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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Doc. No. AMS–SC–25–0617]

Sweet Cherries Grown in Designated Counties in Washington; Modification of Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Washington Cherry Marketing Committee (Committee) to update the marketing order regulating the handling of sweet cherries grown in designated counties in Washington. This final rule increases the minimum size requirements for all sweet cherry varieties, except the Rainier, Royal Anne, and similar varieties, commonly referred to as ''light sweet cherries.'' In addition, this final rule removes one row count/row size designation, adds two new row count/row size designations, and revises the title of the table in the marketing order's pack requirements table.

DATES: Effective January 1, 2027.

FOR FURTHER INFORMATION CONTACT: Virginia Tjemsland, Marketing Specialist, or Barry Broadbent, Chief, Northwest Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (503) 326–2724; or email: *Virginia.L.Tjemsland@usda.gov* or *Barry.Broadbent@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (Act), amending Marketing Order No. 923 (7 CFR part 923; the Order), regulating the handling of sweet cherries grown in designated counties of Washington. The Committee locally administers the Order and is comprised of growers and handlers of sweet cherries operating within the area of production.

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This rule amends existing Marketing Order No. 923, as amended (7 CFR part 923), Sweet Cherries Grown in Designated Counties in Washington, and is necessary for the continued operation of the Order. Additionally, this action is exempt from the requirements of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' pursuant to section 5(c).

This final rule has been reviewed under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. The Agricultural Marketing Service (AMS) has determined this final rule is unlikely to 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.

This final rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' This final rule is not intended to have a retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(c)(15)(A) of the Act, any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Under the Order, sweet cherries produced in designated counties in Washington are required to be inspected and are subject to grade, size, quality, maturity, pack, and container requirements. This final rule increases the minimum size requirements for all sweet cherry varieties, except the Rainier, Royal Anne, and similar varieties commonly referred to as ''light sweet cherries.'' In addition, this action removes one row count/row size designation and adds two new row count/row size designations to the Order's pack requirements.

Section 923.51 of the Order authorizes the Committee to recommend handling regulations to the Secretary. Section 923.52 of the Order authorizes the Secretary to establish such handling regulations. Further, § 923.53 authorizes the Committee to recommend the modification, suspension, or termination of handling regulations when it finds that industry conditions so dictate. Section 923.322 establishes the minimum grade, size, quality, maturity, pack, and container requirements for sweet cherries handled subject to the Order. Section 923.322(b) establishes the Order's minimum size requirements and § 923.322(d) details the Order's pack requirements. Section 923.322(d)(1) includes a table that specifies the allowable row count/row size designations and the corresponding allowable size variation tolerance.

The Committee held two public meetings on May 22, 2024, and August 27, 2025, to consider changes to the Order's handling regulations. The Committee determined that the production and marketing conditions of Washington sweet cherries have changed and that the Order's handling regulations should be modified accordingly pursuant to § 923.53. The Committee met on May 22, 2024, and recommended, with a vote of nine in favor, three opposed, and one abstention, modifying the Order's handling regulations by increasing the minimum size requirements for all cherries, except cherries of the Rainier, Royal Anne, and other similar ''light sweet cherries,'' in § 923.322(b)(2). The Committee met again on August 27, 2025, and unanimously recommended, with a vote of 12 in favor and none opposed, modifying the Order's pack requirements in § 923.322(d)(1). The Committee recommended these changes to the Order, discussed in further detail below, to allow the industry to maximize market returns and facilitate access to crop insurance for growers, when necessary.

Currently, the size requirements in the Order's handling regulations require that at least 90 percent of all sweet cherries, except the Rainier, Royal Anne, and other similar "light sweet cherries," be a minimum size of 54/64 inch in diameter and not more than 5 percent, by count, may be less than 52/64 inch in diameter. In addition, under the Order's pack requirements, the minimum row count/row size designation is 12-row, with at least 90 percent, by count, not smaller than 54/64 inch in diameter. The largest defined row count/row size designation is an 8-row, with at least 90 percent, by count, not allowed to be smaller than 84/64 inch in diameter. Because there is no maximum size requirement defined by the Order's handling regulations, cherries larger than 84/64 inches in diameter were all designated as 8-row size/row count. For context, higher number row count/row size designations correlate to smaller fruit and lower number row count/row size designations correlate to larger size fruit.

At its meeting on May 22, 2024, the Committee recommended, with a vote of nine in favor, three opposed, and one in abstention, modifying the Order's handling regulations by increasing the minimum size requirements for all cherries, except cherries of the Rainier, Royal Anne, and other similar "light sweet cherries," from 54/64 inch in diameter (12-row count/row size designation) to 57/64 inch in diameter (11½-row count/row size designation). Under the change, at least 90 percent, by count, of cherries in any lot will be required to measure not less than 57/64 inch in diameter, and not more than 5 percent, by count, could measure less than 54/64 inch in diameter. Additionally, the Committee recommended eliminating the 12-row count/row size designation from the table in the Order's pack requirements to conform with the minimum size requirement increase to 57/64 inch in diameter (11½-row count/row size). The three members opposed did not believe the recommendation would be good for industry and would limit growers' ability to market all their fruit, as in some very specific circumstances, 12-row count/row size designated sweet cherries can be marketed. The abstaining member wanted additional time to consider the recommendation.

According to the Committee, small size cherries ranging from 54/64 to 57/64 inch in diameter (12-row count/row size) account for approximately 1 to 2 percent of the Washington sweet cherry market annually. In addition to making up a very small percentage of sweet cherry volume, small size cherries usually command a lower market price, which can create competition with the larger size fruit which is also produced within the production area. Further, during difficult crop years when weather events adversely impact yield and fruit size, growers are often required to pick and deliver their 12-row count/row size cherries to handlers to qualify for crop insurance coverage, even if picking the smaller size cherries is not economically viable. This is because crop insurance adjustors typically require harvesting all "marketable" fruit prior to submission of a crop insurance claim, even though the smaller size cherries have little market value to the grower or the handler. For these reasons, the Committee believes that increasing the minimum size requirement to 57/64 inch in diameter and eliminating the corresponding 12-row count/row size designation in the Order's pack requirements will be beneficial to the industry by preventing low value, small size cherries from competing in the market against larger, more valuable fruit, and by reducing crop insurance barriers for growers following weather-induced crop losses.

At its public meeting on August 27, 2025, the Committee recommended, with a vote of 12 in favor and none opposed, to further modify the Order's handling regulations by adding two new row count/row size designations to the Order's pack requirements. The rule will add a 7½-row count/row size designation, with a minimum 88/64 inches in diameter, and a 7-row count/row size designation, with a minimum 92/64 inches in diameter. Prior to this action, number 8-row count/row size (minimum 84/64 inches in diameter) and larger sweet cherries are marketed without further size definition, making it difficult for industry to differentiate and capitalize on the larger size fruit. The Committee believes that adding the two larger size designations will benefit growers and handlers of larger size sweet cherries and facilitate industry's desire to market larger size cherries in export markets at premium prices.

Therefore, this final rule amends the size requirements in § 923.322(b)(2) by increasing the minimum size requirement from 54/64 inch in diameter to 57/64 inch in diameter. Additionally, at least 90 percent, by count, of cherries in any lot are required to measure not less than 57/64 inch in diameter, and not more than 5 percent, by count, could measure less than 54/64 inch in diameter. Further, this final rule amends the table in § 923.322(d)(1) by removing the 12-row count/row size designation in Column 1, as well as the corresponding minimum 54/64 inch in diameter from same row in Column 2. This action also adds two new row count/row size designations to the table: a 7½-row count/row size in Column 1, with a corresponding minimum 88/64 inches in diameter in Column 2, and a 7-row count/row size in Column 1, with a corresponding minimum 92/64 inches in diameter in Column 2. Lastly, this final rule makes a technical amendment to revise the title of the pack requirements table to "Table 1 to Paragraph (d)(1)." For the reasons stated above, the changes in the Order's handling regulations effectuated by this final rule are expected to benefit growers, handlers, and consumers of Washington sweet cherries.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this final rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act are unique regulations in that they are brought about through group action of typically small entities acting on their own behalf.

There are approximately 1,350 sweet cherry growers in the production area and approximately 35 handlers subject to regulation under the Order. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural producers as those having annual receipts equal to or less than $3,500,000 (NAICS code 111339, Other Noncitrus Fruit Farming) (13 CFR 121.201). Small agricultural service firms, which include sweet cherry handlers, were defined by the SBA as those having annual receipts equal to or less than $34,000,000 (NAICS code 115114, Postharvest Crop Activities).

Based on data from the National Agricultural Statistics Service (NASS) and the Committee, the reported average price growers received for Washington sweet cherries during the 2024–2025 fiscal year was approximately $1.08 per pound, with total shipments of around

404,000,000 pounds. Using the average grower price, shipment information, and the number of growers, and assuming a normal distribution, the majority of growers have estimated average annual receipts of significantly less than $3,500,000 ($1.08 multiplied by 404,000,000 pounds equals $436,320,000, divided by 1,350 growers equals $323,200 per grower). Thus, the majority of growers may be classified as small entities.

According to data from Market News and production records from the Committee, the average price of Washington sweet cherries handled during the 2024–2025 fiscal year was approximately $3.17 per pound, with total shipments of around 404,000,000 pounds. Based on the average terminal market price, shipment information, and the number of handlers, and assuming a normal distribution, the majority of Washington sweet cherry handlers have estimated average annual receipts of more than $34,000,000 ($3.17 multiplied by 404,000,000 pounds equals $1,280,680,000 divided by 35 handlers equals $36,590,857 per handler). Thus, the majority of handlers may be classified as large entities.

This final rule increases the minimum size requirements in the Order's handling regulation for all varieties, other than Rainier, Royal Anne, and other similar ''light sweet cherries,'' from 54/64 inch in diameter to 57/64 inch in diameter. Under the amended minimum size, at least 90 percent, by count, of cherries in any lot are required to measure not less than 57/64 inch in diameter, and not more than 5 percent, by count, could measure less than 54/64 inch in diameter. The Committee stated that 12-row (54/64 inch in diameter) cherries regularly make up only 1 to 2 percent of the market and are not readily accepted by wholesale buyers, nor do handlers often choose to pack and market such small cherries. The Committee further indicated that in years of weather-induced crop failure or yield reductions, crop insurance requires growers to harvest and deliver all the cherries produced, even if handlers prefer that growers forgo delivery of small size fruit and growers prefer to avoid the expense and burden of harvesting such small size fruit. With this final rule, sweet cherry growers will be able to harvest fruit that is more readily accepted by handlers and successfully market such fruit to consumers. This action is expected to facilitate growers' use of crop insurance in years when the industry experiences a crop failure.

Additionally, this action modifies the table in the Order's pack requirements by eliminating the 12-row count/row size designation, which corresponds to a minimum diameter of 54/64 inches, and by adding a 7½-row count/row size designation (88/64 inches in diameter) and a 7-row count/row size designation (92/64 inches in diameter). With this final rule, the minimum row count/row size designation will be 11½, with a corresponding minimum diameter of 57/64 inches. The Committee believes that adding these size designations will allow the industry to differentiate markets and facilitate marketing large size, premium sweet cherries.

This final rule will not impose any additional costs to industry. It is not expected to have a significant impact positively or negatively on the revenue of handlers or growers of Washington sweet cherries, as the quantity of small, 12-row size fruit produced is very small, the market currently does not readily accept 12-row size sweet cherries, and such cherries, when produced and marketed, command lower prices than larger size fruit. The quality of sweet cherries is not expected to be significantly affected by this change and increasing the minimum size of marketable cherries aligns with what the market already demands. In addition, the Order's minimum grade requirements will not be impacted by this final rule and the addition of the larger size designations in the Order's pack requirements is expected to have a neutral or positive impact.

The Committee considered alternatives to the recommended changes made at its May 2024 meeting, including taking no action and continuing to regulate according to the requirements currently in effect under the Order. The Committee considered increasing the minimum size requirement to 61/64 inch in diameter and raising the minimum row count/row size designation to 11-row, thereby eliminating both the 12 and 11½-row count/row size designations from the pack requirements. However, the Committee determined that the minimum size and minimum row count/row size designation, as established through this action, will be in the best interest of the growers, handlers, and consumers of Washington sweet cherries. As such, the Committee rejected all other alternatives.

Further, the Committee also discussed alternatives to the recommended changes made at the August 2025 meeting, including taking no action and continuing to regulate based on the recommended proposals presented at the May 2024 meeting. The Committee considered various options regarding defining larger size fruit in the table in the Order's pack requirements. However, the Committee ultimately determined that adding two additional row count/row size designations (7½-row (88/64 inches in diameter) and 7-row (92/64 inches in diameter)) will be in the best interest of the growers, handlers, and consumers of Washington sweet cherries and rejected all other alternatives.

Committee meetings are widely publicized throughout the Washington sweet cherry industry and designated area. All interested persons are invited to attend meetings and participate in Committee deliberations. Like all Committee meetings, the May 22, 2024, and August 27, 2025, meetings were public meetings and all entities, both large and small, were able to express their views on this issue. Finally, interested persons were invited to submit comments on this rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Fruit Crops. This final rule does not require changes to the current information collection. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large sweet cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, 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.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

A proposed rule concerning this action was published in the **Federal Register** on March 9, 2026 (91 FR 11181). Copies of the proposed rule were provided to all Washington sweet cherry handlers. In addition, the proposal was made available through the internet by AMS and the Office of the Federal Register via *https://www.regulations.gov.* A 30-day comment period ending April 8, 2026, was provided for interested persons to respond to the proposal. AMS received nine comments during the comment period. Of the nine comments received, six expressed support for the proposal. One of the six supporting comments also proposed that cherries imported into the production area should also be required to meet the same requirements as cherries produced in the production area. However, because the Order does not regulate cherries imported into the production area, this recommendation is not permissible under the Order and, accordingly, no changes have been made to the rule as proposed.

Of the three remaining comments, one did not address the merits of the proposal and two expressed neither support nor opposition for the proposal but instead provided additional recommendations. One of those two comments recommended further increasing the minimum size requirement by removing up to and including the 11-row count/row size designation from the Order's pack requirements. As previously noted, the Committee had considered increasing the minimum row count/row size designation to 11-row, thereby eliminating both the 12 and 11½-row count/row size designations from the pack requirements. Ultimately, however, the Committee determined that the 11½-row minimum size and minimum row count/row size designation, as established by this final rule, would be in the best interest of the growers, handlers, and consumers of Washington sweet cherries because 11½ and 11-row sweet cherries remain marketable. Accordingly, AMS made no changes to the rule as proposed based on this recommendation.

The second comment recommended that AMS establish an effective date of January 1, 2027, so as not to disrupt the industry with mid-season handling regulation changes and to provide industry adequate time to prepare, implement, and support compliance with the final rule. AMS agrees with this request to minimize mid-season disruptions to industry and has established an effective date of January 1, 2027 for this final rule.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee, public comments, and all other available information, AMS has determined that this final rule is consistent with and effectuates the purposes of the Act.

List of Subjects in 7 CFR Part 923

Cherries, Fruits, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 923 as follows:

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

■ 1. The authority citation for part 923 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Amend § 923.322 by revising paragraph (b)(2), and by in paragraph (d)(1) revising the title of the table and the table itself to read as follows:

§ 923.322 Washington cherry handling regulation.

* * * * *

(b) * * *

(2) For all other varieties, at least 90 percent, by count, of the cherries in any lot shall measure not less than 57/64 inch in diameter and not more than 5 percent, by count, may be less than 54/64 inch in diameter.

* * * * *

(d) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (d)(1)

Column 1, row count/row size	Column 2 diameter (inches)
7	92/64
7½	88/64
8	84/64
8½	79/64
9	75/64
9½	71/64
10	67/64
10½	64/64
11	61/64
11½	57/64

* * * * *

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–17510 Filed 8–26–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–24–0061]

Tart Cherries Grown in the States of Michigan, et al.; Free and Restricted Percentages for the 2024–2025 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Cherry Industry Administrative Board (Board) to establish free market tonnage percentages (free percentages) and restricted percentages for the 2024–2025 crop year under the Federal marketing order for tart cherries grown in the states of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. This action establishes the proportion of tart cherries from the 2024–2025 crop which may be handled in commercial outlets. This action should stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns.

DATES: Effective September 28, 2026.

FOR FURTHER INFORMATION CONTACT: Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (863) 324–3375, or email: *Steven.Kauffman@usda.gov* or *Christian.Nissen@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (the Act), amending Marketing Order No. 930 (7 CFR part 930; the Order), regulating tart cherries grown in the states of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. The Board locally administers the Order and is comprised of growers and handlers of tart cherries operating within the production area, and a public member.

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This rule amends existing Marketing Order No 930, as amended (7 CFR part 930), Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, and is necessary for the continued operation of Marketing Order No. 930. Additionally, this action is exempt from the requirements of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' pursuant to section 5(c).

This final rule has been reviewed under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. The Agricultural Marketing Service (AMS) has determined this final rule is unlikely to 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.

This final rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' Under the Order now in effect, free and restricted percentages may be established for tart cherries for the 2024–2025 crop year. This action establishes free and restricted percentages for the 2024–2025 crop year, beginning July 1, 2024, through June 30, 2025.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule establishes the proportion of tart cherries from the 2024–2025 crop year which may be handled at 81 percent free and 19 percent restricted. The Secretary of Agriculture (Secretary) has determined that designating free and restricted percentages of tart cherries for the 2024–2025 crop year effectuates the declared policy of the Act to stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. These recommendations were made by the Board at a public meeting on September 12, 2024.

Section 930.51(a) of the Order provides the Secretary authority to regulate volume by designating free and restricted percentages for any tart cherries acquired by handlers in a given crop year. Section 930.50 prescribes procedures for computing an optimum supply based on sales history and for calculating these free and restricted percentages. Free percentage volume may be shipped to any market, while restricted percentage volume must be held by handlers in a primary or secondary reserve, be diverted, or used for exempt purposes as prescribed in §§ 930.159 and 930.162. Exempt purposes include, in part, the development of new products, sales into new markets, the development of export markets, and charitable contributions. Sections 930.55 through 930.57 prescribe procedures for inventory reserves. For tart cherries held in reserve, handlers would be responsible for storage and would retain title of the tart cherries.

Under § 930.52, only districts in which the average annual production of cherries over the prior three years has exceeded six million pounds are subject to volume regulation, and any district producing a crop that is less than 50 percent of its annual average processed production in the previous five years would be exempt from any volume regulation. The regulated districts for the 2024–2025 crop year are: District 1—Northern Michigan; District 2—Central Michigan; District 3—Southern Michigan; District 4—New York; District 7—Utah; District 8—Washington; and District 9—Wisconsin. Districts 5 and 6 (Oregon and Pennsylvania, respectively) are not regulated for the 2024–2025 season.

Demand for tart cherries and tart cherry products tends to be relatively stable despite the variance in production volume that the industry may experience from year to year. Additionally, once processed, tart cherries can be stored and carried over from crop year to crop year, further impacting supply. The Board is aware of this economic relationship and focuses on using the volume control provisions in the marketing order to balance supply and demand to stabilize industry returns.

Pursuant to § 930.50, the Board meets on or about July 1 of each crop year to review sales data, inventory data, current crop forecasts, and market conditions for the upcoming season and, if necessary, to recommend preliminary free and restricted percentages if anticipated supply would exceed demand. After harvest is complete, but no later than September 15 of each crop year, the Board meets again to update its calculations using actual production data, consider any necessary adjustments to the preliminary percentages, and determine if final free and restricted percentages should be recommended to the Secretary.

The Board uses sales history, inventory, and production data to determine whether a surplus exists and how much volume should be restricted to maintain optimum supply. The optimum supply represents the desirable volume of tart cherries that should be available for sale in the coming crop year. The optimum supply value is calculated by determining the average free sales of the prior three years, reduced by average sales that represent dispositions of exempt cherries and restricted percentage cherries qualifying for diversion credit for the same three years, plus desirable carry-out inventory. Desirable carry-out is the amount of fruit needed by the industry to be carried into the succeeding crop year to meet market demand until the new crop is available. Desirable carry-out is recommended by the Board after considering market circumstances and needs. Section 930.151 specifies that desirable carry-out can range from zero to a maximum of 100 million pounds.

In addition, § 930.50(g) specifies that in years when restricted percentages are established, the Board shall make available tonnage equivalent to an additional 10 percent of the average sales of the prior three years for market expansion. This requirement conforms with the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*http://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders,* pg. 12) which specifies that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for volume regulation are approved.

After the Board determines the optimum supply, desirable carry-out, and market expansion factor, it must examine the current year's available volume to determine whether an oversupply might occur. Available volume includes carry-in inventory (any inventory available at the beginning of the season) along with that season's production. If production plus the carry-in inventory is greater than the optimum supply (3-year sales average plus the targeted carry-out), then the difference is considered surplus. The 10 percent market expansion factor and any economic adjustments recommended by the Board are then subtracted from this surplus number to arrive at an adjusted surplus. This adjusted surplus tonnage is divided by the sum of production in the regulated districts to reach a restricted percentage. This percentage must be held in reserve or used for approved diversion activities, such as exports, new products, or new market activities.

The Board met on June 20, 2024, to discuss whether supply would exceed demand for the 2024–2025 crop year. After some discussion, the Board unanimously supported an estimated crop of 247.3 million pounds for the 2024–2025 season. Next, the Board computed an optimum supply of 268.3 million pounds for the 2024–2025 crop year using the three-year average of free sales (191.6 million pounds) plus a recommended desirable carry-out of 76.7 million pounds.

In determining the carry-out figure, the Board members discussed the findings of the committee established by the Board to review the way volume control is calculated, including carry-out. The committee looked at the five-year average movement for June (18.8 million pounds), July (19.3 million pounds), August (19.3 million pounds), and September (19.3 million pounds) for an average carry-out of 76.7 million pounds. It was also reported that the numbers were consistent from year to year, and based on the historical data, would be reflective of what would be needed for carry-out for the 2024–2025 season. One member questioned whether the industry really needed four months of inventory or if three or three and half months would be a better indicator of needed carry-out. Other members voiced concerns about how reflective these numbers were of the different market segments.

The Board also considered setting the 2024–2025 season's carry-out volume the same as the previous year at 85 million pounds. Several members expressed that 85 million pounds was too large for the 2024–2025 season's carry-out since the carry-in inventory was above 90 million pounds from last season. After considering a range of alternatives between 75 to 85 million pounds, the Board unanimously recommended a carry-out of 76.7 million pounds.

