated Federal Officer, Department of Veterans Affairs, Voluntary Service National Advisory Committee at *VHA19CDCEaction@va.gov.*

Dated: August 17, 2026.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–16873 Filed 8–18–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 159 August 19, 2026

Part II

The President

Proclamation 11055—Adjusting Imports of Unmanned Aircraft Systems and Unmanned Aircraft Systems Components Into the United States

Federal Register
Vol. 91, No. 159
Wednesday, August 19, 2026

Presidential Documents

Title 3—

The President

Proclamation 11055 of August 13, 2026

Adjusting Imports of Unmanned Aircraft Systems and Unmanned Aircraft Systems Components Into the United States

By the President of the United States of America

A Proclamation

1. Within the past 90 days, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effects of imports of unmanned aircraft systems (UAS), as well as their parts and components (together, UAS components), on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (section 232). Based on the facts considered in that investigation, and taking into account the close relation of the economic welfare of the Nation to our national security and other relevant factors, *see* section 232(d) (19 U.S.C. 1862(d)), the Secretary found and advised me of his opinion that UAS and UAS components are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States and provided recommendations for action under section 232 to adjust the imports of UAS and UAS components so that such imports will not threaten to impair the national security of the United States.

2. Among other things, the Secretary found that UAS and UAS components are essential to the national and economic security of the United States. UAS are a key technology in modern armed conflict and are critical for present and future U.S. military operations. They have proven essential in recent conflicts, as low-cost UAS are able to inflict significant damage on far more expensive weapons systems, facilities, and infrastructure. UAS are used by many executive departments and agencies (agencies) for purposes of law enforcement, scientific research, environmental monitoring, aerial mapping, surveillance, agriculture, disaster relief, and search and rescue. Further, UAS are used to protect critical infrastructure against adversaries that seek to damage or gain information on the operations of critical infrastructure installations throughout the United States, safeguarding U.S. national and economic security. And UAS are widely used by private companies and State and local governments for critical applications, such as agriculture, emergency and first response, telecommunications, energy, construction, and transportation and delivery.

3. The Secretary found that import penetration from foreign producers of UAS is substantial and that the United States is too reliant on foreign sources of UAS and UAS components. Import reliance creates strategic vulnerabilities, presenting risks that disruption or delays due to a geopolitical event or natural disaster would affect global transportation and trade. Most commercial and industrial UAS, even those produced in the United States, incorporate critical parts and components produced overseas. For example, many U.S. commercial manufacturers that produce UAS domestically are highly dependent on foreign sources for critical UAS components, such as motors, electronic speed controllers, lithium-ion batteries, and docking stations, which creates unacceptable national security vulnerabilities. Such reliance poses significant risks to U.S. national security through our dependence on unreliable supply chains for an essential technology and the potential of significant cybersecurity vulnerabilities.

4. In addition, the Secretary found that UAS and UAS components from certain foreign entities pose security and safety risks. Such products pose an information technology security risk because their software allows data to be sent back to the manufacturer in a foreign country, which can then be exploited by the government of that foreign country. Operators cannot control this data flow because it is integrated into the UAS factory installed operating system.

5. The Secretary also found that the domestic industry does not produce enough UAS and UAS components to safely meet national security needs and that the need and demand for domestically produced UAS and UAS components will only increase. As it stands, there are concerns as to whether the U.S. industry can produce UAS and UAS components at the required speed and scale to adequately support national security operations and activities, including during a surge for wartime or armed conflict, or in a manner to sustain long-term economic competitiveness. In the Secretary's opinion, domestic capacity needs to be expanded rapidly for end products, components, and subcomponents to meet anticipated military and commercial requirements and to ensure the economic competitiveness of the United States.

6. The Secretary further found that foreign imports and unfair trade practices, without intervention, will continue to harm the United States, UAS industry, and industries that rely on the U.S. UAS industry. In the Secretary's view, this hinders the incentives for U.S. producers to invest in developing and expanding manufacturing capacity, production, and their workforce.

7. In light of these findings and the other findings in the Secretary's report, the Secretary recommended actions to adjust the imports of UAS and UAS components so that such imports will not threaten to impair the national security. For example, the Secretary recommended a high *ad valorem* duty on UAS with a maximum take-off weight of more than 25 kilograms, because those UAS can more easily be used for weapons-related purposes and are more likely to have sophisticated technologies for surveillance. The Secretary recommended imposing the same high *ad valorem* tariff on UAS docking stations, as they can be used to control autonomous UAS systems that are typically deployed around U.S. critical infrastructure. The Secretary recommended a lower *ad valorem* duty on UAS with a maximum take-off weight of 25 kilograms or less. The Secretary recommended a lower *ad valorem* duty on certain critical UAS components, which would become effective after a temporary delay, to allow time for greater domestic production of these products. The Secretary also recommended that the Department of Commerce be authorized to establish an onshoring program for UAS and UAS components that provides preferential tariff treatment to companies that commit to building new U.S. manufacturing facilities for UAS and UAS components.

8. After considering the Secretary's report, the factors in section 232(d) (19 U.S.C. 1862(d)), and other relevant factors and information, I concur with the Secretary's finding that UAS and UAS components are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. In my judgment, and in light of the Secretary's report, the factors in section 232(d) (19 U.S.C. 1862(d)), and other relevant factors and information, I determine that it is necessary and appropriate to adopt a plan of action, as described below, to adjust the imports of UAS and UAS components so that such imports will not threaten to impair the national security of the United States.

9. I determine that it is necessary and appropriate to impose *ad valorem* duties on certain UAS and UAS components. Specifically, I determine that it is necessary and appropriate to impose a 100 percent *ad valorem* duty rate on the import of UAS with a maximum take-off weight of more than 25 kilograms, UAS that integrate thermal imagers, UAS docking stations, and certain UAS components, as identified in Annex I to this proclamation,

and except as otherwise provided in this proclamation. In addition, I determine that it is necessary and appropriate to impose a 25 percent *ad valorem* duty rate on imports of UAS with a maximum take-off weight of 25 kilograms or less, as identified in Annex II to this proclamation, and except as otherwise provided in this proclamation.

10. I determine that it is necessary and appropriate to impose a 25 percent *ad valorem* duty rate on imports of certain UAS components, as identified in Annex III to this proclamation, and except as otherwise provided in this proclamation. This duty will take effect 180 days from the date of this proclamation to incentivize production onshoring.

11. Further, I determine that it is necessary and appropriate to authorize the Secretary to include additional UAS components within the scope of the tariffs, on a rolling basis, when he determines that imports of those UAS components threaten to undermine the actions taken to address the national security risks found in this proclamation.

12. I also determine that it is necessary and appropriate to establish an incentive program for companies investing in new U.S. production capacity for UAS and UAS components, as further detailed below.

13. In my judgment, the actions in this proclamation are necessary and appropriate to address the threatened impairment of the national security of the United States posed by imports of UAS and UAS components. The actions in this proclamation will, among other things, encourage increased domestic production of UAS and UAS components and reduced reliance on foreign sources and foreign supply chains. These actions also will promote investment, employment, manufacturing, and innovation in the United States for UAS and UAS components and accessories; strengthen supply chains; enhance industrial resilience; and generate meaningful economic benefits. And these actions will strengthen the ability of the defense industrial base to domestically produce key systems and products that support military operations, defense readiness, and other national security functions and activities.

14. Section 232 authorizes the President to take action to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security so that such imports will not threaten to impair the national security.

15. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) (section 604), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232; section 604; and section 301 of title 3, United States Code, do hereby proclaim as follows:

(1) Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on September 3, 2026, except for products covered by clause (6) of this proclamation, subchapter III of chapter 99 of the HTSUS is modified as provided in Annex IV to this proclamation and the applicable *ad valorem* rate of duty for the imports of UAS and UAS components listed in Annex I and Annex II to this proclamation shall be:

(a) 100 percent for the UAS and UAS docking stations and critical components listed in Annex I to this proclamation, unless a lower rate of duty applies pursuant to clause (4) or (6) of this proclamation; and

(b) 25 percent for the UAS listed in Annex II to this proclamation, unless a lower rate of duty applies pursuant to clause (4) or (6) of this proclamation.

(2) Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on February 9, 2027, for the UAS components listed in Annex III to this proclamation, the applicable *ad valorem* duty rate imposed pursuant to section 232 shall be 25 percent, unless a lower duty rate applies pursuant to clause (4) or (6) of this proclamation.

(3) The duties imposed pursuant to clauses (1) and (2) of this proclamation shall continue in effect unless they are expressly reduced, modified, or terminated. These duties shall apply in addition to any other duties, taxes, fees, exactions, and charges applicable to such products, except as otherwise specified in this proclamation.

(4) For products of Japan, the Republic of Korea, Taiwan, Switzerland, Liechtenstein, or a member nation of the European Union, the duty rate shall be no higher than 15 percent *ad valorem,* including any duty rate under Column 1 of the HTSUS (Column 1 Duty Rate). For products of the United Kingdom, the duty rate shall be no higher than 10 percent *ad valorem.* These duty rates shall apply only if substantially all the critical components and technology are certified by importers to be products of the United States, Japan, the Republic of Korea, Taiwan, Switzerland, Liechtenstein, a member nation of the European Union, or the United Kingdom. The Secretary, in consultation with any senior executive branch officials the Secretary deems appropriate, shall establish a process to determine whether the criteria in this clause are met for particular products. The Secretary shall inform U.S. Customs and Border Protection (CBP) of the products that meet or will meet the criteria in this clause.

(5) The Secretary is authorized to subject additional UAS components to the tariffs imposed by this proclamation if he determines that imports of the UAS component have increased in a manner that threatens to impair the national security; contribute to the national security threat found in this proclamation; or otherwise undermine the objective of the action taken in this proclamation or pursuant to this proclamation to address the national security threat found in this proclamation. In determining whether to subject additional UAS components to the tariffs imposed by this proclamation, the Secretary may solicit information, feedback, recommendations, or other relevant materials from domestic producers, industry associations, or other interested parties. The additional *ad valorem* duty rate applicable under clause (1) or (2) of this proclamation shall apply to any new UAS components included by the Secretary. Any inclusion shall apply to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on the date that the Secretary makes the requisite finding or the first practicable effective date after that time, as set forth in a notice in the *Federal Register* issued by the Secretary. The Secretary is authorized to reconsider his inclusion decisions, including by modifying or reversing his decisions.

(6) The Secretary is authorized to and shall establish a program to incentivize new investment in U.S. production facilities to produce UAS and UAS components (Covered Products).

(a) The Secretary is authorized to solicit and accept onshoring plans from companies that are building new facilities in the United States that will produce Covered Products. Any onshoring plan shall include: a commitment, if the plan is approved, to build, refurbish, or expand a facility in the United States that will produce Covered Products; a commitment that construction will occur before January 20, 2029; and any other relevant information and analysis, including requirements set by the Secretary.

(b) The Secretary is authorized to approve onshoring plans described in subclause (a) of this clause. In determining whether an onshoring plan qualifies for approval, the Secretary shall consider all relevant factors he deems appropriate, such as whether the company has received a Conditional Approval with an approved onshoring plan from the Department

of War (DoW) or the Department of Homeland Security (DHS), the anticipated start date of construction, whether the proposed plan's project timeline is commercially reasonable, whether the proposed plan's project milestones are commercially reasonable, the anticipated annual production of Covered Products from the onshoring project, whether the proposed plan's Covered Products production projections are reasonable, and how the benefits of the reduced tariff rate will be allocated between the applicants of the onshoring plan. For companies that have submitted UAS-related onshoring information to the Federal Communications Commission (FCC) for adjudication by DoW or DHS, the Secretary of War and the Secretary of Homeland Security are authorized to share such information with the Secretary. When approving onshoring plans, the Secretary shall act in a manner consistent with the need to address the national security threat found in this proclamation.