To calculate the production quantity needed from the 2024–2025 crop to meet optimum supply, the Board subtracted the carry-in inventory available on June 1, 2024, of 93.1 million pounds from the optimum supply (268.3 million pounds). This number, 175.2 million pounds, was then subtracted from the Board's estimated 2024–2025 total production of 247.3 million pounds (from regulated and unregulated districts) to calculate a surplus of 72.1 million pounds of tart cherries.

The Board then discussed whether this calculation would supply enough cherries to grow sales, account for the 2024–2025 season's economic demands, and fulfill orders that had not yet shipped. The Board discussed making an economic adjustment based on some fruit quality concerns from the weather in Michigan and reports of European crops being short this year which could increase demand for domestic fruit. After discussing multiple motions for an economic adjustment ranging from 0 to 10 million pounds, the Board recommended a preliminary economic adjustment of 5 million pounds at the June meeting.

The Board also complied with the market expansion factor requirement by removing 19.2 million pounds (average sales for the prior three years of 191.6 million times 10 percent) from the 72.1 million pounds of surplus. The adjusted surplus of 47.9 million pounds (72.1 million pounds − 19.2 million pounds − 5 million pounds for the economic adjustment) was then divided by the expected production in the regulated districts (245.5 million pounds) to reach a preliminary restricted percentage of 19.5 percent for the 2024–2025 crop year.

The Board met again on September 12, 2024, to consider final volume regulation percentages for the 2024–2025 season. The final percentages are based on the Board's reported production figures and the supply and demand information available in September.

The total production for the 2024–2025 season reported at the September meeting was 261.7 million pounds. This exceeded the Board's June production estimate by 14.5 million pounds. In addition, growers diverted 11.02 million pounds in the orchard, lowering the available production for market. As a result, 250.67 million pounds of production would be available to the market, 249.3 million pounds of which are in the seven districts subject to volume regulation.

At the September meeting, the Board revisited the recommended 5-million-pound economic adjustment to the optimum supply calculation made in June. The Board discussed that the yields from processing were lower than normal by approximately 10 percent due to poor fruit quantity throughout the industry. To address this issue, the Board recommended increasing the economic adjustment by 15 million pounds for a total economic adjustment of 20 million pounds. The Board agreed this increase should ensure sufficient inventory is available to meet demand.

The Board then recalculated the restricted percentage using the revised economic adjustment and the actual production numbers. The carry-in figure considered at the June meeting of 93.1 million pounds was subtracted from the optimum supply of 268.3 million pounds to determine 175.2 million pounds of 2024–2025 production would be necessary to reach optimum supply. The 175.2 million pounds were then subtracted from the actual production of 261.7 million pounds, resulting in a surplus of 86.5 million pounds of tart cherries.

The calculated surplus of 86.5 million pounds was reduced by subtracting the economic adjustment of 20 million pounds and the market expansion factor of 19.2 million pounds, resulting in an adjusted surplus of 47.3 million pounds. The Board then divided the adjusted surplus by the available production of 249.3 million pounds in the regulated districts (261.7 million pounds minus 11.02 million pounds of in-orchard diversion minus 1.33 million pounds from unregulated districts) to calculate a restricted percentage of 19 percent (47.3 million pounds) with a corresponding free percentage of 81 percent (202 million pounds) in the regulated districts for the 2024–2025 crop year, as outlined in the following table:

	Millions of pounds
September Calculations:	
(1) Average sales of the prior three years	191.6
(2) Desirable carry-out	76.7
(3) Optimum supply calculated by the Board (item 1 plus item 2)	268.3
(4) Carry-in as of July 1, 2023	93.1
(5) Adjusted optimum supply (item 3 minus item 4)	175.2
(6) Board reported production	261.7
(7) Surplus (item 6 minus item 5)	86.5
(8) Total economic adjustments	20
(9) Market growth factor	19.2
(10) Adjusted Surplus (item 7 minus items 8 and 9)	47.3

	Millions of pounds
(11) Production in regulated districts	260.4
(12) In-Orchard Diversion	11.02
(13) Production minus in-orchard diversion	249.3
Final Percentages:	Percent
Restricted (item 10 divided by item 13 × 100)	19
Free (100 minus restricted percentage)	81

The final restriction of 19 percent is lower than the preliminary restriction percentage of 19.5 percent. The change is due to the increase in the economic adjustment at the September meeting. While actual production increased by a total of 14.5 million pounds over the June estimate, the economic adjustment increased from the 5 million pounds recommended in June to 20 million pounds at the September meeting. The economic adjustment roughly balanced out the additional production, keeping the final restriction close to the number estimated in June.

Establishing free and restricted percentages is an attempt to bring supply and demand into balance. Historically, if the primary market is oversupplied with cherries, grower prices decline substantially. Restricted percentages have benefited grower returns and helped stabilize the market as compared to those seasons prior to the implementation of the Order. The Board, based on its discussion of this issue and the result of the above calculations, believes the available information indicates that a restricted percentage should be established for the 2024–2025 crop year to avoid oversupplying the market with tart cherries.

Consequently, the Board recommended final percentages of 81 percent free, and 19 percent restricted by a vote of 17 in favor, and 1 opposed on September 12, 2024. The Board could meet during the crop year, and if conditions so warranted, recommend the release of additional volume. The Secretary finds, from the recommendation and supporting information supplied by the Board, that designating final percentages of 81 percent free and 19 percent restricted tends to effectuate the declared policy of the Act, and so designates these percentages.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this final rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act are unique in that they are brought about through group action of typically small entities acting on their own behalf.

There are approximately 330 growers of tart cherries in the regulated area and approximately 30 handlers of tart cherries who are subject to regulation under the Order. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural growers of tart cherries as those having annual receipts equal to or less than $3.5 million (North American Industry Classification System (NAICS) code 111339, Other Noncitrus Fruit Farming). Small agricultural service firms, including handlers, are defined as those whose annual receipts are equal to or less than $34 million (NAICS code 115114, Postharvest Crop Activities) (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the 2023–2024 season average grower price for tart cherries utilized for processing was approximately $0.1922 per pound. With total utilization for processing at 196.5 million pounds for the 2023–2024 season, the total 2023–2024 value of the crop utilized for processing is estimated at $37.7 million. Dividing the crop value by the estimated number of growers (330) yields an estimated average annual receipts per grower of approximately $114,240. This is well below the $3.5 million SBA threshold for small growers.

An estimate of the season average price per pound received by handlers for processed tart cherries was derived from USDA's purchases of dried tart cherries for feeding programs in 2023 and 2024, which had an average price of $4.72 per pound. The dried cherry price was converted to a raw product equivalent price of $0.94 per pound at an industry recognized ratio of five to one. Based on utilization, this price represents a good estimate of the price for processed cherries. Multiplying the raw product equivalent price above by the total processed utilization of 196.5 million pounds results in an estimated handler-level tart cherry value of $184.7 million. Dividing this figure by the number of handlers ($184.7 million divided by 30 handlers) yields estimated average annual receipts per handler of approximately $6.2 million, which is well below the SBA threshold of $34 million for small agricultural service firms. Assuming normal distributions, the majority of growers and handlers of tart cherries may be classified as small entities.

The tart cherry industry in the United States is characterized by wide annual fluctuations in production. According to NASS, the pounds of tart cherry production utilized for processing for the years 2021 through 2023 were 170.1 million, 239.0 million, and 196.5 million, respectively. Because of these fluctuations, supply and demand for tart cherries are rarely in balance.

Demand for tart cherries is inelastic, meaning changes in price have a minimal effect on total sales volume. However, prices are very sensitive to changes in supply, and grower prices vary widely in response to the large swings in annual supply. Grower prices per pound for processed utilization have ranged from a low of $0.07 in 1987 to a high of $0.59 per pound in 2012 when a weather event substantially reduced supply. Grower prices per pound for processed utilization over the most recent three years (2021 through 2023) were $0.50, $0.22, and $0.19, respectively.

Because of this relationship between supply and price, oversupplying the market with tart cherries would have a sharp negative effect on prices, driving down grower returns. Aware of this economic relationship, the Board focuses on using the volume control authority in the Order to align supply with demand and stabilize industry returns. This authority allows the industry to set free and restricted percentages to bring supply and demand into balance. Free percentage cherries can be marketed by handlers to any outlet, while restricted percentage volume must be held by handlers in reserve, diverted, or used for exempted purposes.

This final rule establishes 2024–2025 crop year percentages of 81 percent free and 19 percent restricted. These percentages should stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. The action regulates tart cherries handled in Michigan, Utah, Washington, Wisconsin, and New York. The authorities for this action are provided in §§ 930.50, 930.51(a), and 930.52. The Board recommended this action at its meeting on September 12, 2024.

This final rule results in some fruit being diverted from the primary domestic markets as authorized in the Order's marketing policy in § 930.50. However, as mentioned earlier, the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*https://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders*) specify that 110 percent of recent years' sales should be made available to primary markets each crop year per § 930.50(g), before recommendations for volume regulation are approved. Under this rule, the available quantity of 296.4 million pounds (free production of 202 million plus a carry-in of 93.1 million plus 1.33 million pounds unregulated) is 155 percent of the average sales for the last three years (191.6 million pounds).

In addition, there are secondary uses available for restricted fruit, including the development of new products, sales into new markets, the development of export markets, and being placed in reserve. While these alternatives may provide different levels of return than the sales to primary markets, they play an important role for the industry. The areas of new products, new markets, and the development of export markets utilize restricted fruit to develop and expand the markets for tart cherries.

Placing tart cherries into reserves is also a key part of balancing supply and demand. Although handlers bear the handling and storage costs for fruit in reserve, reserves stored in large crop years can be used to supplement supplies in short crop years. The reserves help the industry mitigate the impact of oversupply in large crop years, while allowing the industry to supply markets in years when production falls below demand. During the 2020–2021 season, the Board voted to release all fruit in the reserve into the primary market to increase supply.

In considering the establishment of free and restricted percentages, the Board recommended a carry-out of 76.7 million pounds to help ensure sufficient product is available to meet demand until the following year's crop is harvested and processed. The Board also recommended an economic adjustment of 20 million pounds. These numbers, along with carry-in, production in the unregulated districts, and free tonnage from the regulated districts, would make 296.4 million pounds of fruit available for the domestic market, which is nearly 105 million pounds more than the previous three years' average sales. Even with the recommended 19 percent restriction, the domestic market will have an ample supply of tart cherries. Further, should marketing conditions change, and market demand exceed existing supplies, the Board could meet and recommend the release of additional reserves up to 50-million-pounds of tart cherries. Consequently, it is not anticipated that this action will unduly burden growers or handlers.

While this action could result in some additional costs for the industry, these costs would be outweighed by the benefits. The purpose of setting restricted percentages is to attempt to bring supply and demand into balance. If the primary market (domestic) is oversupplied with cherries, grower prices decline substantially. Without volume control, the primary market would likely be oversupplied, resulting in lower grower prices.

An AMS econometric model used to assess the impact volume control has on the price growers receive for their product estimates volume control should have a positive impact on grower returns for this crop year. With volume control, grower prices are estimated to be about three cents per pound higher than without a restriction. In addition, absent volume control, the industry could start to build large amounts of unwanted inventories, which in turn could have a depressing effect on grower prices.

Retail demand is assumed to be inelastic, which indicates changes in price do not result in significant changes in the quantity demanded. Consumer prices largely do not reflect fluctuations in cherry supplies. Therefore, this action should have little or no effect on consumer prices and should not result in a reduction in retail sales.

The free and restricted percentages established by this final rule provide the market with optimum supply and apply uniformly to all regulated handlers in the industry, regardless of size. As the restriction represents a percentage of a handler's volume, the costs, when applicable, are proportionate and should not place an extra burden on small entities as compared to large entities.

The stabilizing effects of this rule benefit all handlers by helping them maintain and expand markets, despite seasonal supply fluctuations. Likewise, price stability positively impacts all growers and handlers by allowing them to better anticipate the revenues their tart cherries will generate. Growers and handlers, regardless of size, will benefit from the stabilizing effects of the volume restriction.

As noted earlier, the Board discussed several carry-out inventory alternatives, ranging from 75 million pounds to 85 million pounds. The Board noted if the carry-out number was too large, it could add to the unsold free inventory and have a negative impact on grower returns, and if it was too small, it could negatively impact the supply processors need in the months prior to next season's harvest. Therefore, after consideration of the alternatives, the Board recommended a carry-out of 76.7 million pounds.

The Board also weighed alternatives when discussing the economic adjustment. At its June meeting, the Board recommended a 5-million-pound economic adjustment based on fruit quality concerns and a short crop in Europe, after considering making no economic adjustment or an economic adjustment of 10 million pounds. In September, the Board discussed that fruit quality throughout the industry was resulting in lower processing yields. Consequently, the Board recommended increasing the economic adjustment by 15 million pounds for an economic adjustment of 20 million pounds for the 2024–2025 season.

The Board considered recommendations that would result in a smaller restriction. However, after considering the larger than expected harvest and carry-in inventory, the industry recommended a 19 percent restriction for the 2024–2025 crop. Thus, the alternatives were rejected.

The Board's meetings are widely publicized throughout the tart cherry industry and all interested persons are invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the June 20 and September 12, 2024, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit comments on this rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes to those requirements would be necessary as a result of this final rule. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, 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. AMS has not identified any relevant federal rules that duplicate, overlap, or conflict with this final rule.

A proposed rule concerning this action was published in the **Federal Register** on November 18, 2025 (90 FR 51572). Copies of the proposed rule were provided to all tart cherry handlers. In addition, the proposal was made available through the internet by AMS and the Office of the Federal Register via *https://www.regulations.gov.* A 30-day comment period ending December 18, 2025, was provided for interested persons to respond to the proposal. AMS received two comments during the comment period. One comment supported the proposal and one comment challenged the procedural sufficiency of the rulemaking, asserting that AMS did not adhere to the requirements of the Administrative Procedure Act, Paperwork Reduction Act, Executive Order 12866, and the Regulatory Flexibility Act.

Specifically, the commenter claimed that AMS procedurally bypassed notice and comment or waived the 30-day delayed effective date without adequate good cause and failed to present a clear analysis of the impacts on small businesses, and that the rule did not provide information regarding the reporting burden on handlers.

Contrary to the commenter's assertions on the Administrative Procedures Act, AMS did not bypass notice and comment or invoke good cause. Interested persons had numerous opportunities to review pertinent information, present their views, and participate in the rulemaking process. As noted above, AMS published a proposed rule in the **Federal Register** on November 18, 2025, not an interim final rule as the commenter suggests. The proposed rule included a 30-day comment period for interested persons, ending December 18, 2025. The proposed rulemaking also included an Initial Regulatory Flexibility Analysis, pursuant to requirements set forth in the Regulatory Flexibility Act, that considered and detailed for the public's review, the economic impact of this final rule on small entities. AMS has provided adequate opportunity for interested persons to consider the proposal and provide comments and included the regulatory and informational impacts of this action on small businesses. As noted above in the Final Regulatory Flexibility Analysis, growers and handlers, regardless of size, benefit from the stabilizing effects of the volume restriction.

In response to the commenter's request for clarification on the Paperwork Reduction Act, the proposed rulemaking and this final rule address the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) and related compliance. AMS reiterates that in accordance with the Paperwork Reduction Act, the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, and that no changes to those requirements would be necessary based on this action.

Lastly, and contrary to the commenter's assertion that AMS did not adhere to Executive Order 12866, AMS reiterates that this rule falls within a category of regulatory actions that OMB exempted from Executive Order 12866 review. After review of the comment, AMS determined that all the statutory and procedural requirements for rulemaking have been met regarding this action. Accordingly, AMS made no changes to the rule as proposed.

After consideration of all relevant material presented, including the information and recommendations submitted by the Board and other available information, AMS has determined that this final rule is consistent with and effectuates the purposes of the Act.

List of Subjects in 7 CFR Part 930

Tart cherries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 930.256 to read as follows:

§ 930.256 Free and restricted percentages for the 2024–2025 crop year.

The percentages for tart cherries handled by handlers during the crop year beginning on July 1, 2024, which shall be free and restricted, respectively, are designated as follows: Free percentage, 81 percent and restricted percentage, 19 percent.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–17512 Filed 8–26–26; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Doc. No. AMS–SC–25–0002]

Olives Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the California Olive Committee (Committee) to decrease the assessment rate established for the 2025 and subsequent fiscal years from $28 to $24 per ton of assessable olives grown in California. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective September 28, 2026.

FOR FURTHER INFORMATION CONTACT: Jeffery Rymer, Marketing Specialist, or Abigail Maharaj, Chief, West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA;

telephone: (559) 487–5901; or email: *Jefferym.Rymer@usda.gov* or *Abigail.Maharaj@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (the Act), amending Marketing Order No. 932 (7 CFR part 932; the Order), regulating the handling of olives grown in California. The Committee locally administers the Order and is comprised of producers and handlers of olives operating within the area of production.

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This final rule amends existing Marketing Order No. 932, as amended (7 CFR part 932), Olives Grown in California, and is necessary for the continued operation of Marketing Order No. 932. Additionally, this action is exempt from the requirements of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' pursuant to section 5(c).

This final rule has been reviewed under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments, '' which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. The Agricultural Marketing Service (AMS) has determined that this final rule is unlikely to 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.

This final rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' Under the Order now in effect, California olive handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable olives for the 2025 fiscal year, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(c)(15)(A) of the Act, any handler subject to an order may file with U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule decreases the assessment rate for assessable olives handled under the Order from $28 to $24 per ton for the 2025 and subsequent fiscal years.

Sections 932.38 and 932.39 of the Order authorize the Committee, with the approval of AMS, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are familiar with the Committee's needs and with the costs of goods and services in their local area and can formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting, and all directly affected persons have an opportunity to participate and provide input.

For the 2024 and subsequent fiscal years, the Committee recommended, and AMS approved, an assessment rate of $28 per ton of assessable olives within the production area. That rate continues in effect from fiscal year to fiscal year until modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other information available to AMS.

The Committee met on December 19, 2024, and unanimously recommended, with a vote of 15 in favor and none opposed, 2025 fiscal year expenditures of $1,174,697 and an assessment rate of $24 per ton of assessed olives handled for the 2025 and subsequent fiscal years. In comparison, the 2024 fiscal year's budgeted expenditures were $1,100,151. The assessment rate of $24 per ton is $4 lower than the rate currently in effect. Although the recommended 2025 fiscal year expenditures are higher than those in 2024, the Committee recommended decreasing the assessment rate due to the significantly higher crop size in 2024 (fruit that is marketed over the course of the 2025 fiscal year), and the need to maintain its reserve funds within a level authorized under the Order. The Committee estimated approximately 48,560 tons of olives from the 2024 crop year that would be assessable during the 2025 fiscal year. This amount is substantially higher than the 34,000 tons of olives that were harvested in 2023.

Olives harvested in 2024 will be marketed over the course of the 2025 fiscal year, which began on January 1, 2025, as the harvested olives are stored in brining tanks and processed over the subsequent year. The 48,560 tons of assessable olives from the 2024 crop would generate $1,165,440 (48,560 tons multiplied by $24 assessment rate) in assessment revenue over the 2025 fiscal year at the new assessment rate. The balance of funds needed to cover budgeted expenditures would come from the interest income and the Committee's financial reserve. The 2025 fiscal year assessment rate decrease is appropriate to ensure the Committee has sufficient revenue to fund the recommended 2025 fiscal year budgeted expenditures while also ensuring that funds in the reserve do not exceed approximately one fiscal year's expenses, the maximum reserve amount permitted by 7 CFR 932.40.

The Order has a fiscal year and a crop year that are independent of each other. The crop year is a 12-month year that begins on August 1 of each year and ends on July 31 of the following year. The fiscal year is the 12-month period that begins on January 1 and ends on December 31 of each year. Olives are an alternate-bearing crop, with a small crop (2023) followed by a large crop (2024). For this final rule, the Committee utilized the estimated 2024 crop year receipts to determine the recommended assessment rate for the 2025 fiscal year.

The Committee derived the recommended assessment rate by considering anticipated fiscal year expenses, the expected volume of assessable olives, and the level of funds available in the authorized financial reserve. The expected 48,560 tons of assessable olives is expected to generate $1,165,440 in assessment revenue at the new assessment rate (48,560 tons multiplied by the $24 assessment rate). The income generated from handler assessments, along with reserve funds and interest income, will be sufficient to meet the Committee's estimated program expenditures of $1,174,697 for the 2025 fiscal year. Funds available in the financial reserve (currently about $1,723,008) will be kept within the maximum permitted by the Order (approximately one fiscal year's expenses as authorized by 7 CFR 932.40).

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other available information. Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or AMS. Committee meetings are open to the public and interested persons may express their views at these meetings. AMS will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2025 fiscal year budget, and those for subsequent fiscal years, will be reviewed approved by AMS.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this final rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act are unique regulations in that they are brought about through group action of typically small entities acting on their own behalf.

The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural service firms, including handlers, as those whose average annual receipts are no greater than $34 million (North American Industry Classification System (NAICS) code 115114, Postharvest Crop Activities). SBA defines small agricultural producers of olives as those having average annual receipts no greater than $3.5 million (NAICS code 111339, Other Noncitrus Fruit Farming).

According to the Committee, there are two handlers subject to regulation under the Order. The volume of olives produced in the production area—a two-year average of 31,520 tons for crop years 2023 to 2024—would require large scale processing facilities for just two handlers to be able to process the entire California crop; therefore, it is likely that both handlers would exceed the SBA threshold of $34 million in annual receipts, and therefore, not be considered small businesses under the SBA definition of a small firm engaging in postharvest crop activities.

In the 2022 Census of Agriculture, the most recent to date, National Agricultural Statistics Service (NASS) reports the existence of 1,613 olive-farming operations in California totaling 41,828 bearing acres. To estimate the number olive growers that would be considered to be "small" per the SBA definition, AMS calculates the acreage required to produce the volume of olives at an average price to reach the $3.5 million threshold. Due to the alternate-bearing nature of olives, a two-year average is used to estimate price and yield, based on the most recent NASS data for 2023 and 2024.

NASS reports 2023 and 2024 California grower prices for olives for canning at $1,080 per ton and $1,140 per ton, respectively. This results in a two-year average price received by California growers of olives for canning of $1,110 per ton ($1,080 plus $1,140, divided by 2). Olive yields in California measured 3.04 tons per acre in 2023 and 3.78 tons per acre in 2024, resulting in an average yield of 3.41 tons of olives per acre (3.04 tons plus 3.78 tons, divided by 2). These figures are utilized in the equations below to estimate the amount of acreage needed to produce the volume of olives sold at the average price to reach the SBA threshold of $3.5 million.