(c) If the Secretary, in coordination with the Secretary of War and any other senior executive branch official he deems appropriate, approves a company's onshoring plan, the Secretary shall allow the company to import Covered Products for its supply chain as well as necessary production equipment, in volumes that are commensurate with the U.S. production facility's reasonably anticipated annual output of Covered Products when the onshoring project is completed, without paying applicable section 232 duties. Such benefits shall be provided during the period that the facility is under construction.

(d) The Secretary is authorized to take all actions that he deems appropriate to implement and effectuate this program, including, consistent with applicable law, the issuance of regulations, rules, guidance, and procedures. The Secretary shall streamline this process for industry seeking to onshore and align the onshoring requirements with the FCC's Conditional Approval application, where appropriate. All approved onshoring plans shall be subject to monitoring and enforcement by the Secretary. The Secretary may require that companies with approved onshoring plans submit reports to the Department of Commerce to ensure compliance with domestic manufacturing commitments, and the Secretary may require that such reports be audited, including by external auditing firms. Should the Secretary determine that a company is substantially failing to meet its agreed-upon commitments that are the basis for granting the tariff benefits detailed in this proclamation, the Secretary is authorized to cease and rescind the tariff benefits awarded pursuant to this proclamation. In cases where the executive branch assesses that a company engaged in fraud or deliberately misled the United States Government with respect to onshoring commitments, the rescission of tariff benefits can be retroactive to the extent permitted by law, and the Commissioner of CBP may collect the additional tariffs owed because of the retroactive rescission of the tariff benefits. The executive branch may seek or impose any appropriate fines or penalties to the extent consistent with applicable law.

(7) For companies on the DoW's Blue UAS Cleared List, the Blue UAS Framework, or the FCC's Conditional Approval List on September 2, 2026, the effective date referenced in clause (1) of this proclamation shall be 180 days from the date of this proclamation, with respect to the Covered Products that are included on the FCC's Conditional Approval list, as well as their components, and products that are included on the DoW's Blue UAS Cleared List, as well as their components. The Secretary shall inform CBP of the companies and products that meet or will meet the criteria in this clause.

(8) Only manufacturing drawback claims made in accordance with subsections (a) and (b) of section 313 of the Tariff Act of 1930, as amended, 19 U.S.C. 1313(a)–(b), shall be available with respect to the duties imposed pursuant to this proclamation on articles that meet the following conditions:

(a) The article is not of a type of merchandise subject to an antidumping or countervailing duty order, without regard to whether the article is from the country or countries listed in the order or orders;

(b) The article is a product of Trade Agreement Partners, composed of the United Kingdom, the European Union, Switzerland, Liechtenstein, Japan, the Republic of Korea, Mexico, Canada, and any trading partner with which the United States concludes a trade and security agreement; and

(c) At least 85 percent of the content of the article is a product of Trade Agreement Partners.

(9) Any product described in Annex I, Annex II, or Annex III to this proclamation, except those eligible for admission as ''domestic status'' as described in 19 CFR 146.43, that is subject to a duty imposed by this proclamation and that is admitted into a United States foreign trade zone on or after the effective date of this proclamation, must be admitted as ''privileged foreign status'' as described in 19 CFR 146.41 and will be subject upon entry for consumption to any *ad valorem* rates of duty related to the classification under the applicable HTSUS subheading.

(10) The Secretary, in consultation with the Secretary of Homeland Security, the United States Trade Representative, the Chairman of the United States International Trade Commission, and any other senior executive branch officials the Secretary deems appropriate, shall determine whether any modifications to the HTSUS, end-use certifications, or other administrative measures are necessary to effectuate or implement this proclamation or any actions taken pursuant to this proclamation, and shall make such modifications through notice in the *Federal Register*. The Secretary may also make any technical or ministerial corrections to any annexes to this proclamation.