Dividing the SBA threshold for a small olive grower of $3.5 million by the $1,110 per ton average grower received price and by the estimated average yield of 3.41 tons per acre results in approximately 925 acres that would be required for an olive grower to reach $3.5 million in annual receipts. Therefore, AMS concludes that an olive grower would need 926 bearing acres to be considered "large" per the SBA definition.

According to the 2022 Census of Agriculture, published by NASS in February 2024, of the 1,613 olive farms in California, four had bearing acreage between 750 and 999.9 acres, and three had bearing acreage equal to or exceeding 1,000 acres. This means that between 99.6 percent (1,613 minus 7 (4 plus 3), divided by 1,613) and 99.8 percent (1,613 minus 3, divided by 1,613) of farms, or growers, would be considered to be small businesses under the SBA definition.

This final rule decreases the assessment rate collected from handers for the 2025 fiscal year and subsequent fiscal years from $28 to $24 per ton of assessable olives. The Committee unanimously recommended 2025 expenditures of $1,174,697 and an assessment rate of $24 per ton. The new assessment rate of $24 is $4 lower than the 2024 assessment rate. The 2024 crop is estimated to be 48,560 tons. The $24 per ton should provide $1,165,440 in assessment income (48,560 tons multiplied by $24 assessment rate). Income derived from handler assessments, along with interest income and funds from the authorized reserve, should be sufficient to cover budgeted expenses.

The Committee deliberated on many of the expenses, weighed the relative value of various programs or projects, and decreased their expenses for inspection and marketing activities while increasing the expenses of their program administration and research activities. Overall, the 2025 budget of $1,174,697 is $74,546 more than the $1,100,151 budgeted for the 2024 fiscal year.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources including the Committee's Executive, Marketing, Inspection, and Research Subcommittees. Alternate expenditure levels were discussed by these groups, based upon the relative value of various projects to the olive industry and the increased olive production. The assessment rate of $24 per ton of assessable olives was derived by considering anticipated expenses, the high volume of assessable olives, the current balance in the monetary reserve, and additional pertinent factors.

A review of NASS historical and preliminary information indicates the two-year average producer price for California olives is approximately $1,180 per ton. Therefore, utilizing the recommended assessment rate of $24 per ton, assessment revenue for the 2024 fiscal year as a percentage of total producer revenue would be approximately 2 percent ($24 divided by $1,180, multiplied by 100).

This final rule decreases the assessment obligation imposed on handlers. Assessments are applied uniformly to all handlers. Some of the assessment costs to handlers may be passed on to producers. Decreasing the assessment rate reduces the burden on handlers and may also, therefore, reduce the burden on producers.

Committee meetings are widely publicized throughout the production area and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the December 19, 2024, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit comments on this rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, ''Vegetable and Specialty Crops.'' No changes in those requirements are necessary because of this final rule. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, 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.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

A proposed rule concerning this action was published in the **Federal Register** on March 9, 2026 (91 FR 11184). Copies of the proposed rule were provided to all California olive handlers. In addition, the proposal was made available through the internet by AMS and the Office of the Federal Register via *https://www.regulations.gov.* A 30-day comment period ending April 8, 2026, was provided for interested persons to respond to the proposal. AMS received one comment during the comment period. The comment did not address the merits of the proposal. Accordingly, AMS made no changes to the rule as proposed.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee and other available information, AMS has determined that this final rule is consistent with and effectuates the purposes of the Act.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 932 as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2025, an assessment rate of $24 per ton is established for California olives.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–17511 Filed 8–26–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1414

[Docket ID FSA–2026–0001]

RIN 0560–AI87

Farmer Bridge Assistance (FBA) Program; Correction

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture (USDA).

ACTION: Correcting amendment.

SUMMARY: The Commodity Credit Corporation (CCC) announced the Farmer Bridge Assistance (FBA) Program in a final rule on February 23, 2026. This correction amends the definition of ''corn'' to add blue and red corn, which are eligible commodities for the FBA Program.

DATES: Effective on August 27, 2026.

FOR FURTHER INFORMATION CONTACT: Jamie Garriott; telephone: (202) 253–9843; or email: *Jamie.Garriott@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION: On February 23, 2026, CCC published a final rule (91 FR 8360) announcing the FBA program, which provides up to $11 billion in one-time bridge payments to American farmers in response to temporary trade market disruptions and increased production costs. Corn is an eligible commodity for the FBA Program, and the final rule defined ''corn'' as, ''only white, yellow, amylose, popcorn (excluding strawberry popcorn), waxy, and high amylase corn.'' (7 CFR 1414.3). That definition inadvertently omitted blue and red corn, which are also eligible for the FBA Program. This document corrects that omission by adding those types of corn to the definition of ''corn.''

The deadline to apply for the FBA Program was April 17, 2026. Due to the omission of blue and red corn from the definition of ''corn'', those types of corn were not included on pre-filled FBA Program applications and producers of those commodities could not apply by the deadline. CCC is announcing that it will generate a CCC–555, Farmer Bridge Assistance (FBA) Program Application, for each eligible producer who timely reported eligible 2025 crop year acres of blue or red corn, as provided in § 1414.5. CCC is extending the deadline for producers to submit a CCC–555 for blue and red corn until September 28, 2026, as authorized under § 1414.6(b). As indicated in § 1414.6(c), producers must also submit all eligibility forms by April 19, 2027.

List of Subjects in 7 CFR Part 1414

Agricultural commodities, Cotton, Feed grains, Fruits, Nuts, Oilseeds, Peanuts, Reporting and recordkeeping requirements, Rice, Vegetables, Wheat.

For the reasons discussed above, CCC amends the regulations in 7 CFR part 1414 as follows:

PART 1414—BRIDGE ASSISTANCE

■ 1. The authority citation for part 1414 continues to read as follows:

Authority: 15 U.S.C. 714, *et seq.*

Subpart A—Farmer Bridge Assistance Program

§ 1414.3 [Amended]

■ 2. Amend the definition of ''Corn'' in § 1414.3 by adding the words ''blue, red,'' after the word ''only''.

William Beam,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2026–17538 Filed 8–26–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1353; Project Identifier MCAI–2025–00236–T; Amendment 39–23447; AD 2026–17–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–25–06, which applied to all Airbus SAS Model A318 and A320 series airplanes; and Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, –272NX, and –253NY airplanes. AD 2024–25–06 required repetitive inspections of the main landing gear (MLG) door actuators and, depending on findings, accomplishment of applicable corrective actions, and prohibited the installation of affected parts. Since the FAA issued AD 2024–05–06, the FAA determined that replacing the MLG door actuators is necessary to address the unsafe condition, and the applicability and definition of an affected part must be expanded. This AD continues to require the actions in AD 2024–25–06, requires replacing affected parts with serviceable parts, and expands the applicability and definition of an affected part. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of October 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1353; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–1353.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–25–06, Amendment 39–22908 (89 FR 100734, December 13, 2024) (AD 2024–25–06). AD 2024–25–06 applied to all Airbus SAS Model A318 and A320 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, –272NX, and –253NY airplanes. AD 2024–25–06 required repetitive inspections of the MLG door actuators and, depending on findings, accomplishment of applicable corrective actions, and prohibited the installation of affected parts. The FAA issued AD 2024–25–06 to address incorrectly assembled MLG door actuators, which, if not detected and corrected, could prevent the extension of the MLG, possibly resulting in significant damage to the airplane, and potentially causing a fire that would involve emergency evacuation of the passengers.

AD 2024–25–06 was prompted by EASA AD 2024–0216, dated November 15, 2024 (EASA AD 2024–0216), issued by EASA, which is the Technical Agent for the Member States of the European Union. In the preamble to AD 2024–25–06, the FAA explained it was considering further rulemaking to require replacement of each affected MLG door actuator with a serviceable part to terminate the repetitive inspections, as specified in EASA AD 2024–0216. The NPRM was published in the **Federal Register** on July 8, 2025 (90 FR 30024). The NPRM was prompted by the FAA's determination that replacement of affected MLG door actuators is necessary to address the unsafe condition. In the NPRM, the FAA proposed to continue to require the actions in AD 2024–25–06 and require replacing affected parts with serviceable parts, as specified in EASA AD 2024–0216.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2024–25–06. The SNPRM was published in the **Federal Register** on May 26, 2026 (91 FR 30511). The SNPRM was prompted by EASA AD 2025–0158, dated July 21, 2025, which in turn was revised by EASA AD 2025–0158R1, dated September 12, 2025 (EASA AD 2025–0158R1) (also referred to as the MCAI). The MCAI states that after EASA AD 2024–0216 was issued, the service information was revised to expand the list of serial numbers for the affected part, and that the applicability has been expanded to include new certified Airbus SAS Model A321–271NY airplanes, on which affected parts could be installed in service. The MCAI also added Airbus SAS Model A319–173N airplanes to the applicability. In the SNPRM, the FAA proposed to continue to require the actions in AD 2024–25–06. The SNPRM also proposed to require replacing affected parts with serviceable parts and expand the applicability and the definition of an affected part. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–1353.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA) who supported the SNPRM without change.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0158R1 specifies procedures for repetitive inspections for any discrepancy of each affected MLG door actuator, replacement of affected parts if any discrepancy is detected, and eventual replacement of all affected parts with serviceable parts. Discrepancy is defined as any MLG door actuator that does not meet all the results specified in the table in paragraph 5.6.2.2 in the material referenced in EASA AD 2025–0158R1. EASA AD 2025–0158R1 also prohibits the installation of affected parts. EASA AD 2025–0158R1 also specifies that replacement of each affected part with a serviceable part, on the airplane, terminates the repetitive inspections.

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

Costs of Compliance

The FAA estimates that this AD affects 1,933 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained from AD 2024–25–06).	2 work-hours × $85 per hour = $170.	$0	$170 per inspection cycle	$328,610 per inspection cycle.
Replacement of MLG door actuator.	3 work-hours × 85 per hour = 255.	9,324	$9,579	$18,516,207.

The FAA estimates the following costs to do any on-condition replacements that would be required based on the results of any required or optional actions. The FAA has no way of determining the number of airplanes that might need this on-condition replacement:

ESTIMATED COSTS OF ON-CONDITION REPLACEMENT OF MLG DOOR ACTUATOR

Labor cost	Parts cost	Cost per product
7 work-hours × $85 per hour = $595	$9,324	$9,919

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2024–25–06, Amendment 39–22908 (89 FR 100734, December 13, 2024); and

■ b. Adding the following new AD:

2026–17–04 Airbus SAS: Amendment 39–23447; Docket No. FAA–2025–1353; Project Identifier MCAI–2025–00236–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 1, 2026.

(b) Affected ADs

This AD replaces AD 2024–25–06, Amendment 39–22908 (89 FR 100734, December 13, 2024) (AD 2024–25–06).

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, as identified in paragraphs (c)(1) through (4) of this AD.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes.

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

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N,

–253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, –272NX, –253NY, and –271NY airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by reports of jamming of, or inability to open, the main landing gear (MLG) door during maintenance operations. Investigations identified that certain MLG door actuators may not have been assembled correctly. The FAA is issuing this AD to address this condition, which, if not detected and corrected, could prevent the extension of the MLG, possibly resulting in significant damage to the airplane, and potentially causing a fire that will involve emergency evacuation of the passengers.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0158R1, dated September 12, 2025 (EASA AD 2025–0158R1).

(h) Exceptions to EASA AD 2025–0158R1

(1) Where EASA AD 2025–0158R1 refers to August 4, 2025 (the effective date of EASA AD 2025–0158, dated July 21, 2025), this AD requires using the effective date of this AD.

(2) Where paragraph (4) of EASA AD 2025–0158R1 refers to November 22, 2024 (the effective date of EASA AD 2024–0216, dated November 15, 2024), this AD requires using the effective date of this AD.

(3) Where EASA AD 2025–0158R1 defines a serviceable part as an ''MLG door actuator, eligible for installation in accordance with Airbus instructions, which is not an affected part'', this AD requires replacing that text with ''MLG door actuator, eligible for installation, which is not an affected part''.

(4) Where paragraphs (1) and (2) of EASA AD 2025–0158R1 specify to accomplish an inspection ''in accordance with the instructions of the AOT'', this AD requires replacing that text with ''in accordance with step 5.6.2 of the instructions of the AOT''.

(5) Where paragraph (3) of EASA AD 2025–0158R1 specifies ''any discrepancy on an affected MLG door (1 or 2) is detected, as defined in the AOT'', this AD requires replacing that text with ''any MLG door actuator that does not meet all the results specified in the table in paragraph 5.6.2.2 in the referenced AOT''.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0158R1.

(i) No Reporting or Return of Parts Requirement

Although the material referenced in EASA AD 2025–0158R1 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (j)(2) of this AD, if any material referenced in EASA AD 2025–0158R1 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *dan.rodina@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0158R1, dated September 12, 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 21, 2026.

Brian Knaup,

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

[FR Doc. 2026–17551 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2295; Project Identifier AD–2025–01361–T; Amendment 39–23445; AD 2026–17–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by a Boeing investigation for manufacturing errors and excessive preload forces at the lower side of body (SOB) splice plates common to the lower outboard wing skins. That investigation concluded that shim gaps may have exceeded engineering allowances, and high pull up forces on the components may cause fatigue cracks to form at the fastener holes. This AD requires, depending on configuration, repetitive ultrasonic (UT) inspections at certain splice plates, rear spar terminal fittings, lower chords, front spar terminal fittings, and jack pads for any cracks; repetitive detailed inspections (DET) of certain splice plates for any cracks; and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2295; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2295.

FOR FURTHER INFORMATION CONTACT:

Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on March 13, 2026 (91 FR 12312). The NPRM was prompted by a report indicating that a Boeing investigation for manufacturing errors and excessive preload forces at the lower SOB splice plates common to the lower outboard wing skins concluded that shim gaps may have exceeded engineering allowances. High pull up forces on the components may cause fatigue cracks to form at the fastener holes. In the NPRM, the FAA proposed to require, depending on configuration, UT inspections at certain splice plates, rear spar terminal fittings, lower chords, front spar terminal fittings, and jack pads for any cracks; repetitive DET of certain splice plates for any cracks; and applicable on-condition actions. The FAA is issuing this AD to address improper shim gaps that may lead to fatigue cracks. The unsafe condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken primary wing structure until it cannot sustain limit load and result in subsequent loss of continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

United Airlines commented that it had no objections to the proposed rule.

The FAA received additional comments from American Airlines (AAL) and The Foundation for Aviation Safety. The following presents those comments and the FAA's response.

Request for Simplified Compliance Time

AAL requested that the FAA revise the proposed AD to allow simplified compliance time tracking for the initial and repetitive inspections for all tasks, such as by allowing the use of only total flight hours (TFH)/total flight cycles (TFC) for the initial inspections and only flight hours (FH)/flight cycles (FC) for the repetitive inspections. AAL stated that the compliance times specified in Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025, require the use of an equation based on a combination of TFH and TFC to determine the initial inspection compliance time, and an equation based on the initial inspection and a combination of FH and FC to determine the repetitive inspection compliance times. AAL noted that the use of an equation for the initial and repetitive inspections places a burden on the airline as its internal tracking system does not support equation-based compliance times, therefore requiring either manual tracking of the required inspections for the life of the aircraft or choosing a conservative hours or cycles limit that the airline stated would greatly reduce the airplane yield between inspections.

The FAA disagrees with the request. The affected splice plates are flight-length sensitive. The equation-based compliance times account for the effects of both flight hours and flight cycles and are relieving in nature compared to compliance times based solely on TFH/TFC or FH/FC limits. Allowing the requested ''simplified'' compliance time tracking would therefore be more burdensome for operators, and many airplanes could become immediately out of compliance. The FAA has not changed this AD as a result of this comment.

Question on Holding Boeing Accountable for Manufacturing Quality Defects

The Foundation for Aviation Safety asked what the FAA is doing to hold Boeing accountable for ongoing manufacturing quality defects. The question did not request a change to this AD, and the FAA has not changed the AD as a result.

Revision to Material Citations

In the NPRM, the material citations inadvertently did not include ''-00'' as part of the bulletin number. The full citations are Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025; and Boeing Alert Service Bulletin B787–81205–SB570048–00, Issue 001, dated August 11, 2025. The FAA has revised this AD accordingly.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025. This material specifies procedures for performing repetitive UT inspections, depending on configuration, at splice plate No. 1 and No. 2, rear spar terminal fittings, lower chords, front spar terminal fittings, and jack pads for any cracks; repetitive DET of splice plates No. 1 and No. 2 for any cracks; and applicable on-condition actions. On-condition actions include repair.

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

Costs of Compliance

The FAA estimates that this AD affects 17 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
UT and DET inspections	Up to 286 work hours × $85 per hour = $24,310 per inspection cycle.	$0	Up to $24,310 per inspection cycle.	Up to $413,270 per inspection cycle

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–17–02 The Boeing Company: Amendment 39–23445; Docket No. FAA–2026–2295; Project Identifier AD–2025–01361–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a Boeing investigation for manufacturing errors and excessive preload forces at the lower side of body splice plates common to the lower outboard wing skins. That investigation concluded that shim gaps may have exceeded engineering allowances and high pull up forces on the components may cause fatigue cracks to form at the fastener holes. The FAA is issuing this AD to address improper shim gaps that may lead to fatigue cracks. The unsafe condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken primary wing structure until it cannot sustain limit load and result in subsequent loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB570048–00, Issue 001, dated August 11, 2025, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025, refer to the Issue 001 date of the Requirements Bulletin B787–81205–SB570048–00 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Additional Information

(1) For more information about this AD, contact Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB570048–00 RB, Issue 001, dated August 11, 2025.

(ii) [Reserved]

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

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

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

Issued on August 13, 2026.

Brian Knaup,

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

[FR Doc. 2026–17553 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3879; Project Identifier MCAI–2025–01452–T; Amendment 39–23444; AD 2026–17–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by a fatigue test that identified cracks in the forward and aft upper corner of the bulk cargo door. This AD requires a rototest inspection for cracks and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3879; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–3879.

FOR FURTHER INFORMATION CONTACT: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *Camille.L.Seay@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM was published in the **Federal Register** on May 4, 2026 (91 FR 23922). The NPRM was prompted by EASA AD 2025–0193, dated September 8, 2025 (EASA AD 2025–0193) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that during a fatigue test on a Model A320 airplane in support of the extended service goal (ESG) campaign, cracks were identified in the area of fastener holes at the forward and aft upper corner of the bulk cargo door at section 16 and 17, both left-hand (LH) and right-hand (RH) sides. This condition, if not addressed, could affect the structural integrity of the airplane.

In the NPRM, the FAA proposed to require a rototest inspection for cracks and applicable on-condition actions, as specified in EASA AD 2025–0193. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3879.

Discussion of Final Airworthiness Directive

Comments

The FAA received and reviewed a comment that did not include a specific request to change the AD. This comment is outside the scope of this AD.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0193 specifies procedures for a rototest inspection for cracks in the area of the fastener holes at the forward and aft upper corner of the bulk cargo door at section 16 and 17, both LH and RH sides, and applicable on-condition actions. On-condition actions include contacting the manufacturer for repair instructions and doing the repair if cracks are detected, or modifying the affected area by cold working the fastener holes if no crack is detected.

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

Costs of Compliance

The FAA estimates that this AD affects 1,069 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$0	$340	$363,460

ESTIMATED COSTS OF ON-CONDITION MODIFICATION *

Labor cost	Parts cost	Cost per product
4 work-hours × $85 per hour = $340	$0	$340

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–17–01 Airbus SAS: Amendment 39–23444; Docket No. FAA–2026–3879; Project Identifier MCAI–2025–01452–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0193, dated September 8, 2025 (EASA AD 2025–0193), having an extended service goal (ESG) in the airworthiness limitations section of the instructions for continued airworthiness.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a fatigue test that identified cracks in the area of the fastener holes at the forward and aft upper corner of the bulk cargo door at section 16 and 17. The FAA is issuing this AD to address cracks in the forward and aft upper corner of the bulk cargo door, which, if not addressed, could affect the structural integrity 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 2025–0193.

(h) Exceptions to EASA AD 2025–0193

(1) Where EASA AD 2025–0193 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the definition of the "affected area" in EASA AD 2025–0193 specifies "as

defined in the SB'', this AD requires replacing that text with ''as specified in Airbus Service Bulletin A320–53–1303, dated March 7, 2025''.

(3) Where paragraph (2) of EASA AD 2025–0193 specifies ''if any crack is detected, before next flight, contact Airbus for approved repair instructions and, within the compliance time specified therein accomplish those instructions accordingly'', this AD requires replacing that text with ''if any crack is detected, the crack must be repaired before further flight using a method approved by the Manager, AIR–520, 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''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0193.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, 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, FAA; or EASA; or Airbus SAS's EASA 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 Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *Camille.L.Seay@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 2025–0193, dated September 8, 2025.

(ii) [Reserved]

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

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

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

Issued on August 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–17552 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1665]

Schedules of Controlled Substances: Temporary Placement of 5,6-Dichloro Brorphine, 5,6-Dichloro Desmethylchlorphine, N-Propionitrile Chlorphine, and Spirochlorphine in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary amendment; temporary scheduling order.

SUMMARY: The Drug Enforcement Administration (DEA) issues this temporary order to schedule 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-5,6-dichloro-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one (commonly known as 5,6-dichloro brorphine or SR–14968); 5,6-dichloro-1-(1-(4-chlorobenzyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one (commonly known as 5,6-dichloro desmethylchlorphine or SR–17018); 3-(3-(1-(1-(4-chlorophenyl)ethyl)piperidin-4-yl)-2-oxo-2,3-dihydro-1*H*-benzo[*d*]imidazol-1-yl)propanenitrile (commonly known as *N*-propionitrile chlorphine or cychlorphine); and 8-(1-(4-chlorophenyl)ethyl)-1-phenyl-1,3,8-triazaspiro[4.5]decan-4-one (commonly known as spirochlorphine or R–6890), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, to schedule I under the Controlled Substances Act. DEA bases this action on a finding that placing 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine in schedule I is necessary to avoid an imminent hazard to public safety. This order imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess) or propose to handle these substances.

DATES: This temporary order is effective August 27, 2026, until August 27, 2028. If this order is extended or made permanent, DEA will publish a document in the **Federal Register**.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: The Drug Enforcement Administration (DEA) issues a temporary scheduling order [1] (in the form of a temporary amendment) to add the following four synthetic opioids, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, to schedule I under the Controlled Substances Act (CSA):

- 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-5,6-dichloro-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one (Other names: 5,6-dichloro brorphine or SR–14968)
- 5,6-dichloro-1-(1-(4-chlorobenzyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this action adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

(Other names: 5,6-dichloro desmethylchlorphine or SR–17018)

- 3-(3-(1-(1-(4-chlorophenyl)ethyl)piperidin-4-yl)-2-oxo-2,3-dihydro-1*H*-benzo[*d*]imidazol-1-yl)propanenitrile (Other names: *N*-propionitrile chlorphine or cychlorphine)
- 8-(1-(4-chlorophenyl)ethyl)-1-phenyl-1,3,8-triazaspiro[4.5]decan-4-one (Other names: spirochlorphine or R–6890)

Legal Authority

The CSA provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the evaluation requirements of 21 U.S.C. 811(b), if he finds that such action is necessary to avoid an imminent hazard to the public safety.[2] In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year.[3]

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.[4] The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of DEA (Administrator).[5]

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of an intent to temporarily place a substance in schedule I of the CSA (*i.e.,* to issue a temporary scheduling order).[6] By letter dated April 1, 2026, the Administrator transmitted the required notice to place the four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—in schedule I on a temporary basis to the Assistant Secretary for Health of HHS (Assistant Secretary).[7] By letter dated April 10, 2026, the Assistant Secretary responded to this notice and advised that, based on a review by the Food and Drug Administration (FDA), there were currently no investigational new drug applications or approved new drug applications for 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine. The Assistant Secretary also stated that HHS had no objection to the temporary placement of these substances in schedule I of the CSA. These four synthetic opioids are not currently listed in any schedule under the CSA, and no exemptions or approvals under 21 U.S.C. 355 are in effect for these substances.

DEA has taken into consideration the Assistant Secretary's comments as required by 21 U.S.C. 811(h)(4). DEA has found the control of the four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—in schedule I on a temporary basis is necessary to avoid an imminent hazard to public safety.

As required by 21 U.S.C. 811(h)(1)(A), DEA published a notice of intent in the **Federal Register** on July 1, 2026, to temporarily schedule 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine.[8] That notice discussed findings from DEA's three-factor analysis, which DEA made available in its entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1665.

To find that temporarily placing a substance in schedule I of the CSA is necessary to avoid an imminent hazard to public safety, the Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to public health.[9] This consideration includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of these substances.[10]

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.[11] Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States,[12] and a lack of accepted safety for use under medical supervision.[13]

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[2] 21 U.S.C. 811(h)(1).

[3] 21 U.S.C. 811(h)(2).

[4] 21 U.S.C. 811(h)(1); 21 CFR part 1308.

[5] 28 CFR 0.100.

[6] 21 U.S.C. 811(h)(4).

[7] The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. *Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, As Amended; Delegation of Authority,* 58 FR 35460 (July 1, 1993).

[8] *Schedules of Controlled Substances: Temporary Placement of 5,6-Dichloro Brorphine, 5,6-Dichloro Desmethylchlorphine, N-Propionitrile Chlorphine, and Spirochlorphine in Schedule I of the Controlled Substances Act,* 91 FR 39940 (July 01, 2026).

[9] 21 U.S.C. 811(c)(4)–(6), (h)(3).

[10] 21 U.S.C. 811(h)(3).

[11] 21 U.S.C. 811(h)(1).

[12] When finding schedule I placement on a temporary basis is necessary to avoid imminent hazard to the public, 21 U.S.C 811(h) does not require DEA to consider whether the substance has a currently accepted medical use in treatment in the United States. Nonetheless, there is no evidence suggesting that the four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—have a currently accepted medical use in treatment in the United States. First, DEA looks to whether the drug or substance has FDA approval for marketing in interstate commerce. When no FDA approval exists, DEA has traditionally applied a five-part test to determine whether a drug or substance has a currently accepted medical use: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. *See Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA applied the traditional five-part test and concluded the test was not satisfied. In a published letter in a different context, HHS created and applied its own two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care providers operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this notice of intent, there is no evidence that health care providers have widespread experience with medical use of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine, or that the use of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied. By letter dated April 10, 2026, HHS advised DEA that there are currently no approved new drug applications or investigational new drug applications for 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine. In addition, HHS communicated no objections to the temporary placement of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine into schedule I of the CSA.

[13] 21 U.S.C. 812(b)(1).

Four Synthetic Opioids: 5,6-Dichloro Brorphine, 5,6-Dichloro Desmethylchlorphine, N-Propionitrile Chlorphine, and Spirochlorphine

The ongoing evolution and availability of novel psychoactive substances on the illicit drug market continues to pose an imminent hazard to public safety. Adverse health effects associated with the abuse of these substances and their increased popularity have become a serious concern in recent years. Such substances include four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—which have been identified on the illicit drug market in the United States and worldwide.

These four synthetic opioids are pharmacologically similar to other synthetic opioids controlled under the CSA, such as brorphine,[14] fentanyl,[15] morphine,[16] and other mu-opioid receptor agonists.[17] Due to these pharmacological similarities, the use of these four synthetic opioids presents a high risk of abuse and may negatively affect users and their communities.

These four synthetic opioids, which belong to a subset of opioids colloquially known as orphines, are increasingly prevalent on the recreational drug market and have been co-identified with other substances, such as fentanyl, posing a significant threat to public safety. This is particularly concerning, because the United States continues to experience a significant number of opioid-involved overdoses. The misuse and abuse of synthetic opioids, such as these four substances, have led to devastating consequences, including death. In the United States, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine have been identified in both drug seizures and toxicological cases, and 5,6-dichloro brorphine has been identified in drug material.

The positive identification of these four synthetic opioids in law enforcement seizures and toxicology reports indicates their availability for drug abuse purposes, which poses a serious concern to public safety. These substances have been detected through multiple avenues, including DEA's Toxicology Testing Program (DEA TOX),[18] DEA's National Forensic Laboratory Information System (NFLIS),[19] other internal DEA data collection systems, and the National Institute of Standards and Technology's Rapid Drug Analysis and Research (RaDAR) program,[20] among others. Data from these programs indicate that these substances are found both alone or in combination with other substances, and users may not be aware of polysubstance presence. In addition, online discussions surrounding the recreational use of these substances have recently increased.[21]

To confront these emerging substances and avoid an imminent hazard to public safety, DEA intends to temporarily place 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine in schedule I of the CSA. Available data and information on these four synthetic opioids, summarized below, indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. DEA's three-factor analysis is available in its entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1665.

Factor 4. Its History and Current Pattern of Abuse

5,6-Dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine are novel synthetic opioids that belong to a class of opioids colloquially known as orphines. The earliest known description of these substances, which include benzimidazolinyl piperidine derivatives (*i.e.,* benzimidazolones), appeared in a U.S. patent in 1967.[22] In recent years, online forum users have begun to discuss recreational use of these four synthetic opioids and commonly compared these four synthetic opioids to other traditionally abused opioids, such as morphine and fentanyl (schedule II substances). However, unlike these two drugs that have FDA approval for use in specific medical treatments, the four synthetic opioids have no currently approved medical use and, based on positive identifications of these four substances in forensic drug exhibits and toxicology samples, are likely to be trafficked and abused similarly to other synthetic opioids, such as brorphine (schedule I).

Based on available data from user reports and law enforcement seizures, individuals purchase 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine primarily in powder form; additional forms include capsule, liquid, paste, rock, and tablet forms. Common routes of administration include oral consumption, inhalation (including vaping), and injection. Data also indicate that these four substances are likely co-ingested with other substances, whether as separate products or a single product containing multiple licit and illicit substances (*see* Factor 6).

Factor 5. The Scope, Duration, and Significance of Abuse

Users on online forums began to discuss the four synthetic opioids and their consumption in recent years. In 2025, clusters of overdoses specifically resulting from *N*-propionitrile chlorphine use have led to public concern both in the United States and in other countries. This concern has initiated state-level efforts to control *N*-propionitrile chlorphine.[23]

In addition, law enforcement data indicate that the presence of the four

[14] 21 CFR 1308.11(b)(24).

[15] 21 CFR 1308.12(c)(9).

[16] 21 CFR 1308.12(b)(1)(ix).

[17] Unpublished data obtained for DEA by the U.S. Department of Veterans Affairs (VA), via a DEA–VA Interagency Agreement, titled ''In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA.''

[18] DEA TOX is a surveillance program that aims to detect novel psychoactive substances (NPS) in fatal and nonfatal overdose cases within the United States. From these cases, biological samples, as well as drug paraphernalia (on limited occasions), are submitted for analysis by hospitals, medical examiners, poison centers, and law enforcement nationwide.

[19] NFLIS represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS-Drug is a comprehensive information system that includes data from forensic laboratories that handle more than 96 percent of an estimated 1 million distinct annual federal, state, and local drug analysis cases. NFLIS-Drug includes drug chemistry results from completed analyses only. While NFLIS-Drug data are not direct evidence of abuse, these can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011).

[20] RaDAR seeks to elucidate the chemical compositions of drugs throughout the illicit drug landscape. Additional information is available at *https://www.nist.gov/programs-projects/radar.*

[21] Based on forum searches for the four synthetic opioids. In addition, the National Drug Early Warning System (NDEWS) provides Weekly Briefing newsletters related to drug trends, including web monitoring. *N*-Propionitrile Chlorphine was featured in Issue 201: September 27, 2024. SR–17018 was featured in Issue 257: November 14, 2025. Last accessed March 17, 2026. Newsletters are available at *https://ndews.org/publications/ndews-weekly-briefings/.*

[22] *See* Janssen, P.A.J. (1967). Derivatives of benzimidazolinyl piperidine (U.S. Patent No. 3,318,900). U.S. Patent and Trademark Office.

[23] For example, a bill was recently introduced in the General Assembly of Kentucky to, among other things, control cychlorphine. *See* Ky. Gen. Assemb., H.B. 750, Reg. Sess. (2026), *available at https://apps.legislature.ky.gov/record/26rs/hb750.html.*

synthetic opioids is increasingly widespread in the United States. NFLIS-Drug, a component of NFLIS, registered a collective total of 265 reports, across 21 states, pertaining to the trafficking, distribution, and abuse of the four synthetic opioids.[24] More specifically, NFLIS-Drug reported 2 total encounters of 5,6-dichloro brorphine in 2 states since 2025; 2 total encounters of 5,6-dichloro desmethylchlorphine in 2 states since 2025; 225 total encounters of *N*-propionitrile chlorphine in 19 states since 2022; and 36 total encounters of spirochlorphine in 6 states since 2025. These states include Alabama, Arkansas, California, Connecticut, Florida, Iowa, Illinois, Louisiana, Massachusetts, Missouri, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, and Texas. Moreover, other internal DEA data collection systems reported four additional encounters of *N*-propionitrile chlorphine in 2026.[25]

Furthermore, RaDAR has detected two of the four synthetic opioids thus far. RaDAR reported its first detection of *N*-propionitrile chlorphine in a sample from the East Coast of the United States, collected in January 2026, that contained fentanyl, local anesthetics, medetomidine, and xylazine.[26] RaDAR also reported its first detection of 5,6-dichloro desmethylchlorphine in multiple West Coast samples, collected in February 2026, that contained either cannabinoids and methamphetamine or no other compounds.[27]

Factor 6. What, if Any, Risk There Is to Public Health

The availability of synthetic opioids on the illicit drug market continues to exacerbate the opioid overdose epidemic and pose risks to public health and safety. As mentioned previously, 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine exhibit pharmacological profiles similar to those of fentanyl, morphine, and other mu-opioid receptor agonists. These substances bind to and activate the mu-opioid receptor, which then mediates various physiological responses, including reward-associated behavior.

Based on the pharmacological similarities between the four synthetic opioids and other mu-opioid agonists, the four synthetic opioids are likely to exhibit similar physiological responses. Available data on 5,6-dichloro brorphine and 5,6-dichloro desmethylchlorphine indicate that these two substances produce dose-dependent antinociception, reward-associated behavior, and physical dependence.[28] Data on *N*-propionitrile chlorphine and spirochlorphine indicate that these two substances have greater receptor binding affinities, relative to fentanyl.[29] Moreover, evidence suggests that users abuse the four synthetic opioids for their euphoric and analgesic effects. Users also specifically report self-administering 5,6-dichloro desmethylchlorphine to reduce or reset opioid tolerance in an attempt to continue or maximize drug-induced euphoric effects in subsequent sessions. Consequently, such an attempt may likely increase users' risk of inadvertent harm and fatal overdose during their next recreational dose of other drugs.

Toxicological and forensic case reports on these four synthetic opioids are currently limited, likely because commonly used drug screening methods may not yet be able to identify these four synthetic opioids. As a result, fatalities and emergency room admissions involving the four synthetic opioids, in addition to those reported below, have likely occurred without report. At present, only one nonfatal overdose related to the four synthetic opioids has been reported in scientific and medical literature.[30] In this case report, authors reported that a 36-year-old man was found unconscious after inhaling a substance he believed to be alprazolam—a prescription benzodiazepine—which forensic analysis revealed was primarily *N*-propionitrile chlorphine mixed with fentanyl and xylazine. The overdose victim also exhibited bradycardia and hypothermia upon arrival at the emergency department.

Despite the limited case reports for these substances in literature, case reports may be obtained through other programs, such as DEA TOX. DEA TOX provides expanded analysis to detect novel psychoactive substances in samples for which routine toxicological findings do not explain the toxidrome exhibited by the victim. Thus far, DEA TOX has positively identified *N*-propionitrile chlorphine in a total of 49 fatalities; victims included both male (n = 28) and female (n = 21) users, with ages ranging from 18–66 years old.[31] In five of these cases, *N*-propionitrile chlorphine was detected at low levels, either alone or in the presence of other substances at negligible concentrations, illustrating the potential harm of even low doses of this substance.

Moreover, law enforcement and harm reduction data indicate that the four synthetic opioids are easily and affordably obtainable online and on the illicit market. Available law enforcement data reveal that drug seizures related to the four synthetic opioids contain a plethora of co-identified substances; these substances include, but are not limited to, other opioids (*e.g.,* carfentanil (schedule II), chlorphine, fentanyl (schedule II), *N*-pyrrolidino metonitazene (schedule I)); benzodiazepines (*e.g.,* alprazolam (schedule IV), bromazolam (schedule I), clonazolam (schedule I)); stimulants (*e.g.,* cocaine (schedule II), methamphetamine (schedule II)); hallucinogens (*e.g.,* phencyclidine (schedule II)); pharmaceuticals (*e.g.,* diphenhydramine, quetiapine); and other adulterants (*e.g.,* xylazine, bis(2,2,6,6-tetramethyl-4-piperidyl)sebacate). Available harm reduction data indicate that the four synthetic opioids were individually or combinedly present as major substances or trace contaminants in samples assumed to be other drugs, like fentanyl. Consequently, individuals may be unknowingly exposed to these substances despite their intentions to consume other drugs, such as fentanyl.

Congruent with the data above, toxicological reports suggest that users may have inadvertently ingested the four synthetic opioids with other drugs, whether as separate products or a single product containing multiple licit and illicit substances. In available toxicological reports through DEA TOX,

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[24] NFLIS-Drug data were queried on May 18, 2026. NFLIS-Drug reports are still pending for 2025 and 2026 due to normal lag time.

[25] The internal DEA data collection system was queried on May 21, 2026.

[26] Rapid Drug Analysis and Research (RaDAR). (2026, February 15). RaDAR Newsletter—January 2026. U.S. Department of Commerce, National Institute of Standards and Technology. *https://content.govdelivery.com/accounts/USNIST/bulletins/4093681.*

[27] Rapid Drug Analysis and Research (RaDAR). (2026, March 16). RaDAR Newsletter—February 2026. U.S. Department of Commerce, National Institute of Standards and Technology. *https://content.govdelivery.com/accounts/USNIST/bulletins/40e2fe7.*

[28] *See* Kudla, L., Bugno, R., Podlewska, S., Szumiec, L., Wiktorowska, L., Bojarski, A.J., & Przewlocki, R. (2021). Comparison of an addictive potential of μ-opioid receptor agonists with G protein bias: Behavioral and molecular modeling studies. *Pharmaceutics, 14*(1), 55. *https://doi.org/10.3390/pharmaceutics14010055.*

[29] Unpublished data obtained for DEA by the U.S. Department of Veterans Affairs (VA), via a DEA–VA Interagency Agreement, titled ''In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA.''

[30] *See* Sprague, J.E., Toms, J.A., & Ratermann, C.F. (2025). Non-fatal opioid overdose associated predominantly with the benzimidazolone, cychlorphine. *Clinical toxicology (Philadelphia, Pa.),* 1–2. Advance online publication. *https://doi.org/10.1080/15563650.2025.2594070.*

[31] DEA TOX data include confirmed detections of NPS through the data query date, May 18, 2026.

substances co-identified with *N*-propionitrile chlorphine include, but are not limited to, benzodiazepines (*e.g.,* bromazolam (schedule I)); other opioids (*e.g.,* fentanyl (schedule II), metonitazene (schedule I), morphine (schedule II)); stimulants (*e.g.,* cocaine (schedule II), methamphetamine (schedule II)); and other adulterants (*e.g.,* medetomidine, xylazine). Furthermore, the Center for Forensic Science Research and Education reported detecting the four synthetic opioids alone, with each other, or in combination with other synthetic opioids (*e.g.,* chlorphine, fentanyl (schedule II), *N*-pyrrolidino ethylene isotonitazene); designer benzodiazepines (*e.g.,* phenazolam); and synthetic cathinones (*e.g.,* 3,4-methylenedioxy-alpha-pyrrolidinoisohexanophenone) across toxicological and drug samples submitted to its program for analysis.[32]

In summary, the data presented above indicate that these four synthetic opioids have been encountered as single substances and as polysubstance combinations, and, as a result, the unpredictable levels of adulterant or drug purity across samples poses significant harm and unintended consequences to public health, including death.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard To Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine pose imminent hazards to public safety. DEA is not aware of any currently accepted medical uses for 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine in treatment in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I must have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine indicate that these substances meet the three statutory criteria.

As required by 21 U.S.C. 811(h)(4), the Administrator notified the Assistant Secretary via letter dated April 1, 2026, of DEA's intention to temporarily place four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—in schedule I. In a letter dated April 10, 2026, the Assistant Secretary had no objection to the temporary placement of these four substances in schedule I. DEA subsequently published a notice in the **Federal Register** on July 1, 2026.

Conclusion

In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule the four synthetic opioids—5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine—in schedule I of the CSA, and finds that placement of these substances in schedule I is necessary to avoid an imminent hazard to the public's safety.

The temporary placement of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine in schedule I of the CSA will take effect on the date the order is published in the **Federal Register** and will remain in effect for two years, with a possible extension of an additional year, pending completion of the regular (permanent) scheduling process.[33]

The CSA sets forth specific criteria for scheduling drugs or other substances. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557.[34] The regular scheduling process of formal rulemaking affords interested parties appropriate process and the government any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.[35] Temporary scheduling orders are not subject to judicial review.[36]

Requirements for Handling

Upon the effective date of this temporary order, 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, possession of, and engagement in research and conduct of instructional activities or chemical analysis with, schedule I controlled substances, including but not limited to the following:

1. *Registration.* Any person who handles (possesses, manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with) or desires to handle 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine must be registered with DEA to conduct such activities, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312, as of August 27, 2026. Any person who currently handles 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine and is not registered with DEA must submit an application for registration and may not continue to handle 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine as of August 27, 2026, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

Notwithstanding the foregoing, pursuant to 21 U.S.C. 822(h), if, on August 27, 2026, a person is conducting research on 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine and is already registered to conduct research with another controlled substance in schedule I, the person may continue to conduct research on 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine if they submit a completed application for registration or modification of existing registration, as applicable, to conduct research with 5,6-dichloro brorphine,

[32] The Center for Forensic Science Research and Education documents its findings of novel psychoactive substances through drug monographs published on its website. Available at *https://www.cfsre.org/nps-discovery/monographs.*

[33] 21 U.S.C. 811(h)(1) and (2).

[34] 21 U.S.C. 811.

[35] 21 U.S.C. 877.

[36] 21 U.S.C. 811(h)(6).

5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine not later than 90 calendar days after August 27, 2026. The person may continue to conduct such research until the person withdraws the application or the Administrator serves on the person an order to show cause proposing denial of the application pursuant to 21 U.S.C. 824(c) and in accordance with 21 CFR 1301.37. If the Administrator serves an order to show cause proposing denial of the application or modification, the person may not continue to conduct research with 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine and may not receive or otherwise obtain additional 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine. If an order to show cause is served and the person requests a hearing in accordance with 21 CFR 1301.37(d), the hearing shall be held in accordance with 21 CFR 1301.41–1301.46 on an expedited basis and not later than 45 calendar days after the request is made, except that the hearing may be held at a later time if so requested by the person. If the person sends a copy of the application to a manufacturer or distributor of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine, receipt of the copy by the manufacturer or distributor constitutes sufficient evidence that the person is authorized to receive 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine pursuant to 21 U.S.C. 822(h)(4). Continuation of research under 21 U.S.C. 822(h) does not authorize any other handling (*e.g.,* distribution) of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine.

Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine in a manner not authorized by the CSA on or after August 27, 2026, is unlawful, and those in possession of any quantity of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is unable to obtain a schedule I registration to handle 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine must surrender all currently held quantities of these substances.

3. *Security.* 5,6-Dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine is subject to schedule I security requirements and must be handled in accordance with 21 CFR 1301.71–1301.93, as of August 27, 2026.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine must comply with 21 U.S.C. 825 and 958(e) and 21 CFR part 1302. Current DEA registrants will have 30 calendar days from August 27, 2026, to comply with all labeling and packaging requirements.

5. *Inventory.* Every DEA registrant who possesses any quantity of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine on the effective date of this order must take an inventory of all stocks of these substances on hand pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants will have 30 calendar days from the effective date of this order to comply with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, and spirochlorphine) on hand on a biennial basis pursuant to 21 U.S.C. 827 and 958 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine pursuant to 21 U.S.C. 827 and 958(e) and in accordance with 21 CFR parts 1304, 1312, and 1317, and section 1307.11. Current DEA registrants authorized to handle 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine shall have 30 calendar days from the effective date of this order to comply with all recordkeeping requirements.

7. *Reports.* All DEA registrants must submit reports with respect to 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304, 1312, and 1317, and sections 1301.74(c) and 1301.76(b), as of August 27, 2026. Manufacturers and distributors must also submit reports regarding 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* All DEA registrants who distribute 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of August 27, 2026.

9. *Importation and Exportation.* All importation and exportation of 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312 as of August 27, 2026.

10. *Quota.* Generally, only DEA-registered manufacturers may manufacture 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303, as of August 27, 2026.

11. *Liability.* Any activity involving 5,6-dichloro brorphine, 5,6-dichloro desmethylchlorphine, *N*-propionitrile chlorphine, or spirochlorphine not authorized by or in violation of the CSA, occurring as of August 27, 2026, is unlawful, and may subject the person to administrative, civil, or criminal sanctions.