(11) The Secretary shall continue to monitor and evaluate imports of UAS and UAS components. The Secretary shall, from time to time, review the status of imports of UAS and UAS components with respect to the national security. The Secretary shall inform the President of any circumstances that, in the Secretary's opinion, might indicate the need for further action by the President under section 232. The Secretary shall also inform the President of any circumstance that, in the Secretary's opinion, might indicate that any of the actions taken under section 232 are no longer necessary. The Secretary shall provide one of these updates within 120 days of the date of this proclamation, and that update shall include information the Secretary deems relevant, such as market conditions.

(12) To the extent consistent with applicable law, the Secretary and the Secretary of Homeland Security are directed and authorized to take all actions that are appropriate to implement and effectuate this proclamation and any actions contemplated by this proclamation—including through temporary suspension or amendment of regulations or through notices in the *Federal Register* and by adopting rules, regulations, or guidance—and to employ all powers granted to me, including by section 232, as may be appropriate to implement and effectuate this proclamation. The head of each executive department and agency (agency) is authorized to and shall take all appropriate measures within the agency's authority to implement this proclamation. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate the authority to take such appropriate measures within the agency.

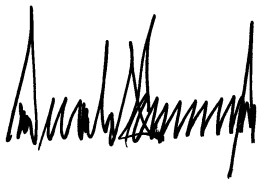
(13) The Secretary may issue rules, regulations, and guidance consistent with this proclamation, including to address operational necessity.

(14) The Secretary of Homeland Security may take any appropriate measures to administer, implement, and enforce this proclamation and the tariff regime imposed in this proclamation.

(15) Any provision of previous proclamations and Executive Orders that is inconsistent with this proclamation is superseded to the extent of such inconsistency.

(16) If any provision of this proclamation or the application of any provision of this proclamation to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individual or circumstance shall not be affected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of August, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.



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Annex I

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, do not supersede the text of the HTSUS, and are not intended to delimit in any way the scope of the action, except as specified below. A 100% *ad valorem* Section 232 tariff shall apply to the full value of the articles listed below. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included."

Notes on certain HTSUS provisions for which only certain articles classifiable in the provision are covered in this Annex, as provided in the "Scope Limitations" Column:

- A subheading marked with "**TI**" includes only UAS with thermal imaging.
- A subheading marked with "**Part**" includes only parts for UAS listed in the Annex that have a maximum take-off weight exceeding 25 kg, except parts for UAS for retail delivery use, agricultural use, or sale to the Department of War.

HTSUS	Description	Scope Limitations
8504.40.9580	Static converters, other, for use in UAS	
8537.10.9170	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90 of the HTSUS, and numerical control apparatus, other than switching apparatus of heading 8517, for a voltage not exceeding 1000 volts, other than touch-sensitive data input devices without display capabilities, nesoi, for use in UAS	
8806.21.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of not more than 250 g	TI
8806.22.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 250 g but not more than 7 kg	TI
8806.23.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 7 kg but not more than 25 kg	TI
8806.24.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 25 kg but not more than 150 kg	
8806.29.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 150 kg	
8806.91.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of not more than 250 g	TI
8806.92.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 250 g but not more than 7 kg	TI
8806.93.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 7 kg but not more than 25 kg	TI
8806.94.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 25 kg but not more than 150 kg	

HTSUS	Description	Scope Limitations
8806.99.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 150 kg	
8807.10.0015	Propellers and rotors and parts thereof for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard	Part
8807.10.0030	Propellers and rotors and parts thereof for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard	Part
8807.10.0060	Propellers and rotors and parts thereof, for use in aircraft other than civil aircraft	Part
8807.20.0015	Undercarriages and parts thereof for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard	Part
8807.20.0030	Undercarriages and parts thereof for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard	Part
8807.20.0060	Undercarriages and parts thereof, for use in aircraft other than civil aircraft	Part
8807.30.0015	Other parts of airplanes or helicopters, nesoi, for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard	Part
8807.30.0030	Other parts of airplanes or helicopters, nesoi, for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard	Part
8807.30.0060	Other parts of airplanes or helicopters for use in aircraft other than civil aircraft (excludes propellers, rotors, undercarriages and parts thereof)	Part
8807.90.9015	Other parts, nesoi, for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard	Part
8807.90.9030	Other parts, nesoi, for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard	Part
8807.90.9060	Other parts, nesoi, for use in aircraft other than civil aircraft, spacecraft and spacecraft launch vehicles (excluding parts of communication satellites)	Part

Annex II

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, do not supersede the text of the HTSUS, and are not intended to delimit in any way the scope of the action. A 25% *ad valorem* Section 232 tariff shall apply to the full value of the articles listed below when the UAS do not have thermal imaging.

HTSUS	Description
8806.21.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of not more than 250 g
8806.22.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 250 g but not more than 7 kg
8806.23.00	Unmanned aircraft, other, for remote-controlled flight only, with maximum take-off weight of more than 7 kg but not more than 25 kg
8806.91.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of not more than 250 g
8806.92.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 250 g but not more than 7 kg
8806.93.00	Unmanned aircraft, other, for non-remote-controlled flight only, with maximum take-off weight of more than 7 kg but not more than 25 kg

Annex III

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, do not supersede the text of the HTSUS, and are not intended to delimit in any way the scope of the action, except as specified below. A 25% *ad valorem* Section 232 tariff shall apply to the full value of the articles listed below when imported for use in UAS. If an article is covered by both Annex I and this Annex, only the rate of duty proscribed in Annex I shall apply. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included."

HTSUS	Description
8807.10.0015	Propellers and rotors and parts thereof for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard
8807.10.0030	Propellers and rotors and parts thereof for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard
8807.10.0060	Propellers and rotors and parts thereof, for use in aircraft other than civil aircraft
8807.20.0015	Undercarriages and parts thereof for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard
8807.20.0030	Undercarriages and parts thereof for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard
8807.20.0060	Undercarriages and parts thereof, for use in aircraft other than civil aircraft
8807.30.0015	Other parts of airplanes or helicopters, nesoi, for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard
8807.30.0030	Other parts of airplanes or helicopters, nesoi, for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard
8807.30.0060	Other parts of airplanes or helicopters for use in aircraft other than civil aircraft (excludes propellers, rotors, undercarriages and parts thereof)
8807.90.9015	Other parts, nesoi, for use in civil aircraft, for use by the Department of Defense or the United States Coast Guard
8807.90.9030	Other parts, nesoi, for use in civil aircraft, not for use by the Department of Defense or the United States Coast Guard
8807.90.9060	Other parts, nesoi, for use in aircraft other than civil aircraft, spacecraft and spacecraft launch vehicles (excluding parts of communication satellites)

Annex IV

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on September 3, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. The following new U.S. note 43 is inserted in numerical order:

"43. (a) Except for heading 9903.08.20, headings 9903.08.21–9903.08.26 provide the ordinary customs duty treatment of unmanned aircraft systems, including their parts and components, as provided for in subdivision (c) of this note. These headings are mutually exclusive, such that an imported article will be subject to no more than one of these headings.

(b) For imported articles provided for in headings 9903.08.21–9903.08.26 that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duties provided in these headings shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading. Goods for which entry is claimed under a provision of chapter 98 to the HTSUS and that are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (CBP) regulations. No claim for entry or for any duty exemption or reduction shall be allowed under a provision of chapter 99 to the HTSUS that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP. All antidumping, countervailing or other duties and charges applicable to such goods shall continue to be imposed.