Regulatory Analyses

The CSA provides for expedited temporary scheduling actions where necessary to avoid an imminent hazard to public safety. Under 21 U.S.C. 811(h)(1), the Administrator (as delegated by the Attorney General) may, by order, temporarily place substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) the publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary, as delegated by the Secretary of HHS.[37]

Inasmuch as section 811(h) directs that temporary scheduling actions be

[37] 21 U.S.C. 811(h)(1).

issued by order (as distinct from a rule) and sets forth the procedures by which such orders are to be issued, DEA believes the notice-and-comment requirements of the Administrative Procedure Act (APA) at 5 U.S.C. 553, which are applicable to rulemaking, do not apply to this temporary scheduling order. The APA expressly differentiates between orders and rules, as it defines an ''order'' to mean a ''final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making*.'' [38] This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' and final decisions that conclude the scheduling process and are subject to judicial review.[39] The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions,[40] it is noteworthy that, in section 811(h)(1), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

Even assuming that this action is subject to the notice-and-comment requirements of the APA, the Administrator finds that there is good cause to forgo these requirements pursuant to 5 U.S.C. 553(b)(B), as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid an imminent hazard to public safety.

Although DEA believes this temporary scheduling order is not subject to the notice-and-comment requirements of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to the notices that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking. Therefore, in this instance, since DEA believes this temporary scheduling action is not a ''rule,'' it is not subject to the requirements of the RFA when issuing this temporary action.

In accordance with the principles of Executive Orders (E.O.) 12866 and 13563, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. The Office of Management and Budget has determined that this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866. In addition, DEA scheduling actions are not subject to either E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Fighting Overcriminalization in Federal Regulations.

This action will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraphs (h)(92) through (95) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

* * * * * * *

(92) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-5,6-dichloro-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: 5,6-dichloro brorphine; SR–14968)	9097
(93) 5,6-dichloro-1-(1-(4-chlorobenzyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[*d*]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: 5,6-dichloro desmethylchlorphine; SR–17018)	9096
(94) 3-(3-(1-(1-(4-chlorophenyl)ethyl)piperidin-4-yl)-2-oxo-2,3-dihydro-1*H*-benzo[*d*]imidazol-1-yl)propanenitrile, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: *N*-propionitrile chlorphine; cychlorphine)	9094
(95) 8-(1-(4-chlorophenyl)ethyl)-1-phenyl-1,3,8-triazaspiro[4.5]decan-4-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: spirochlorphine; R–6890)	9093

Signing Authority

This document of the Drug Enforcement Administration was signed on August 23, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–17531 Filed 8–26–26; 8:45 am]

BILLING CODE 4410–09–P

[38] 5 U.S.C. 551(6) (emphasis added).

[39] 21 U.S.C. 811(a) and 877.

[40] *See* 21 U.S.C. 811(a).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA 1713]

Schedules of Controlled Substances: Placement of Cipepofol in Schedule IV

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim final rule; request for comments.

SUMMARY: On May 29, 2026, the United States Food and Drug Administration (FDA) approved a new drug application for Cypsedo (cipepofol) for induction of general anesthesia in adults undergoing surgery. The Department of Health and Human Services provided the Drug Enforcement Administration (DEA) with a scheduling recommendation to place cipepofol, chemically known as 2-[(1*R*)-1-cyclopropylethyl]-6-isopropylphenol, in schedule IV of the Controlled Substances Act (CSA). In accordance with the CSA, as amended by the Improving Regulatory Transparency for New Medical Therapies Act, DEA is hereby issuing an interim final rule placing cipepofol in schedule IV of the CSA.

DATES: This rule is effective August 27, 2026. Comments must be submitted electronically or postmarked on or before September 28, 2026. The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law asserted in the hearing, must be received on or before September 28, 2026.

ADDRESSES: Interested persons may file written comments on this rulemaking in accordance with 21 U.S.C. 811(j)(3) and 21 CFR 1308.43(g). To ensure proper handling of comments, please reference ''Docket No. DEA1713'' on all correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration (DEA) encourages commenters to submit comments electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu* of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, VA 22152.

• *Hearing requests:* All requests for hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be filed with the DEA Administrator, who will make the determination of whether a hearing will be needed to address such matters of fact and law in the rulemaking. Such requests must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. For informational purposes, a courtesy copy of requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

• *Paperwork Reduction Act Comments:* All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to Docket No. DEA1713.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug & Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: In this interim final rule (IFR), Drug Enforcement Administration (DEA) is adding cipepofol to schedule IV of the Controlled Substances Act (CSA).

Posting of Public Comments

All comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at *https://www.regulations.gov,* unless reasonable cause is given. Such information includes personal or business identifying information (such as name, address, State or Federal identifiers, etc.) voluntarily submitted by the commenter.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must be marked ''CONTAINS CONFIDENTIAL INFORMATION'' and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked ''TO BE PUBLICLY POSTED'' and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on *https://www.regulations.gov* for public inspection. DEA generally will not redact additional information contained in the comment marked ''TO BE PUBLICLY POSTED.'' The Freedom of Information Act applies to all comments received.

For easy reference, an electronic copy of this document and supplemental information to this IFR are available at *http://www.regulations.gov.*

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(j)(3), an interested person may ''request a hearing.'' Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559.[1] Interested persons, as defined in 21 CFR 1300.01(b), may file requests for a hearing in conformity with the requirements of 21 CFR 1308.44(a) and 1316.47(a), and such requests must:

(1) state with particularity the interest of the person in the proceeding;

(2) state with particularity the objections or issues concerning which the person desires to be heard; and

[1] 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D.

(3) state briefly the position of the person with regard to the objections or issues.

Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(c), together with a written statement of position on the matters of fact and law involved in any hearing.[2]

All requests for hearings and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above. The decision whether a hearing will be needed to address such matters of fact and law in the rulemaking will be made by the Administrator. If a hearing is needed, DEA will publish a notice of hearing on the interim final rule in the **Federal Register**.[3] Further, once the Administrator determines a hearing is needed to address such matters of fact and law in rulemaking, he will then designate an Administrative Law Judge (ALJ) to preside over the hearing. The ALJ's functions shall commence upon designation, as provided in 21 CFR 1316.52.

In accordance with 21 U.S.C. 811 and 812, the purpose of a hearing would be to determine whether cipepofol meets the statutory criteria for placement in schedule IV.

Legal Authority

Under the CSA, as amended in 2015 by the Improving Regulatory Transparency for New Medical Therapies Act (section 2(b) of Pub. Law 114–89), DEA is required to commence an expedited scheduling action with respect to certain new drugs approved by the Food and Drug Administration (FDA). As provided in 21 U.S.C. 811(j), this expedited scheduling is required where both of the following conditions apply: (1) The Secretary of the Department of Health and Human Services (HHS) has advised DEA that a New Drug Application (NDA) has been submitted for a drug that has a stimulant, depressant, or hallucinogenic effect on the central nervous system (CNS), and that it appears that such drug has an abuse potential; and (2) the Secretary of HHS recommends that DEA control the drug in schedule II, III, IV, or V pursuant to 21 U.S.C. 811(a) and (b). In these circumstances, DEA is required to issue an IFR controlling the drug within 90 days.

Subsection 811(j)(2) states that the 90-day timeframe starts the later of (1) the date DEA receives HHS's scientific and medical evaluation/scheduling recommendation, or (2) the date DEA receives notice of the NDA approval by HHS. Subsection 811(j)(3) specifies that the rulemaking shall become immediately effective as an IFR without requiring DEA to demonstrate good cause therefore. Thus, the purpose of subsection 811(j) is to speed the process by which DEA schedules newly approved drugs that are currently either in schedule I or not controlled (but which have sufficient abuse potential to warrant control) so that such drugs may be marketed without undue delay following FDA approval.[4]

Subsection 811(j)(3) further provides that the IFR shall give interested persons the opportunity to comment and to request a hearing. After the conclusion of such proceedings, DEA must issue a final rule in accordance with the scheduling criteria of 21 U.S.C. 811(b) through (d), and 812(b).

Background

Cipepofol is a new molecular entity with CNS activity, acting as a positive allosteric modulator and agonist at the gamma-aminobutyric acid A ($GABA_A$) receptor, inducing chloride ion influx and reversing action potential generation in neuronal tissue. The chemical structure and mechanism of action of cipepofol are similar to those of the FDA-approved drugs propofol and fospropofol. Also, the mechanism of action of cipepofol is similar to certain FDA-approved neuroactive steroid products, which are controlled in schedule IV (*i.e.,* alfaxalone, brexanolone, and zuranolone) or schedule V (*i.e.,* ganaxolone).

Determination To Schedule Cipepofol

On May 6, 2026, DEA received from HHS a scientific and medical evaluation entitled ''Basis for the Recommendation to Control Cipepofol in Schedule IV of the Controlled Substances Act'' and a scheduling recommendation. Pursuant to 21 U.S.C. 811(b) and (c), this document contained an eight-factor analysis of the abuse potential, legitimate medical use, and dependence liability of cipepofol, along with HHS's recommendation to control cipepofol under schedule IV of the CSA.

In response, DEA reviewed the scientific and medical evaluation and scheduling recommendation provided by HHS, along with all other relevant data, and completed its own eight-factor review pursuant to 21 U.S.C. 811(c). DEA concluded that cipepofol meets the 21 U.S.C. 812(b)(4) criteria for placement in schedule IV of the CSA.

Pursuant to subsection 811(j), and based on HHS's scheduling recommendation, the approval of the NDA by HHS/FDA, and DEA's determination, DEA is issuing this IFR to schedule cipepofol as a schedule IV controlled substance under the CSA.

Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its scheduling action. Please note that both DEA and HHS analyses are available in their entirety under ''Supporting Documents'' in the public docket for this IFR at *https://www.regulations.gov,* under Docket Number ''DEA1713.'' Full analysis of, and citations to, the information referenced in the summary may also be found in the supporting and related material.

1. Its Actual or Relative Potential for Abuse

Cipepofol is currently legally marketed in China, where data shows zero abuse or misuse cases. According to HHS, because cipepofol has not been legally marketed in the United States, the legitimate drug channels for cipepofol are limited to the research conducted with the drug, and to manufacturing facilities and the supply chain to produce cipepofol for legitimate drug research. HHS further notes because cipepofol has not been legally marketed in the United States, abuse of cipepofol in the United States would be limited to incidents following diversion of supplies from research or manufacturing activities of cipepofol. Both DEA and FDA are not aware of any such incidents of diversion or abuse related to cipepofol. Accordingly, DEA's National Forensic Laboratory Information System (NFLIS)-Drug[5] data confirms there is no report of law enforcement encounters of cipepofol in the United States. Cipepofol targets $GABA_A$ receptors and shares a similar mechanism of action with both propofol (which has proposed schedule IV status due to its potential for abuse and

[2] 21 CFR 1316.49.

[3] 21 CFR 1308.44(b), 1316.53.

[4] Given the parameters of subsection 811(j), in DEA's view, it would not apply to a reformulation of a drug containing a substance currently in schedules II through V for which an NDA has recently been approved.

[5] NFLIS-Drug represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS-Drug is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by Federal, State and local forensic laboratories in the United States. While NFLIS-Drug data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS-Drug data was queried on May 11, 2026.

dependence liability) and its prodrug, fospropofol (a schedule IV substance that can induce euphoria). It also shares a similar mechanism of action with certain controlled neuroactive steroids, including alfaxalone, brexanolone, and zuranolone (schedule IV), and ganaxolone (schedule V). Accordingly, both FDA and DEA concluded that cipepofol poses safety hazards and has an abuse potential similar to schedule IV substances.

2. Scientific Evidence of Its Pharmacological Effects, if Known

Based on *in vitro* binding and functional reports, HHS noted that cipepofol acts as a selective $GABA_A$ receptor positive modulator and agonist that induces chloride ion influx to cause neuronal hyperpolarization and thus achieve CNS depression.

Preclinical Behavioral Studies

Functional Studies: Single intravenous doses of cipepofol (up to 6 mg/kg) in rats produced dose-dependent increase in duration and level of anesthesia with effect declining within 45 minutes. Neurobehavioral tests at 2 and 24 hours post-dose showed no residual treatment-related effects.[6]

Conditioned Place Preference (CPP): A 6-day CPP study in rats compared cipepofol (1, 2, or 4 mg/kg) against vehicle and propofol. Data from the study showed that neither propofol nor cipepofol produced environmental preference or evidence of CPP. However, because literature shows propofol can induce CPP under different parameters, this negative result does not completely rule out the reward potential of cipepofol. HHS concluded these findings must be interpreted alongside broader abuse liability data.

Self-Administration: In rats trained to self-administer propofol (1.7 mg/kg/injection), substituting cipepofol (0.2, 0.4, and 0.8 mg/kg/injection) successfully maintained lever-pressing behavior. Higher doses caused a decrease in injection frequency but an increase in total drug intake. Response rates also likely fell due to the drug's sedative effects. HHS concluded that these data confirm cipepofol has rewarding and reinforcing properties.

Physical Dependence and Withdrawal: A 30-day study evaluated dependence in rats using titrated doses of cipepofol, propofol, morphine, or vehicle, followed by a 14-day abrupt withdrawal phase. The high dose of cipepofol (5.4 mg/kg/day) replicated human therapeutic exposure levels. Higher doses were omitted because profound sedation would impair the animals. Abruptly stopping cipepofol caused mild, intermittent withdrawal symptoms like temporary chewing and body shakes, mirroring the mild withdrawal profile of propofol. These findings indicate that cipepofol carries a low risk for physical dependence at therapeutic doses.

Pharmacological and Behavioral Studies in Human

Human Abuse Potential (HAP) studies assess a drug's abuse liability by comparing a test drug to active controls and placebos. As described in HHS's scientific and medical evaluation, an intravenous HAP study was conducted by the drug sponsor to assess the abuse potential of cipepofol in participants who were non-dependent, recreational drug users. High scores on specific visual analog scales (VAS), such as ''Drug Liking'' and ''High,'' indicate abuse potential. Propofol served as the active control because both drugs share a similar mechanism of action. The dose selection phase (part 1) used 43 subjects to select safe doses, establishing cipepofol doses at 0.175 mg/kg and 0.2 mg/kg, and propofol at 0.725 mg/kg. The main study was a randomized, double-blind- and active-controlled, four-way crossover trial (part 2) with 42 participants, though 2 were excluded from the final analysis due to oversedation and invariant responses. Ultimately, 40 participants completed the entire trial.

Regarding the pharmacodynamic (PD) results, cipepofol showed an abuse potential similar to propofol. Both active drugs scored significantly higher than the placebo, but participants liked both active drugs equally. These comparable liking scores demonstrate a similar liability for misuse. Cipepofol demonstrated a statistically significant increase in drug-liking over placebo, establishing its abuse potential, though it did not surpass that of propofol. Its psychological profile mirrors the standard anesthetic control. Regarding the pharmacokinetic (PK) results, cipepofol plasma levels peaked rapidly at 2 minutes, reaching 226 ng/mL for the 0.175 mg/kg dose and 257 ng/mL for the 0.2 mg/kg dose. The drug clearance was rapid, with levels falling below the 5 ng/mL lower limit of quantification by 8 hours post-dose. Total drug exposure was similar between both doses. Half-life and peak times showed no meaningful differences, matching the drug's rapid-onset and short-duration profile.

For safety and adverse events (AEs), abuse-related side effects were rare. In Part 1 of the clinical trial, propofol users reported euphoria and sleepiness, while cipepofol users reported one instance of depressed mood. The Part 2 qualification phase saw one instance of euphoria from propofol. During the Part 2 treatment phase, one oversedation event occurred from cipepofol, but no other abuse-related adverse events were observed.

The analysis of pooled Phase 1 data across 13 healthy volunteer studies highlights the value of subtherapeutic dosing for evaluating abuse potential, as therapeutic doses induce too much sedation. Out of 322 cipepofol recipients, 69 received subtherapeutic doses (<0.4 mg/kg) and 253 received therapeutic doses (≥0.4 mg/kg), while 46 received propofol. Dizziness was the top CNS adverse event, hitting 15% of the propofol group but only 4% of the therapeutic cipepofol group. Restlessness and disorientation occurred at 2% or less, solely in the therapeutic cipepofol cohort.

An HHS safety review of pooled Phase 2 and 3 studies showed minimal abuse-related adverse events, with comparable safety profiles between cipepofol and propofol across multiple clinical settings. Across open-label sedation trials (219 patients), procedural sedation and non-endotracheal surgical procedures (848 patients), and general anesthesia induction trials (1,365 patients), dizziness was consistently the most common central nervous system event, occurring at nearly identical rates between the two drugs (4% to 6% for cipepofol vs. 6% to 7% for propofol). Other abuse-related adverse events including excessive talking, somnolence, anxiety, restlessness, agitation, confusion, disorientation, and emotional disorder were rarely observed, affecting 1% or less of participants in both cohorts.

Another HHS review of United States and European Union Phase 3 data covering 723 cipepofol and 357 propofol recipients found dizziness was the most common CNS event. Other abuse-related events—specifically anxiety, restlessness, agitation, confusion, disorientation, and somnolence—occurred at low rates (≤1%) in both groups, with further details on physical dependence assessments found in Factor 7.

In summary, HHS concluded that no adverse events involving actual abuse, misuse, diversion, intentional overdose, or physical dependence occurred during the cipepofol clinical trials. Abuse-related events were rare and balanced between the cipepofol and propofol groups. Frequent reports of dizziness in both cohorts were distinct from

[6] HHS eight-factor analysis document. Page 6. 2026.

euphoria-related symptoms like elevated mood or feeling drunk, with the only instance of euphoric mood linked to cipepofol being a single report (verbatim term ''agitated'') during procedural sedation. Based on this comprehensive review, intravenous cipepofol demonstrates reinforcing effects similar to propofol, indicative of its abuse potential.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

Cipepofol, chemically known as 2-[(1*R*)-1-cyclopropylethyl]-6-isopropylphenol, is a new molecular entity. The final cipepofol product is distributed as a 2.5 mg/mL oil-in-water emulsion for injection, provided in 20 mL single-use vials. An HHS review indicates intravenous cipepofol distributes rapidly, peaking within 1 to 2 minutes. Cipepofol exhibits extensive tissue distribution and is 99% protein-bound in serum. The major metabolite of cipepofol was identified as M4 metabolite, which was found to be pharmacologically inactive and thus poses a negligible abuse risk. At a 0.4 mg/kg dose, plasma half-life of cipepofol is 1 to 5 hours. Kidneys clear 85% of the dose of cipepofol, mainly as metabolites M4 and M5–1. As discussed in the background section, cipepofol has an accepted medical use in treatment in the United States.

4. Its History and Current Pattern of Abuse

Because cipepofol is not marketed in the United States, domestic abuse data remains unavailable. Based on available postmarket data from China provided in the NDA submission, it is estimated that 14.5 million patients in China have received the drug and postmarket adverse event surveillance data shows no reports of abuse or misuse. Spontaneous reports in the Drug Adverse Event Reporting System (DAERS) noted side effects like dizziness, agitation, and hallucinations, but some published literature show no evidence of misuse. Furthermore, HHS noted that recent epidemiological data shows no documented instances of abuse. Population-level analyses from America's Poison Centers National Poison Data System (NPDS) and the National Electronic Injury Surveillance System-Cooperative Adverse Drug Event Surveillance (NEISS–CADES) confirm this absence, suggesting that it is likely cipepofol currently shows no cases of abuse or misuse due to its lack of U.S. approval. Data from preclinical and clinical studies indicate that the abuse potential of cipepofol is similar to that of propofol. HHS notes that consistent with the recommendation made in 2010 to place propofol in schedule IV of the CSA, there continue to be reports of propofol abuse and misuse, primarily in healthcare professionals with occupational access to the drug. Although there is currently no available data on the abuse or misuse of cipepofol, the information on propofol, a closely related drug, may provide some evidence supporting the abuse potential of cipepofol.

In summary, pharmacological data on cipepofol shows that it produces abuse-related effects and has an abuse potential similar to that of propofol and other schedule IV CNS depressants.

5. The Scope, Duration, and Significance of Abuse

Cipepofol has been marketed exclusively in China since 2021 and remains unavailable in the United States, resulting in limited domestic abuse data. Current HHS reviews indicate no documented instances of abuse, misuse, or diversion, though this finding is restricted by the drug's brief clinical history. Consequently, potential extra-medical use is projected to remain confined to healthcare professionals with direct occupational exposure. Nonclinical and clinical data demonstrate an abuse potential comparable to propofol, a substance recommended for schedule IV designation. Furthermore, DEA's NFLIS-Drug database confirms that cipepofol is entirely absent from the illicit United States drug market. Because preclinical and clinical studies showed that cipepofol has an abuse potential that is similar to that of propofol, it is likely that upon its availability in the market, cipepofol may be abused.

6. What, if Any, Risk There Is to the Public Health

A drug's abuse potential is a key indicator of its overall risk to public health risk. Thus, HHS started that because cipepofol possesses an abuse potential comparable to propofol, it is anticipated that cipepofol will exhibit a similar abuse profile and present a comparable public health risk to that of propofol.

To evaluate cipepofol's public health risk, HHS analyzed clinical trials and overdose data for cipepofol across diverse patient populations. In patients receiving cipepofol for general anesthesia induction, the most frequent common side effects included hypotension, nausea, and procedural pain, with dizziness being the top CNS effect. Furthermore, HHS noted that cipepofol overdose may lead to potentially fatal cardiovascular and respiratory depression if not promptly and adequately managed.

HHS recommends advising patients against driving or operating heavy machinery after receiving cipepofol, as its anesthetic effects, including drowsiness, and impair mental alertness. In summary, data from nonclinical and clinical studies indicate that cipepofol's abuse potential and public health risks are comparable to propofol, suggesting a risk profile consistent with schedule IV substances.

7. Its Psychic or Physiological Dependence Liability

Psychic (or psychological) dependence is a state similar to addiction and can be measured through animal self-administration studies, HAP studies, case reports, and epidemiological data. Rodent animal data shows that cipepofol is self-administered, providing evidence of cipepofol's reinforcing and rewarding properties. In propofol-trained rats, cipepofol maintained stable self-administration. Higher doses of cipepofol decreased injection counts but raised total drug intake. The response rate also decreased with higher doses of cipepofol, likely due to sedative effects. Similarly, HAP studies show cipepofol carries abuse potential that is comparable to propofol. Like propofol, cipepofol scored higher than placebo on the Drug Liking VAS E_{max} scale. In addition, sedative doses of cipepofol exhibit clear reinforcing effects in humans. The secondary endpoints (*i.e.,* VAS E_{max} for Overall Drug Liking and Take Drug Again) also support a risk for psychological dependence. Collectively, these findings show it is likely that cipepofol can produce psychological dependence.