(c) Headings 9903.08.21–9903.08.26 apply to articles described below and provided for in the following HTSUS numbers:

(1) Unmanned aircraft, docking stations for unmanned aircraft or parts for such docking stations:

8504.40.9580	8537.10.9170	8806.24.00	8806.29.00
8806.94.00	8806.99.00		

(2) Parts or components for use in or with an unmanned aircraft system with a maximum take-off weight of more than 25 kg, except those for systems for retail delivery use, agricultural use, or sale to the Department of War:

8807.10.00	8807.20.00	8807.30.00	8807.90.90

(3) Unmanned aircraft with thermal imaging:

8806.21.00	8806.22.00	8806.23.00	8806.91.00
8806.92.00	8806.93.00		

(4) Unmanned aircraft without thermal imaging:

8806.21.00	8806.22.00	8806.23.00	8806.91.00
8806.92.00	8806.93.00		

(d) Headings 9903.08.23 and 9903.08.24 apply to articles provided for in subdivision (c) of this note if substantially all the critical components and technology are the product of the United States, Japan, the Republic of Korea, Taiwan, Switzerland, Liechtenstein, a member nation of the European Union or the United Kingdom. Heading 9903.08.23 applies to such articles that are the product of the United Kingdom.

Heading 9903.08.24 applies to such articles that are the product of Japan, Liechtenstein, South Korea, Switzerland, Taiwan or of a member nation of the European Union. For articles provided for in heading 9903.08.24 with a column 1 rate of duty of less than 15 percent, the sum of the column 1 rate of duty and the additional *ad valorem* rate of duty pursuant to heading 9903.08.24 will total 15 percent *ad valorem*."

2. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special" and "Rates of Duty 2", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.08.20	Articles provided for in the enumerated provisions of subdivision (c) of U.S. note 43 to this subchapter that are not for use in or with the products described therein	No change	No change	No change
9903.08.21	Except as provided in headings 9903.08.23–9903.08.26, unmanned aircraft, their parts and components, as provided for in subdivisions (c)(1)–(3) of U.S. note 43 to this subchapter	The duty provided in the applicable subheading + 100%	The duty provided in the applicable subheading + 100%	The duty provided in the applicable subheading + 100%
9903.08.22	Except as provided in headings 9903.08.23–9903.08.26, unmanned aircraft, as provided for in subdivision (c)(4) of U.S. note 43 to this subchapter	The duty provided in the applicable subheading + 25%	The duty provided in the applicable subheading + 25%	The duty provided in the applicable subheading + 25%
9903.08.23	Unmanned aircraft, their parts and components that are the product of the United Kingdom, as provided for in subdivisions (d) of U.S. note 43 to this subchapter	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%	No change

9903.08.24	Unmanned aircraft, their parts and components that are the product of Japan, Liechtenstein, South Korea, Switzerland, Taiwan or a member nation of the European Union, as provided for in subdivisions (d) of U.S. note 43 to this subchapter	15%	15%	No change
9903.08.25	Unmanned aircraft, their parts and components, as provided for in subdivision (c) of U.S. note 43, imported for companies subject to an onshoring plan approved by the Department of Homeland Security or the Department of War	No change	No change	No change
9903.08.26	Unmanned aircraft, their parts and components, as provided for in subdivision (c) of U.S. note 43, imported subject to an onshoring plan approved by the Secretary of Commerce in accordance with a process to be established in a Federal Register notice	No change	No change	No change”

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on February 9, 2027, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. U.S. note 43 is modified by inserting new subdivision (c)(5) in numerical order:

   “(5) Parts or components for use in or with an unmanned aircraft system, except those covered in subdivision (c)(2) of this note:

   8807.10.00 8807.20.00 8807.30.00 8807.90.90”;

2. Heading 9903.08.22 is modified by deleting “as provided for in subdivision (c)(4)” and inserting “their parts and components, as provided for in subdivisions (c)(4) and (5)” in lieu thereof; and

3. Heading 9903.08.25 is terminated and deleted from the HTSUS.

[FR Doc. 2026–16979
Filed 8–18–26; 11:15 am]
Billing code 7020–02–C

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