Physical dependence develops from physiological adaptation to repeated drug use and manifests as withdrawal symptoms after abrupt drug discontinuation or reduction of a drug. HHS assessed the physical dependence liability of cipepofol in rats after repeated administration of cipepofol for 30 days followed by a 14-day abrupt discontinuation phase. In this study, cipepofol was compared to vehicle, morphine, and propofol. Morphine as the positive control was associated with a significant increase in withdrawal symptoms (*e.g.,* significant decrease in body weight, increased wet dog shakes, writhing, teeth chattering, chewing, and ptosis) following abrupt discontinuation of morphine. Abrupt cipepofol discontinuation was associated with limited, intermittent behavioral changes including withdrawal symptoms like weight loss and teeth chattering. Likewise, propofol discontinuation after 30 days of repeated administration showed a similar minimal withdrawal profile.

HHS noted that clinical trials did not systematically evaluate cipepofol's physical dependence. However, a limited subset of participants in some clinical trials were assessed for discontinuation-emergent adverse events (DEAEs). DEAEs occurred more than four hours after stopping cipepofol. Reported DEAEs included nausea, vomiting, insomnia, and palpitations, but these events occurred with low frequency.

Published literature notes withdrawal syndromes following continuous propofol infusions. Because cipepofol shares a similar chemical structure, mechanism, and abuse potential with propofol, it is anticipated that cipepofol, like propofol, may also experience physical dependence. Therefore, the overall data suggests that chronic administration of cipepofol may result in physiologic dependence.

8. Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA

Cipepofol is not an immediate precursor of any controlled substance, as defined by 21 U.S.C. 802(23).

Conclusion: After considering the scientific and medical evaluation and scheduling recommendation provided by HHS, and its own eight-factor analysis, DEA has determined that these facts and all relevant data constitute substantial evidence of potential for abuse of cipepofol. As such, DEA hereby schedules cipepofol as a controlled substance under the CSA.

Determination of Appropriate Schedule

The CSA lists the findings required to place a drug or other substance in any particular schedule (I, II, III, IV, or V).[7] After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all available data, the Administrator of DEA, pursuant to 21 U.S.C. 812(b)(4), finds that:

(1) Cipepofol has a low potential for abuse relative to the drugs or other substances in schedule III.

Cipepofol is an intravenous anesthetic for adults that modulates GABAA receptors to inhibit neurons. The drug produces dose-dependent anesthesia and shows reinforcing properties by maintaining self-administration in propofol-trained rats. In human abuse potential studies, subtherapeutic doses mimicked propofol's positive subjective effects. However, clinical trials showed a low (< 2%) incidence of abuse-related adverse events, matching propofol rates except for higher dizziness. Consequently, due to its similarities to propofol (schedule IV), cipepofol has a low abuse potential relative to Schedule III substances under the CSA.

(2) Cipepofol has a currently accepted medical use in treatment in the United States.

Cipepofol was approved by FDA for the induction of general anesthesia in adults undergoing surgery. Thus, cipepofol has a currently accepted medical use in treatment in the United States.

(3) Abuse of cipepofol may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

A rat study showed limited behavioral changes upon abrupt cipepofol discontinuation, while clinical trials found that most post-discontinuation events mirrored common treatment effects, with rare instances of insomnia or palpitations. Research indicated that cipepofol's reinforcing properties in animal models are comparable to propofol. Furthermore, human abuse potential studies at subtherapeutic doses showed that subjective responses to cipepofol were statistically indistinguishable from those of propofol. Consequently, cipepofol is associated with a low risk of physical or psychological dependence relative to schedule III substances.

Based on these findings, the Administrator concludes that cipepofol warrants control in schedule IV of the CSA.[8]

Requirements for Handling Cipepofol

Cipepofol is subject to the CSA's schedule IV regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distributing, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) cipepofol must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. These registration requirements, however, are not applicable to patients (end users) who possess cipepofol pursuant to a lawful prescription.

2. *Disposal of Stocks.* Any person unwilling or unable to obtain a DEA registration must surrender all quantities of currently held cipepofol, or may transfer all quantities of currently held cipepofol to a person registered with DEA. Cipepofol is required to be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security.* Cipepofol is subject to schedule III–V security requirements for DEA registrants and must be handled and stored in accordance with 21 CFR 1301.71–1301.77, pursuant to 21 U.S.C. 821, 823, and 871(b). Non-practitioners handling cipepofol must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93. These requirements, however, are not applicable to patients (end users) who possess cipepofol pursuant to a lawful prescription.

4. *Labeling and Packaging.* All labels and packaging for commercial containers of cipepofol must comply with 21 U.S.C. 825 and 958(e) and be in accordance with 21 CFR part 1302.

5. *Inventory.* Every DEA registrant who possesses any quantity of cipepofol must have an initial inventory of all stocks of controlled substances (including cipepofol) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Any person who registers with DEA to handle cipepofol must take an initial inventory of all stocks of controlled substances (including cipepofol) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take inventory of all controlled substances (including cipepofol) on hand every two years, pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. These requirements, however, are not applicable to patients (end users) who possess Cipepofol pursuant to a lawful prescription.

6. *Records and Reports.* DEA registrants must maintain records and submit reports for cipepofol, pursuant to 21 U.S.C. 827, 832(a), and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and in

[7] 21 U.S.C. 812(b).

[8] 21 U.S.C. 812(b)(4).

accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and 1317.

7. *Prescriptions.* All prescriptions for cipepofol, or products containing cipepofol, must comply with 21 U.S.C. 829, and be issued in accordance with 21 CFR parts 1306 and 1311, subpart C.

8. *Manufacturing and Distributing.* In addition to the general requirements of the CSA and DEA regulations that are applicable to manufacturers and distributors of schedule IV controlled substances, such registrants should be advised that (consistent with the foregoing considerations) any manufacturing or distribution of cipepofol may only be for the legitimate purposes consistent with the drug's labeling, or for research activities authorized by the Federal Food, Drug, and Cosmetic Act, as applicable, and the CSA.

9. *Importation and Exportation.* All importation and exportation of cipepofol must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving cipepofol not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Administrative Procedure Act

The APA (5 U.S.C. 553) generally requires notice and comment for rulemakings. However, 21 U.S.C. 811(j) provides that in cases where a certain new drug is (1) approved by HHS, under section 505(c) of the FDCA, and (2) HHS recommends control in CSA schedule II–V, DEA shall issue an IFR scheduling the drug within 90 days. As stated in the legal authority section, the 90-day time frame is the later of: (1) the date DEA receives HHS's scientific and medical evaluation/scheduling recommendation, or (2) the date DEA receives notice of the NDA approval by HHS. Additionally, subsection 811(j) specifies that the rulemaking shall become immediately effective as an IFR without requiring DEA to demonstrate good cause.

Executive Orders 12866, 14192, and 14294

This rule has been determined to be not significant for purposes of E.O. 12866 and accordingly has received a waiver under E.O. 14192.

DEA scheduling actions are not subject to E.O. 14294, Fighting Overcriminalization in Federal Regulations.

Executive Order 12988, Civil Justice Reform

This rulemaking meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. It does not 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.

Paperwork Reduction Act

This rule would require compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, and 1117–0056. 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.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, applies to rules that are subject to the notice-and-comment requirements the APA at 5 U.S.C. 553. The RFA's requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking. As noted in the above discussion regarding the applicability of the APA, DEA is not required to publish a general notice of proposed rulemaking. Consequently, the RFA does not apply to this IFR.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this proposed action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of this IFR to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b) unless otherwise noted.

■ 2. In § 1308.14:

■ a. Redesignate paragraphs (c)(11) through (60) as paragraphs (c)(12) through (61);

■ b. Add a new paragraph (c)(11) to read as follows:

§ 1308.14 Schedule IV.

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(c) * * *

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(11) Cipepofol 2139

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Signing Authority

This document of the Drug Enforcement Administration was signed on August 25, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–17536 Filed 8–25–26; 4:15 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Publication of Iran-Related Web General Licenses AA and BB

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two Iran-related general licenses (GLs): GLs AA and BB, which were previously made available on OFAC's website upon issuance.

DATES: GLs AA and BB were issued on August 24, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On August 24, 2026, OFAC issued GL AA to authorize certain transactions otherwise prohibited by Executive Order (E.O.) 13902 of January 10, 2020, ''Imposing Sanctions With Respect to Additional Sectors of Iran'' (85 FR 2003, January 14, 2020) that are ordinarily incident and necessary to the wind down of transactions, or maintenance of operations, involving certain entities through 12:01 a.m. eastern daylight time, October 23, 2026. OFAC also issued GL BB to authorize, through 12:01 a.m. eastern daylight time, September 8, 2026, certain transactions otherwise prohibited by the Iranian Transactions and Sanctions Regulations (ITSR), 31 CFR part 560, that are ordinarily incident and necessary to the wind down of transactions that were previously authorized by the general licenses listed in GL BB. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13902 of January 10, 2020

(''Imposing Sanctions With Respect to Additional Sectors of Iran'')

GENERAL LICENSE AA

Authorizing Certain Activities Involving La Nivernaise De Raffinage SAS

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 13902 that are ordinarily incident and necessary to the wind down of any transaction, or the maintenance of operations, contracts, or other agreements in effect as of August 24, 2026, involving La Nivernaise De Raffinage SAS (''LNR''), or any entity in which LNR owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, October 23, 2026.

(b) This general license does not authorize any transactions otherwise prohibited by E.O. 13902, including transactions involving any person blocked pursuant to E.O. 13902 other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: August 24, 2026.

OFFICE OF FOREIGN ASSETS CONTROL

Iranian Transactions and Sanctions Regulations

31 CFR Part 560

GENERAL LICENSE BB

Authorizing the Wind Down of Certain Transactions Previously Authorized Under the Iranian Transactions and Sanctions Regulations

(a) Except as provided in paragraph (b), all transactions prohibited by the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (the ITSR), that are ordinarily incident and necessary to the wind down of any transaction previously authorized by one or more of the following general licenses are authorized through 12:01 a.m. eastern daylight time, September 8, 2026, provided that any payment to a blocked person is made into a blocked interest-bearing account located in the United States in accordance with the ITSR:

(1) 31 CFR 560.544 (''Certain educational activities by U.S. persons in third countries authorized'');

(2) 31 CFR 560.550 (''Certain noncommercial, personal remittances to or from Iran authorized'');

(3) 31 CFR 560.554 (''Importation and exportation of services related to conferences in the United States or third countries authorized'');

(4) Iran General License F (''Authorizing certain services in support of professional and amateur sports activities and exchanges involving the United States and Iran''); or

(5) Iran General License G (''Certain academic exchanges and the exportation or importation of certain educational services authorized'').

(b) This general license does not authorize any other transactions or activities prohibited by the ITSR, any other Executive order, or any other part of 31 CFR chapter V, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: August 24, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–17491 Filed 8–26–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Publication of a Determination Issued Pursuant to Executive Order 13902.

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a determination.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a sector determination pursuant to a January 10, 2020 Executive Order. The determination was previously issued on OFAC's website.

DATES: The determination was issued on August 24, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On January 10, 2020, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued Executive Order (E.O.) 13902 of January 10, 2020, ''Imposing Sanctions With Respect to Additional Sectors of Iran'' (85 FR 2003, January 14, 2020). Among other prohibitions, section 1(a)(i) of E.O. 13902 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State to operate in the construction, mining, manufacturing, or textiles sectors of the Iranian economy, or any other sector of the Iranian economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State.

On August 24, 2026, the Director of OFAC, in consultation with the Department of State and pursuant to 31 CFR 560.802, determined that section 1(a)(i) of E.O. 13902 shall apply to the aviation, digital asset, gold, shipping, and technology sectors of the Iranian economy. This determination took effect on August 24, 2026.

The determination was made available on OFAC's website (*https://ofac.treasury.gov/*) when it was issued. The text of the determination is provided below.

Determination Pursuant to Section 1(a)(i) of Executive Order 13902

Aviation, Digital Asset, Gold, Shipping, and Technology Sectors of the Iranian Economy

Section 1(a)(i) of Executive Order (E.O.) 13902 of January 10, 2020 (''Imposing Sanctions With Respect to Additional Sectors of Iran'') imposes economic sanctions on any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to operate in such sectors of the Iranian economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State.

To further address the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States described in E.O. 13902, and in consultation with the Department of State and pursuant to 31 CFR 560.802, I hereby determine that section 1(a)(i) of E.O. 13902 shall apply to the aviation, digital asset, gold, shipping, and technology sectors of the Iranian economy. Any person determined to operate in these sectors shall be subject to sanctions pursuant to section 1(a)(i).

This determination shall take effect on August 24, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–17487 Filed 8–26–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–1066]

Safety Zones; Fireworks Displays in the USCG East District—Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Cooper Foundation Fireworks Display on the Delaware River on September 18, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for fireworks displays within the USCG East District identifies the regulated area for this event. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.506, for Philadelphia, PA, will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 8:30 p.m. through 9:30 p.m. on September 18, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dominick Dobridge, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: 206–815–6688, option 3, email: *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone for the Delaware River, Philadelphia, PA, from 8:30 p.m. to 9:30 p.m. on September 18, 2026. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after fireworks displays. Our regulation for safety zones of fireworks displays within the USCG East District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of the Delaware River adjacent to Penn's Landing, Philadelphia, PA, within a 500-feet radius of the fireworks barge position. On September 18, 2026, the approximate position will be 39°56′53.65″ N, 75°08′03.43″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

R. Rivera,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026–17481 Filed 8–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0936]

RIN 1625–AA00

Safety Zone; Aerial Displays, Upper Bay, New York, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Upper New York Bay, in the vicinity of Liberty Island and Governors Island. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with aerial displays. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector New York (COTP), or their designated representative.

DATES: This rule is effective from September 1, 2026, through September 30, 2026.

ADDRESSES: To view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0936.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Angelina Gerber, Sector New York Waterways Management Division, U.S. Coast Guard; telephone 718–801–2932, or email *SectorNYWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard has received multiple requests from event sponsors to host aerial displays in remembrance of the 25th Anniversary of September 11, 2001. Risks associated with aerial displays, including drone and skydiving demonstrations, include but are not limited to falling equipment and collisions between aerial objects and sailboat masts or commercial vessel pilothouses. Sector New York has a permanent rule to accommodate drone displays in the Hudson River. See 33 CFR 165.166. Unfortunately, the displays which this temporary rule address are outside the boundaries of that safety zone.

The Captain of the Port, Sector New York (COTP) is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect persons, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) because it is impracticable. We do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule allows the COTP to establish a temporary safety zone for aerial displays from September 01, 2026, through September 30, 2026. The safety zone will only be subject to enforcement as needed during times of limited duration for aerial displays. The safety zone will be identified and activated (made subject to enforcement) to accommodate specific aerial displays within the effective dates of the rule and within the geographic boundaries of the designated zone described below in this paragraph. The COTP will provide notice of the exact dates and times and locations in advance of each enforcement period to the local maritime community through marine broadcasts, local notice to mariners, or by on-scene oral notice. The safety zone may have a radius of up to 500-yards within the designated zone. The coordinates defining the center of the designated zone shall lie within the navigable waters of the Upper New York Bay bounded by the following points: Point One at 40°42′20.9″ N, 74°02′05.7″ W, thence to Point Two at 40°42′05.8″ N, 74°00′58.5″ W, thence to Point Three at 40°41′35.7″ N, 74°00′14.3″ W, thence to Point Four at 40°40′46.5″ N, 74°01′09.7″ W, thence to Point Five at 40°41′26.2″ N, 74°03′17.3″ W; thence returning to Point One via the adjoining shoreline. These coordinates are based on the North American Datum 83 (NAD 83).

Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port. Requests to enter the zone will be considered and reviewed on a case-by-case basis. The COTP may be contacted by telephone at (718) 354–4356 or can be reached by VHF–FM channel 16. Persons and vessels permitted to enter this safety zone must comply with all lawful directions issued by the COTP or the designated representative.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction

Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0936 to read as follows:

§ 165.T01–0936 Safety Zone; Aerial Displays, Upper Bay, New York, NY.

(a) *Location.* The following area is a designated zone within which a safety zone with a radius of up to 500-yards, will be established for aerial displays. The designation of a safety zone as being subject to enforcement under this rule requires the coordinates defining the center of the designated zone to be within the boundaries of the area described as follows: All waters of the Upper Bay, in the vicinity of Liberty Island and Governors Island, from surface to bottom, encompassed by a line connecting the following points beginning at 40°42′20.9″ N, 74°02′05.7″ W, thence to 40°42′05.8″ N, 74°00′58.5″ W, thence to 40°41′35.7″ N, 74°00′14.3″ W, thence to 40°40′46.5″ N, 74°01′09.7″ W, thence to 40°41′26.2″ N, 74°03′17.3″ W, and along the shoreline back to the beginning point. These coordinates are based on the North American Datum 83 (NAD 83).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (718) 354–4356. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Effective dates and enforcement periods.* This rule is effective from September 1, 2026, through September 30, 2026, but it will only be subject to enforcement at specific times and in specific locations dependent on when the aerial displays will be taking place. The COTP will make notification of the exact dates, times, and center point location of the 500-yard radius for each safety zone in advance of each enforcement period for the locations above in paragraph (a) of this section to the local maritime community through marine broadcasts, local notice to mariners, or by on-scene oral notice.

Doreen McCarthy,

Captain, U.S. Coast Guard, Captain of the Port Sector New York.

[FR Doc. 2026–17522 Filed 8–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–1022]

Safety Zones; Fireworks Displays in the USCG East District—Beach Haven, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone in Little Egg Harbor, NJ, to provide for the safety of life on navigable waterways during a barge-based fireworks display. Our regulation for marine events within the USCG East District identifies the boundaries of the regulated area. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The safety zone identified in entry 7 of table 1 to paragraph (h)(1) of 33 CFR 165.506 will be enforced from 9 p.m. through 10 p.m. on September 5, 2026, or, alternatively, on a rain date of September 6, 2026, with the same times.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dominick Dobridge, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 206–815–6688, option 3, or email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in entry 7 of table 1 to paragraph (h)(1) to 33 CFR 165.506 from 9 p.m. through 10 p.m. on September 5, 2026, or on a rain date of September 6, 2026, with the same times. This enforcement period varies from the July dates provided in the table, but the enforcement periods for each safety zone in paragraph (h) of § 165.506 are subject to change, as noted in 33 CFR 165.506(c).

Activating the enforcement period is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after a barge-based fireworks display in Little Egg Harbor, NJ. The regulated area includes all waters of Little Egg Harbor within a 500-yard radius of the fireworks barge position. The approximate position for the barge is latitude 39°34′09.32″ N, longitude 074°14′31.67″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notification in the **Federal Register**, the Coast Guard will provide notice of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

R. Rivera,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026–17480 Filed 8–26–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2022–0735; FRL–9405–02–R6]

Air Plan Approval; Arkansas; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Clean Air Act (CAA or the Act), the U.S. Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision

submitted by the State of Arkansas through the Division of Environmental Quality (DEQ) on August 8, 2022, clarified by DEQ on July 29, 2025, and further supplemented on May 4, 2026, to satisfy the requirements of the Act and the EPA's Regional Haze Rule (RHR) for visibility protection in mandatory Class I Federal areas (Class I areas) for the program's second implementation period. Arkansas' SIP submission addresses the requirement that States must revise their long-term strategies for making reasonable progress to prevent any future and remedy any existing man-made visibility impairment in the Class I areas. The EPA is taking this action pursuant to CAA sections 110 and 169A.

DATES: This rule is effective on September 28, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2022–0735. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:
James E. Grady, EPA Region 6 Office, Regional Haze and SO_2 Section; telephone number: (214) 665–6745; email address: *grady.james@epa.gov.* Please call or email Mr. Grady above or call Mr. Bill Deese via telephone at (214) 665–7253 if you need alternative access to material indexed but not provided in the docket.

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

Table of Contents

I. Background

The background for this action is discussed in detail in our September 5, 2025, proposed action (90 FR 43030). In that document, we proposed approval of the 2022 Arkansas Regional Haze Planning Period II SIP revision (2022 Planning Period II SIP), submitted August 8, 2022, and clarified on July 29, 2025, as meeting the applicable regional haze program requirements for the second implementation period contained in 40 CFR 51.308(f), (g)(1) through (5), and (i).

On May 4, 2026, DEQ submitted a supplemental package to the EPA to finalize the 2022 Planning Period II SIP and address any concerns with Arkansas' SIP revision and its July 29, 2025, clarification letter regarding opportunity for public comment and FLM consultation. The supplemental package contained the July 2025 letter, as well as required documentation of FLM consultation and public notice with opportunity to comment. The State did not receive any public comments nor comments from FLMs or State agencies through this process.

We find that the 2022 Planning Period II SIP revision meets the statutory and specific regulatory requirements of the regional haze second planning period as discussed in the preamble of this final action (*see* sections II and III), the accompanying response-to-comments document (RTC Document), and in our September 2025 proposed action.[1]

II. Rationale for This Final Action

In this final action, we are approving the 2022 Planning Period II SIP and affirming that it is now the Agency's policy that, where visibility conditions for a Class I Federal area impacted by a State are below the uniform rate of progress (URP) and that State has considered the four statutory factors, then that State will have presumptively demonstrated reasonable progress for the second planning period for that area. We acknowledge that this final action reflects a change in policy as to how the URP should be used in the evaluation of regional haze second planning period SIPs but believe that this policy better aligns with the purpose of the statute and the RHR for achieving ''reasonable'' progress toward natural visibility. As described in the September 2025 proposed action,[2] we have discretion and authority to change our policy.[3]

In developing the regulations required by CAA section 169A(b), we established the concept of the URP for each Class I area. The URP is determined by drawing a straight line from the measured 2000 through 2004 baseline conditions (in deciviews) for the 20 percent most impaired days at each Class I area to the estimated natural conditions (in deciviews) for the 20 percent most impaired days in 2064. From this calculation, a URP value can be calculated for each year between 2004 and 2064. We developed the URP to address the diverse concerns of Eastern and Western States and account for the varying levels of visibility impairment in Class I areas around the Country while ensuring an equitable approach nationwide. For each Class I area, States must calculate the URP for the end of each planning period (*e.g.,* in 2028 for the second planning period).[4] *See* 40 CFR 51.308(f)(1)(vi)(A). States may also adjust the URP to account for impacts from anthropogenic sources outside the United States and/or impacts from certain wildland prescribed fires. *See* 40 CFR 51.308(f)(1)(vi)(B). Then, for each Class I area, States must compare the RPG for the 20 percent most impaired days to the URP for the end of the planning period. If the RPG is above the URP, then an additional ''robust demonstration'' requirement is triggered for each State that contributes to that Class I area. *See* 40 CFR 51.308(f)(3)(ii)(B).

In the 2017 RHR revisions,[5] we addressed the role of the URP as it relates to the development of a State's second planning period SIP. Specifically, in response to comments suggesting that the URP should be considered a ''safe harbor'' that relieves States of any obligation to consider the four statutory factors, we explained that the URP was not intended to be such a safe harbor.[6] ''Some commenters stated a desire for corresponding rule text dealing with situations where RPGs are equal to (''on'') or better than (''below'') the URP or glidepath. Several commenters stated that the URP or glidepath should be a ''safe harbor,'' opining that States should be permitted to analyze whether projected visibility

[1] *See* 90 FR 43030 (Sept. 5, 2025).

[2] *Id.*

[3] In *FCC* v. *Fox Television Stations, Inc.,* the U.S. Supreme Court plainly stated that an agency is free to change a prior policy and ''need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better.'' 566 U.S. 502, 515 (2009) (referencing Motor *Vehicle Mfrs. Ass'n of United States, Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983)). *See also Perez* v. *Mortgage Bankers Assn.,* 135 S. Ct. 1199 (2015).

[4] We note that reasonable progress goals (RPGs) are a regulatory construct that we developed to address the statutory mandate in CAA section 169B(e)(1), which required our regulations to include ''criteria for measuring 'reasonable progress' toward the national goal.'' Under 40 CFR 51.308(f)(3)(ii), RPGs measure the progress that is projected to be achieved by the control measures a State has determined are necessary to make reasonable progress. Consistent with the 1999 RHR, the RPGs are not enforceable, though they create a benchmark that allows for analytical comparisons to the URP and mid-implementation-period course corrections if necessary. 82 FR 3078 at 3091 through 3092 (Jan. 10, 2017).

[5] *See* 82 FR 3078 (Jan. 10, 2017).

[6] *See* 82 FR 3078 at 3099 (Jan. 10, 2017).

conditions for the end of the implementation period will be on or below the glidepath based on on-the-books or on-the-way control measures, and that in such cases a four-factor analysis should not be required.'' [7] Other comments indicated a similar approach, such as ''a somewhat narrower entrance to a 'safe harbor,' '' by suggesting that if current visibility conditions are already below the end-of-planning-period point on the URP line, a four-factor analysis should not be required.[8] We stated in our response that we did not agree with either of these recommendations. ''The CAA requires that each SIP revision contains long-term strategies for making reasonable progress, and that in determining reasonable progress States must consider the four statutory factors. Treating the URP as a safe harbor would be inconsistent with the statutory requirement that States assess the potential to make further reasonable progress toward natural visibility goal in every implementation period.'' [9]

Importantly, our recently adopted policy does not make the URP a safe harbor. The policy merely creates a presumption that a State's second planning period SIP is making reasonable progress for a Class I area if a State has taken into consideration the four statutory factors of CAA section 169A(g)(1) and that area is below the URP. This is consistent with the CAA and RHR.

The Class I areas impacted by emissions from Arkansas are all below their 2028 URP values, and Arkansas' SIP submittal demonstrated that the State took into consideration the four reasonable progress factors [10] listed in CAA section 169A(g)(1) with respect to an adequate number of emissions sources selected for analysis. Thus, we have determined that 2022 Planning Period II SIP revision is fully approvable under the Agency's new policy. Indeed, we think this policy better aligns with the statutory goal because it recognizes the considerable improvements in visibility impairment made by a wide variety of State and Federal programs in recent decades.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] The four statutory factors required to be taken into consideration in determining reasonable progress are: the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.

III. Public Comments and EPA Responses

The public comment period for our proposed approval [11] of the 2022 Planning Period II SIP revision expired on October 6, 2025. We received four total sets of comments. We received two adverse comment letters submitted on October 6, 2025—one collectively from Conservation Organizations (Sierra Club, National Parks Conservation Association (NPCA), and the Coalition to Protect America's National Parks), and another from the Mid-Atlantic/ Northeast Visibility Union (MANEVU). Both adverse commenters asserted that the new URP policy violates the plain language of the CAA and RHR; that it violates the procedural requirements of the CAA when announcing and applying it in State-specific regional actions; that it is inconsistent with different aspects of the RHR; and that the 2022 Planning Period II SIP does not meet the new URP policy for presumptive approval. The Conservation Groups also specifically asserted that removal of the Independence retirement order was arbitrary, capricious, and contrary to law; that DEQ's cost effectiveness thresholds were based on incomplete data; that Flint Creek's reasonable progress determination was arbitrary, capricious, and contrary to law; and that the EPA should have analyzed impacts of Arkansas pollution on local communities.

We also acknowledge two other comment letters received on October 6, 2025, from Entergy Services LLS on behalf of Entergy Arkansas, LLC; and Hunton Andrews Kurth LLP on behalf of Ameren Missouri, American Electric Power, Inc. and its operating companies, and Nebraska Public Power District (collectively referred to as ''the utilities'') that were largely in support of our proposed action. Specifically, Entergy supported the determinations that Arkansas made in its second implementation period regional haze SIP and that EPA proposed to approve. The utilities specifically supported EPA's new URP policy stating that the policy implements EPA's original understanding of the regional haze program and its fundamental purpose; that it implements the Congressional design of cooperative federalism; and that it implements the plain text of the CAA and the RHR.

We evaluated the 2022 Planning Period II SIP submission against the statutory and regulatory regional haze requirements and determined that it satisfies those requirements. As detailed at length in the RTC document associated with this rulemaking, we explained that our new policy is consistent with the CAA and RHR, and the 2022 Planning Period II SIP met the applicable statutory and regulatory requirements in accordance with the new policy. In addition, we detailed that the 2022 Planning Period II SIP without the Independence Administrative Order (LIS No. 22–085) demonstrates reasonable progress under the RHR and the CAA and addresses all required elements of 40 CFR 51.308(f). We explained that the May 4, 2026, supplement addressed any concerns with the 2022 Planning Period II SIP regarding opportunity for public comment and FLM consultation. We further explained in the RTC document that the State reasonably considered the cost effectiveness for the different equipment types and analyzed the four factors based on complete cost data that was appropriate for the second planning period. We also detailed that DEQ adequately considered the four statutory factors in its assessment of potential additional controls for the Flint Creek Power Plant and demonstrated reasonable progress toward the national visibility goal for the second planning period. We clarified that the State reasonably documented all cost calculations and provided appropriate assumptions and parameters in its analyses for Flint Creek. Lastly, regarding analyzing impacts to local communities, we explained that neither the CAA nor the RHR requires States or the EPA to consider the impact of pollution on communities near potentially affected facilities when developing or reviewing a regional haze SIP.

We provide the complete comments with our detailed responses to the full range of significant issues raised in the associated RTC document included in the docket of this action. After careful consideration of the public comments received, we are finalizing our action as proposed.

[11] *See* 90 FR 43030 (Sept. 5, 2025).

IV. Final Action

We are finalizing approval of the Arkansas 2022 Regional Haze Planning Period II SIP revision submitted August 8, 2022, clarified on July 29, 2025, and further supplemented on May 4, 2026, as meeting the applicable regional haze program requirements for the second implementation period contained in 40 CFR 51.308(f), (g)(1) through (5), and (i).

We are finalizing approval of the State's determination for FutureFuel Chemical Company to require a fuel switch from coal with 3 percent sulfur content by weight to a low sulfur coal that has 1.5 percent sulfur content (equating to 2.93 lb/MMBtu SO_2) for its three coal-fired boilers (SN:6M01–01). This requirement has been made enforceable by the State through an Administrative Order (LIS No. 22–085) dated August 3, 2022, and is included as part of the 2022 Planning Period II SIP submittal. We are finalizing approval of all requirements set forth in this Administrative Order for FutureFuel Chemical Company included as part of the 2022 Planning Period II SIP submittal as a source specific revision to be incorporated into the Arkansas SIP.

V. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Arkansas source specific requirements described in section IV of the preamble of this final action. We have made, and will continue to make, these materials generally available through *https://www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials are approved by the EPA for inclusion in the SIP, and have been incorporated by reference by the EPA into the plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of our approval of this final rulemaking, and will be incorporated by reference into the next update to the SIP compilation.

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 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 action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because State Implementation Plan approvals under the CAA 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: August 19, 2026.

Walter Mason,

Regional Administrator, Region 6.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart E—Arkansas

■ 2. In § 52.170:

■ a. In paragraph (d), amend the table titled ''EPA-Approved Arkansas Source-Specific Requirements'' by adding the entry ''FutureFuel Chemical Company'' at the end of the table.

■ b. In paragraph (e), amend the third table titled ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' by adding the entry ''Arkansas Regional Haze Planning Period II SIP Revision'' at the end of the table.

The additions read as follows:

§ 52.170 Identification of plan.

* * * * *

(d) * * *

* * * * *

EPA-APPROVED ARKANSAS SOURCE-SPECIFIC REQUIREMENTS

*	*	*	*	*
FutureFuel Chemical Company.	Administrative Order LIS No. 22–085.	8/3/2022	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Three boiler system (SN:6M01–01).

(e) * * *

* * * * *

EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
*	*	*	*	* *
Arkansas Regional Haze Planning Period II SIP Revision.	Statewide	8/8/2022	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Approval of regional haze SIP revision addressing program requirements for the second implementation period contained in 40 CFR 51.308(f), (g)(1) through (5), and (i).

■ 3. In § 52.173, add paragraph (k) to read as follows:

§ 52.173 Visibility protection.

* * * * *

(k) *Arkansas Regional Haze Planning Period II SIP Revision.* The Arkansas Regional Haze Planning Period II SIP Revision submitted on August 8, 2022, is approved as meeting all program requirements for the second implementation period contained in 40 CFR 51.308(f), (g)(1) through (5), and (i).

[FR Doc. 2026–17494 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0484; FRL–13036–02–R4]

Air Plan Approval; FL; Emissions Reporting Requirements and Permitting Forms

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Florida Department of Environmental Protection (FDEP) on August 15, 2023. The revision updates reporting requirements; adds, updates, and renames forms for several permit applications; renumbers and updates the effective dates of various forms to align with programmatic changes; and improves the process for submitting forms across several rules within the Florida SIP. Additionally, the revision removes a rule concerning administrative permit corrections from the SIP. The EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective September 28, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2024–0484. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management 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 EPA requests you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Josue Ortiz Borrero, Air Regulatory Management 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) 562–8085. Mr. Ortiz Borrero can also be reached via electronic mail at *ortizborrero.josue@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this final rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this final rule. 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
F.A.C. Florida Administrative Code
FDEP Florida Department of Environmental Protection
FR Federal Register
NPRM Notice of Proposed Rulemaking
SIP State Implementation Plan
U.S.C. United States Code

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I. Background

The EPA is approving changes to the Florida SIP submitted by the State on August 15, 2023, regarding Chapter 62–210, Florida Administrative Code (F.A.C.), *Stationary Sources—General Requirements.* Specifically, Florida requested that the EPA approve the removal of Rule 62–210.360, F.A.C., *Administrative Permit Corrections,* in its entirety and approve changes to Rule 62–210.370, F.A.C., *Emissions Computation and Reporting,* and Rule 62–210.900, F.A.C., *Forms and Instructions.*[1] Through a notice of proposed rulemaking (NPRM) published on May 21, 2026 (91 FR 29924), the EPA proposed to approve these changes to Florida's SIP. The details of Florida's submission, as well as the EPA's rationale for approving the changes, are described in more detail in the May 21, 2026, NPRM. Comments on the May 21, 2026, NPRM were due on or before June 22, 2026. No comments were received on the May 21, 2026, NPRM, adverse or otherwise.

II. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section I of this preamble, the EPA is finalizing the incorporation by reference of Florida Rule 62–210.370, *Emissions Computation and Reporting,* state

[1] The August 15, 2023, submittal contains revisions to other Florida SIP-approved rules that are not addressed in this document. EPA will act on those rulechanges in separate rulemakings.

effective August 25, 2014, and Rule 62–210.900, *Forms and Instructions,* with the exception of numbered paragraphs 1 through 4 and 7, state effective July 3, 2018, which add, update, and rename forms; renumber and update the effective dates of various forms to reflect programmatic changes; update the process for submitting forms in several of Florida's rules; and make other minor revisions.[2] Also in this document, the EPA is finalizing the removal of Rule 62–210.360, *Administrative Permit Corrections,* state effective November 23, 1994, from the Florida SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. The EPA has made and will continue to make the State Implementation Plan generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, the revised materials as stated above, have been approved by the EPA for inclusion in the State implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

III. Final Action

The EPA is approving the August 15, 2023, SIP revision submitted by Florida consisting of changes to Rule 62–210.370, *Emissions Computation and Reporting,* state effective August 25, 2014, and Rule 62–210.900, *Forms and Instructions,* state effective July 3, 2018. The EPA is also approving the removal of Rule 62–210.360, *Administrative Permit Corrections* from the Florida SIP. The EPA is approving these changes pursuant to the CAA.

IV. 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.[4] Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 26, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements.[5]

List of Subjects in 40 CFR Part 52

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

Dated: August 20, 2026.

Kristy Eubanks,

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

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart K—Florida

■ 2. In § 52.520, amend the table in paragraph (c) by removing the entry for "62–210.360" and revising the entries for "62–210.370" and "62–210.900" to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

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[2] As finalized, the SIP-approved version of Rule 62–210.900 will only contain numbered paragraphs 5 and 6 and the preceding unnumbered paragraph, state effective July 3, 2018.

[3] *See* 62 FR 27968 (May 22, 1997).

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

[5] *See* CAA section 307(b)(2).

EPA–APPROVED FLORIDA LAWS AND REGULATIONS

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	* * *	*
Chapter 62–210 Stationary Sources—General Requirements				
*	*	*	* * *	*
62–210.370	Emissions Computation and Reporting.	8/25/2014	8/27/2026, 91 FR [Insert **Federal Register** page where the document begins].	
*	*	*	* * *	*
62–210.900	Forms and Instructions	7/3/2018	8/27/2026, 91 FR [Insert **Federal Register** page where the document begins].	Except numbered paragraphs 1 through 4 and 7.
*	*	*	* * *	*

* * * * *

[FR Doc. 2026–17490 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0137; EPA–R05–OAR–2025–0235; FRL–13185–02–R5]

Air Plan Approval; Michigan; 2015 Ozone Moderate Reasonably Available Control Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving revisions and additions to Michigan Air Pollution Control Rules (MAPCR) Parts 6 and 8 for inclusion in the Michigan State Implementation Plan (SIP). Michigan submitted these SIP revisions to meet the Moderate Volatile Organic Compound (VOC) and Nitrogen Oxide (NO_X) Reasonably Available Control Technology (RACT) requirements for the Western Michigan nonattainment areas (Berrien, Western portion of Allegan, and Western portion of Muskegon counties) under the 2015 ozone National Ambient Air Quality Standard (NAAQS or standard). The EPA is approving rules that limit VOC emissions from consumer products and architectural and industrial maintenance coatings, as SIP strengthening measures for the Western Michigan nonattainment areas under the 2015 ozone standard. The EPA proposed to approve this action on February 27, 2026, and received eleven sets of comments.

DATES: This final rule is effective on September 28, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2024–0137 (for VOC RACT) or EPA–R05–OAR–2025–0235 (for NO_X RACT). All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Katie Caskey, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–3490, email address: *caskey.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean the EPA. We use multiple abbreviations and terms in this rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

BACM Best Available Control Measures
BACT Best Available Control Technology
CAA Clean Air Act
CBI Confidential Business Information
CTG Control Technique Guidelines
EGLE Michigan Department of Environment, Great Lakes, and Energy
E.O. Executive Order
EPA Environmental Protection Agency
FR Federal Register
MAPCR Michigan Air Pollution Control Rules
NAAQS National Ambient Air Quality Standard
NEPA National Environmental Policy Act
NO_X Nitrogen Oxide
NSR New Source Review
PBI Proprietary Business Information
RACM Reasonably Available Control Measures
RACT Reasonably Available Control Technology
RFA Regulatory Flexibility Analysis
SBA Small Business Administration
SIP State Implementation Plan
TSD Technical Support Documentation
UMRA Unfunded Mandates Reform Act
VOC Volatile Organic Compound

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I. What action is the EPA taking?

The EPA is approving various revisions and additions to MAPCR Parts 6 and 8 into the Michigan SIP as described in the Preamble above. The EPA is approving these revisions as meeting the Moderate VOC and NO_X RACT requirements of Clean Air Act (CAA) sections 182(b)(2) and 182(f), respectively, for the Western Michigan nonattainment areas under the 2015 ozone standard. EPA is also approving MAPCR Rules 336.1660 and 336.1662, which limit VOC emissions from consumer products and architectural and industrial maintenance coatings, as SIP strengthening measures for the areas. SIP revisions to Rules 336.1801, 336.1802, 336.1803, 336.1810, 336.1818, 336.1841(8), 336.1842(10), and 336.1844(9) are responsive to different CAA requirements and will be considered in a separate rulemaking.

II. Background Information

The Michigan Department of Environment, Great Lakes, and Energy (Michigan or EGLE) submitted the VOC SIP revisions on March 7, 2024, supplemented on May 2, 2024, and NO_X SIP revisions on May 5, 2025, supplemented on August 6, 2025. On February 27, 2026 (91 FR 9793), the EPA proposed to approve revisions and additions to MAPCR Parts 6 and 8 to meet the Moderate VOC and NO_X RACT requirements for the Western Michigan nonattainment areas under the 2015 ozone standard. The EPA also proposed to approve rules that limit VOC emissions from consumer products and architectural and industrial maintenance coatings, as SIP strengthening measures for the Western Michigan nonattainment areas under the 2015 ozone standard.

The EPA is incorporating by reference Michigan rules R 336.1601, except for R 336.1601(a); R 336.1602; R 336.1606; R 336.1607; R 336.1608; R 336.1609; R 336.1610; R 336.1610a; R 336.1611; R 336.1618; R 336.1620; R 336.1620a; R 336.1621; R 336.1621a; R 336.1622; R 336.1623; R 336.1624; R 336.1624a; R 336.1625; R 336.1627; R 336.1628; R 336.1629; R 336.1630; R 336.1631; R 336.1632, except for R 336.1632(9); R 336.1633; R 336.1634; R 336.1635; R 336.1636; R 336.1637; R 336.1638; R 336.1639; R 336.1640; R 336.1641; R 336.1642; R 336.1643; R 336.1644; R 336.1660; R 336.1661 (Rescinded); R 336.1662; effective April 18, 2023; R 336.1840; R 336.1841,except for R 336.1841(8); R 336.1842, except for R 336.1842(10); R 336.1843; R 336.1844, except for R 336.1844(9); R 336.1845; and R 336.1846; effective April 28, 2025.

An explanation of the CAA requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The EPA provided a 30-day review and comment period for this action in the proposal. The comment period ended on March 30, 2026. The EPA reopened the 30-day comment period on April 23, 2026, and this extension ended on May 26, 2026. The EPA received eleven comments in total—one supportive, six not relevant, and four adverse.

The six comments that are not relevant to this action covered a variety of topics including: a general statement regarding the ozone layer, information on a VOC control technology intended to reduce VOC emissions from open containers. All of the comments received are included in the docket for this action. We do not consider these six comments to be germane or relevant to this action and therefore not adverse to this action. These comments lack the required specificity to the proposed SIP revision and the relevant requirements of CAA section 110. Moreover, none of these comments address a specific regulation or provision in question or recommend a different action on the SIP submission from what the EPA proposed.

III. Public Comments

Comment: The commenter asserts that the EPA requires States to adopt the ''best available controls'' when determining RACT and cites more stringent requirements in other States for the following categories:

- VOC RACT:
  - Surface coating of cans, coils, paper, fabrics, automobiles, and light-duty trucks (San Joaquin Valley, CA)
  - Existing Aerospace Manufacturing and Rework Operations (Oregon, Pennsylvania)
  - Existing Metals Parts, Metal Products, and Motor Vehicle Surfacing Coating Lines (Delaware)
- NO_X RACT:
  - Boilers (San Joaquin Valley, CA)
  - Combustion turbines (San Joaquin Valley, CA and Connecticut)
  - Internal combustion engines (South Coast AQMD, CA)

Response: The EPA disagrees with the commenter's interpretation of RACT. The EPA has long defined RACT as the lowest emission limitation that a particular source is capable of meeting through application of control technology that is reasonably available, considering technological and economic feasibility (44 FR 53762, September 17, 1979).

RACT is distinct from Best Available Control Technology (BACT), which applies under the New Source Review (NSR) program (see CAA section 169(3) and 40 CFR 51.166). RACT applies to existing sources and reflects a different statutory standard.

The existence of more stringent emission limits in other States does not establish that such limits are reasonably available in Michigan. The examples cited by the commenter are from areas classified as Serious or Extreme nonattainment; these areas may choose to go beyond RACT for attainment planning purposes. The Michigan rules in this action are to address Moderate requirements in the West Michigan nonattainment areas, for which RACT is the applicable control level under CAA section 182(b)(2).

Therefore, EPA finds that differences in emission limits across other States are expected and consistent with the CAA.

Comment: That commenter argues Michigan must justify any deviation from the most stringent controls and has failed to demonstrate technological or economic infeasibility.

Response: The EPA disagrees with the commenter's interpretation of the RACT requirement. The CAA does not require States to adopt the most stringent controls implemented anywhere in the country. Rather, States must demonstrate that their selected controls meet the RACT standard, which is based on reasonable technological and economic feasibility.

Michigan conducted a due diligence review consistent with the EPA's guidance, including evaluation of Control Technique Guidelines (CTGs), existing SIP-approved rules, and controls implemented in other States. Differences in requirements reflect variation in source characteristics and feasibility considerations.

The EPA finds that Michigan has provided an adequate basis for its RACT determinations.

Comment: That commenter asserts that Michigan failed to provide sufficient justification for higher exemption thresholds, did not include sufficient detail—such as facility-specific data—in its five percent equivalency analysis to enable meaningful public input or the EPA review, and relied on assumptions that the commenter asserts affect the analysis.

Response: The EPA finds that Michigan's submittal satisfies applicable CAA requirements and adequately addresses the issues raised by the commenter.

First, Michigan has adopted the more stringent exemption threshold of 15 pounds per day (2.7 tons per year) for the Western Michigan nonattainment areas under the 2015 ozone standard through rules R 336.1610a, R 336.1620a, R 336.1621a, and R 336.1624a. These rules implement VOC RACT for the relevant source categories. Therefore, Michigan has met Moderate VOC RACT requirements for these categories in those areas.

Second, the exemption threshold SIP revisions commenter references apply to areas outside of the Western Michigan nonattainment areas under the 2015 ozone standard where RACT and a five percent equivalency analysis are not required. Although Michigan submitted a five percent equivalency analysis, the EPA is evaluating and approving these revisions under CAA section 110(l). The EPA is not approving rules R 336.1610, R 336.1620, R 336.1621, and R 336.1624 as RACT.

Under CAA section 110(l), the relevant inquiry is whether the SIP revision will interfere with attainment, reasonable further progress (RFP), or any other applicable requirement. Michigan's analysis demonstrates that the revised exemption thresholds will not result in an increase in VOC emissions that would interfere with these requirements.

Because the EPA's approval is based on CAA section 110(l), the commenter's concerns regarding the level of detail in the five percent equivalency analysis, including the absence of facility-specific data and assumptions used in that analysis, do not affect the approvability of the revision. The EPA finds that the record contains sufficient information to conclude that the revisions will not interfere with applicable CAA requirements.

The EPA therefore concludes that Michigan's analysis provides an adequate basis for approval.

Comment: That commenter states that the EPA should clarify that the approval of EGLE's proposed SIP submission to apply only to the West Michigan nonattainment areas as the title of the proposed rule is highly misleading if it is intended apply to the whole State.

Response: The EPA acknowledges the commenter's concerns; however, this proposed and final action only approves this SIP submission as meeting the RACT requirement for the West Michigan areas. Michigan would have to make a new submission to meet RACT requirements for other nonattainment areas in the State.

Comment: Two commenters allege that the technical support documentation (TSD) was not adequately available during the public comment period.

Response: The EPA acknowledges these commenters' concern regarding availability of technical support documentation. In response, the EPA extended the public comment period to ensure that the TSD was available for a full 30-day review period.

The EPA finds that providing the TSD for a full 30-day public comment period afforded adequate opportunity for meaningful public participation consistent with the CAA and Administrative Procedure Act. Therefore, the EPA concludes that the extended comment period addressed both commenters' concerns and provided sufficient opportunity for review and comment.

Comment: The commenter asserts that the EPA's proposal fails to document CAA 110(a) SIP approval criteria under 42 U.S.C. 7410(a)(2).

Response: CAA 110(a) contains infrastructure SIP (iSIP) requirements, and the EPA has taken action on infrastructure requirements and approved iSIP elements for Michigan in separate actions; therefore, it is not relevant to address in this action.

Comment: That commenter states that the EPA's proposal fails to document source-specific RACT determinations, comparison to EPA CTGs, or evaluation against current best available control measures (BACM).

Response: The EPA finds that Michigan's submittal satisfies applicable CAA requirements for RACT and adequately addresses the issues raised by the commenter. Michigan provided source-specific RACT analyses and conducted a due diligence review consistent with the EPA's guidance, including evaluation of CTGs, existing SIP-approved rules, and controls implemented in other States. RACT is distinct from BACM, which applies under CAA 189(b)(1)(B) and does not apply to ozone nonattainment areas. RACT applies to existing sources and reflects a different statutory standard. Therefore, The EPA finds that Michigan has provided an adequate basis for its RACT determinations.

Comment: That commenter claims the EPA's proposal fails to document RFP demonstrations to comply with CAA 172(c)(2)

Response: The EPA has taken action on and approved RFP requirements in a separate action (91 FR 9453, February 26, 2026).

Comment: That commenter claims the EPA's proposal fails to document an anti-backsliding analysis to comply with CAA 193.

Response: The EPA finds that Michigan's submittal does not trigger a need for an anti-backsliding analysis under CAA 193 as no control requirements are being removed but rather added or strengthened.

Comment: That commenter insists the EPA's proposal fails to document a National Environmental Policy Act (NEPA) significance determination or a basis for any claimed exemption.

Response: The EPA determined that this action is not a ''major federal action'' that significantly affects the quality of the human environment as it is approving State choices as meeting the CAA and does not impose any additional requirements beyond those required by State law.

Comment: That commenter alleges that the EPA's proposal does not document an environmental justice analysis under Executive Order (E.O.) 12898 and E.O. 14008.

Response: An environmental justice analysis is not required as both E.O. 12898 and E.O. 14008 were rescinded.

Comment: That commenter claims the EPA's proposal fails to document a children's health analysis for ozone under E.O. 13045 and fails to provide a reasoned explanation under *State Farm, Encino, West Virginia* v. *EPA,* and *Loper Bright.*

Response: This action is not subject to E.O. 13045 and these court decisions because it merely approves State choices as meeting the CAA and does not impose any additional requirements beyond those required by State law.

Comment: That commenter states that the EPA's proposal fails to document Tribal consultation under E.O. 13175.

Response: This action is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law.

Comment: That commenter insists the EPA's proposal fails to document an E.O. 13132 federalism analysis.

Response: This action does not have federalism implications as specified in E.O. 13132.

Comment: That commenter asserts that the EPA should develop an Initial Regulatory Flexibility Analysis (RFA) or revised certification with supporting evidence to demonstrate a lack of significant economic impact on a substantial number of small entities.

Response: An RFA is inapplicable to this rulemaking because the regulatory analysis provisions of the RFA are only triggered by a threshold determination by the Agency that this rule will have a significant economic impact on a substantial number of small entities. Because the Agency has certified this rule will not have a significant economic impact, section 603 and 604 of the RFA do not apply to this rulemaking. 5 U.S.C. 605(b).

Comment: That commenter states that the proposal does not provide an Unfunded Mandates Reform Act (UMRA) analysis as to whether this action imposes a Federal intergovernmental mandate.

Response: The EPA has already complied with any UMRA obligation by including in the proposed rulemaking its determination that this rule will not result in expenditures exceeding $100 million in any one year, pursuant to 2 U.S.C. 1532(a). The Agency need not complete any further statement under 2 U.S.C. 1532.

Comment: That commenter alleges the proposal fails to document Centralized Regulatory Review Under E.O. 12866 section 3(f) and E.O. 14094.

Response: This action does not require this documentation as SIP actions are exempt from review under E.O. 12866 and E.O. 14094 was revoked.

Comment: That commenter insists the EPA's proposal fails to document the basis for re-opening the comment period.

Response: The EPA is not required to document the basis for re-opening a comment period; however, the public was made aware that the public comment period was reopened in response to a comment.

Comment: That commenter claims the EPA's proposal does not comply with E.O. 13272 as it does not document consultation with the Small Business Administration (SBA) Office of Advocacy.

Response: This action will not have any significant economic impact on a substantial number of small entities and merely approves State choices as meeting the CAA and does not impose any additional requirements beyond those required by State law, therefore consultation with the SBA is not warranted.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Michigan Regulations described in section II of this preamble and set forth in the amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. 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 action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 26, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 14, 2026.

Anne Vogel,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1170, the table in paragraph (c) is amended by:

■ a. Revising the section "Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions", consisting of entries R 336.1601 through R 336.1662; and

■ b. Adding new entries R 336.1840 through R 336.1846 at the end of section "Part 8. Emission Limitations and Prohibitions—Oxides of Nitrogen".

The revisions and additions read as follows:

[1] 62 FR 27968 (May 22, 1997).

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions				
R 336.1601	Definitions	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	All except for (a).
R 336.1602	Existing sources of volatile organic compound emissions generally.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1604	Storage of organic compounds having a true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000 gallon capacity.	3/19/2002	6/1/2006, 71 FR 31093.	
R 336.1605	Storage of organic compounds having a true vapor pressure of 11 or more psia in existing stationary vessels of more than 40,000 gallon capacity.	3/19/2002	6/1/2006, 71 FR 31093.	
R 336.1606	Loading gasoline into existing stationary vessels of more than 2,000 gallon capacity at dispensing facilities.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1607	Loading gasoline into existing stationary vessels of more than 2,000 capacity at loading facilities.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1608	Loading gasoline into existing delivery vessels at loading facilities handling less than 5,000,000 gallons per year.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1609	Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at existing loading facilities handling 5,000,000 or more gallons of the compounds per year.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1610	Existing coating lines; emission of volatile organic compounds from existing automobile, light-duty truck, and other product and material coating lines.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1610a	Existing coating lines; emission of volatile organic compounds from existing automobile, light-duty truck; and paper, film, and foil; cans, coils, and fabrics; insulation of magnet wire; metal furniture coating lines in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1611	Existing cold cleaners	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1612	Existing open top vapor degreasers	3/29/2017	6/29/2018, 83 FR 30571.	
R 336.1613	Existing conveyorized cold cleaners	3/29/2017	6/29/2018, 83 FR 30571.	
R 336.1614	Existing conveyorized vapor degreasers	3/29/2017	6/29/2018, 83 FR 30571.	
R 336.1615	Existing vacuum-producing system at petroleum refineries.	3/19/2002	6/1/2006, 71 FR 31093.	
R 336.1616	Process unit turnarounds at petroleum refineries	3/19/2002	6/1/2006, 71 FR 31093.	
R 336.1617	Existing organic compound-water separators at petroleum refineries.	3/19/2002	6/1/2006, 71 FR 31093.	
336.1618	Use of cutback or emulsified paving asphalt	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1619	Standards for perchloroethylene dry cleaning equipment.	3/29/2017	6/29/2018, 83 FR 30571.	
336.1620	Emission of volatile organic compounds from existing flat wood paneling coating lines.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1620a	Emission of volatile organic compounds from existing flat wood paneling coating lines in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1621	Emission of volatile organic compounds from existing metallic surface coating lines.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1621a	Emission of volatile organic compounds from existing metal parts, metal products, and motor vehicle material surface coating lines in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1622	Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	

EPA—APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
336.1623	Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000 gallon capacity.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1624	Emission of volatile organic compound from an existing graphic arts lines.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1624a	Emission of volatile organic compounds from existing flexographic printing lines located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1625	Emission of volatile organic compounds from existing equipment utilized in manufacturing synthesized pharmaceutical products.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1627	Delivery vessels; vapor collection systems	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1628	Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1629	Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1630	Emission of volatile organic compounds from existing paint manufacturing processes.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1631	Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene of other organic resins.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1632	Emission of volatile organic compounds from existing automobile, truck, and business machine plastic part coating lines.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	All except for (9).
336.1633	Emission of volatile organic compounds from existing plastic parts and products surface coating; and pleasure craft coating operations in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1634	Emissions of volatile organic compounds from existing industrial solvent cleaning in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1635	Emission of volatile organic compounds from existing offset lithographic and letterpress printing lines in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1636	Emission of volatile organic compounds from existing miscellaneous industrial adhesives operations in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1637	Emissions of volatile organic compounds from existing fiberglass boat manufacturing in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1638	Emissions of volatile organic compounds from existing wood furniture manufacturing in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1639	Emission of volatile organic compounds from existing aerospace manufacturing and rework operations in 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1640	Emission of volatile organic compounds from existing storage vessels in the oil and natural gas industry located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1641	Emission of volatile organic compounds from existing pneumatic controllers in the oil and natural gas industry located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1642	Emission of volatile organic compounds from existing pneumatic pumps in the oil and natural gas industry located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1643	Emission of volatile organic compounds from existing compressors in the oil and natural gas industry located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1644	Emission of volatile organic compounds from fugitive emissions from the oil and natural gas industry located in the 2015 ozone nonattainment areas.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
R 336.1651	Standards for degreasers	3/29/2017	6/29/2018, 83 FR 30571.	
336.1660	Standards for volatile organic compounds emissions from consumer products.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	

EPA—APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
336.1661	Rescinded	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1662	Standards for volatile organic compounds emissions from architectural and industrial maintenance coatings.	April 18, 2023	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
* * *	*	*	* *	*
	Part 8. Emission Limitations and Prohibitions—Oxides of Nitrogen			
* * *	*	*	* *	*
336.1840	Definitions for the NO_X RACT rules	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1841	RACT emission limitations for engines	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	All except for (8).
336.1842	RACT emission limitations for boilers	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	All except for (10).
336.1843	RACT emission limitations for combustion turbines.	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1844	RACT emission limitations for miscellaneous process specific combustion sources.	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	All except for (9).
336.1845	RACT requirements for alternative RACT	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
336.1846	RACT requirements for miscellaneous large sources at major sources of NO_X.	April 28, 2025	8/27/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
* * *	*	*	* *	*

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[FR Doc. 2026–17486 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2025–1577; FRL–13183–03–R4]

Florida: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action; response to comments.

SUMMARY: On September 1, 2023, Florida submitted to the Environmental Protection Agency (EPA) a program revision application seeking authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. On March 26, 2026, the EPA published both a direct final action granting Florida final authorization for revisions to its federally authorized hazardous waste program, along with a companion proposed rule announcing the EPA's proposal to grant such final authorization. The EPA announced in both documents that the direct final action would become effective on May 26, 2026, unless adverse comments were received by April 27, 2026. Although the EPA received two comments during the public comment period, the EPA determined that the comments were not adverse. As a result, the direct final rule became effective on May 26, 2026. This action responds to the comments the EPA received.

DATES: The authorization of revisions to Florida's hazardous waste program took effect on May 26, 2026, as provided in the direct final action (91 FR 14648).

FOR FURTHER INFORMATION CONTACT: Leah Davis; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8562; fax number: (404) 562–9964; email address: *davis.leah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What comments were received on Florida's proposed authorization and how is the EPA responding to these comments?

During the public comment period for the direct final action (91 FR 14648) and proposed rule (91 FR 14673), the EPA received two separate comments. The comments are provided in the docket for this action. *See* Docket ID No. EPA–R04–RCRA–2025–1577 at *www.regulations.gov.* A summary of the comments and the EPA's responses are provided below.

Comment 1: The first commenter supported the EPA's authorization of revisions to Florida's hazardous waste program, stating that the EPA's authorization of the Florida hazardous waste program is beneficial in safeguarding human health and the environment.

Response: Because this comment is supportive of the authorization, the EPA determined that there is no basis to withdraw or deny authorization of revisions to the State program based on this comment.

Comment 2: The second commenter supported the EPA's authorization of revisions to the Florida hazardous waste program but posed several clarifying questions as to the EPA's authorization decision as set forth below.

Comment 2.a.: The commenter notes that the Florida hazardous waste program largely incorporates the Federal hazardous waste regulations by reference but also includes additional State provisions that are either in addition to, or more stringent than, the Federal provisions incorporated by reference. The comment requests clarification of how that determination is reflected in the structure of the State rules.

EPA Response to Comment 2.a.: For purposes of this authorization, most of the provisions being authorized were incorporated by reference. In some cases, the State adds additional regulatory language stating that certain Federal provisions are excluded from that incorporation by reference or adopts another definition from its statutes (for example, the definition of ''lamp''). The EPA reviews the totality of the incorporated by reference provisions and any additional State language, to evaluate equivalency.

Comment 2.b.: The commenter requests clarification on whether, for Checklists 181 and 244, the authorized provisions are incorporated by reference in whole or in part or implemented through independently codified State text.

EPA Response to Comment 2.b.: The State provisions being authorized for Checklists 181 and 244 incorporate the Federal regulations by reference. The authorized State provisions list any Federal regulations that are excluded from that incorporation by reference.

Comment 2.c.: The commenter requests confirmation as to whether any substantive differences exist between the Florida provisions and the corresponding Federal requirements.

EPA Response to Comment 2.c.: As documented in the direct final action, for the Federal rules being authorized, there are no substantive differences between the Federal requirements and the State requirements.

Comment 2.d.: The commenter requests that the EPA identify which import/export functions listed in Checklist 244 remain under Federal implementation and explain how they interact with Florida's authorized program.

EPA Response to Comment 2.d.: Checklist 244 makes conforming changes to regulations related to twelve hazardous waste import/export recovery and disposal operations used in hazardous waste export and import notices submitted to the EPA by exporters and importers in the United States, and in movement documents that accompany export and import shipments. These Federal changes were needed to reflect changes to regulations related to Canadian import/export recovery and disposal operations that Canada promulgated in 2021. State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program under 40 CFR 271.10(e); however, the import and export requirements are administered by the Federal government as a matter of foreign policy.

Comment 2.e.: The commenter notes that in the direct final action the EPA stated that it authorized Checklist 181 for completeness. The commenter requested clarification as to the effect of this statement.

EPA Response to Comment 2.e.: As noted in the direct final action, Florida added hazardous waste lamps as a category of universal waste prior to the EPA adding them as a category of universal waste. Florida adopts the federal universal waste lamp regulations by reference but was never specifically authorized for Checklist 181 because lamps were already a part of the Florida universal waste program when Checklist 181 was promulgated. The authorization of Checklist 181 clarifies any ambiguity as to whether Florida is authorized for Checklist 181.

Because this commenter asked clarifying questions only, to which the EPA has responded above, the EPA determined that there is no basis to withdraw or deny authorization of revisions to the State program based on this comment.

II. Why did the EPA issue this response to comments?

In the direct final action and proposed rule, the EPA stated that if it received adverse comments, we would either publish a timely withdrawal of this direct final action in the **Federal Register** informing the public the authorization will not take effect, or we would publish a notification containing a response to comments that either reverses the decision or affirms the final action will take effect. As stated above, the EPA determined that the comments received were not adverse; therefore, there is no basis to withdraw or deny authorization of revisions to the State program based on the comments received. However, the EPA publishes this notice in the **Federal Register** responding to the comments and acknowledging that the direct final action took effect on May 26, 2026, as provided in the direct final action.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: August 6, 2026.

Kevin J. McOmber,

Regional Administrator.

[FR Doc. 2026–17454 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[GN Docket Nos. 18–122 and 25–59; FCC 26–46; FR ID 362070]

Upper C-Band (3.98–4.2 GHz); Expanding Flexible Use of the 3.7 to 4.2 GHz Band; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (Commission or FCC) is correcting a final rule that appeared in the **Federal Register** on July 31, 2026. The text of the Report and Order, Order of Proposed Modification, and Order on Reconsideration inadvertently contained minor editorial errors and incorrectly restated the number of years provided in the definitions of the first and second performance benchmarks, which are corrected as detailed below. We make this correction to improve the clarity and internal consistency of the document.

DATES: The corrections are effective on September 29, 2026.

FOR FURTHER INFORMATION CONTACT: Andrew McArdell of the Wireless Telecommunications Bureau, at *Andrew.McArdell@fcc.gov* or 202–418–1576.

SUPPLEMENTARY INFORMATION: In FR Doc. 2026–15598 appearing on page 48700 in the **Federal Register** of Friday, July 31, 2026, the following corrections are made:

1. On page 48700, in the second column, in the **DATES** section, ''instruction 17 § (27.14(x)(3))'' is

corrected to read ''instruction 17 (§ 27.14(x)(4))''.

2. On page 48708, in the third column, in paragraph 60, the second sentence is corrected to read as follows: ''Specifically, if a licensee fails to meet the first performance benchmark (*i.e.,* providing reliable signal coverage and offering service to at least 45% of the population in the license area no later than two years after the relevant Transition Deadline), it will accelerate its second performance benchmark by one year.''

3. Beginning on page 48708, in the third column, in paragraph 60, the third sentence is corrected to read as follows: ''If a licensee fails to meet the second performance benchmark (*i.e.,* providing reliable signal coverage and offering service to at least 80% of the population in the license area no later than six years after the relevant Transition Deadline) in any license area, its authorization for that particular license area will terminate automatically without Commission action.''

4. Beginning on page 48738, in the third column, paragraph 241 is corrected to read as follows: ''*It is further ordered* that the rules and requirements as adopted herein *are adopted,* effective sixty (60) days after publication in the **Federal Register**, and that the *Order of Proposed Modification* is effective as of the date of publication in the **Federal Register**; provided, however, that §§ 25.138(a)–(b); 25.147(a)–(c); 27.14(x)(4); 27.1412(b)–(c); 27.1412(e); 27.1412(g); 27.1413(a)(3); 27.1413(c)(1); 27.1413(c)(9); 27.1413(e)–(f); 27.1414(e); 27.1415; 27.1416; 27.1417; 27.1419; 27.1421; 27.1422(c); 27.1424 of the Commission's rules, which contain new or modified information collection requirements that require review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, will not become effective until the effective date for those information collections is announced in a document published in the **Federal Register** after the Commission receives OMB approval. The Commission directs the Bureau to issue such document and to cause §§ 25.138(a) and (b); 25.147(a) through (c); 27.14(x)(4); 27.1412(b) and (c); 27.1412(e); 27.1412(g); 27.1413(a)(3); 27.1413(c)(1); 27.1413(c)(9); 27.1413(e)–(f); 27.1414(e); 27.1415; 27.1416; 27.1417; 27.1419; 27.1421; 27.1422(c); 27.1424 to be revised accordingly.''

■ 5. On page 48742, in the third column, in § 27.14, paragraphs (x)(3) and (x)(4) are corrected to read as follows:

§ 27.14 [Corrected]

(x) * * *

(3) If a licensee fails to establish that it meets the Second Buildout Requirement for a particular license area, its authorization for each license area in which it fails to meet the Second Buildout Requirement shall terminate automatically without Commission action, and the licensee will be ineligible to regain it if the Commission makes the license available at a later date.

(4) [Reserved]

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–17508 Filed 8–26–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260821–0006]

RIN 0648–BO16

Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 17

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

ACTION: Final rule.

SUMMARY: Through this action, NMFS is implementing specifications and management measures in Framework Adjustment 17 to the Monkfish Fishery Management Plan (FMP). This action sets monkfish specifications for fishing year 2026, projects specifications for fishing years 2027 and 2028, streamlines the Annual Catch Limit (ACL) Overage Accountability Measure (AM) trigger, and adds default specifications for the monkfish fishery. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the FMP. These measures are intended to help prevent overfishing and ensure that management measures are based on the best scientific information available.

DATES: Effective September 28, 2026.

ADDRESSES: Copies of Framework Adjustment 17, including the draft Supplemental Information Report (SIR) prepared by the New England Fishery Management Council in support of this action, are available from Dr. Cate O'Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *https://www.nefmc.org/management-plans/monkfish* or *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, (978) 281–9232.

SUPPLEMENTARY INFORMATION:

Background

The monkfish fishery is jointly managed under the Monkfish FMP by the New England and the Mid-Atlantic Fishery Management Councils (Councils). The fishery extends from Maine to North Carolina from the coast out to the end of the continental shelf. The Councils manage the fishery as two management areas, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through Southern New England and into the Mid-Atlantic Bight to North Carolina.

The monkfish fishery is primarily managed by landing limits and a yearly allocation of monkfish days-at-sea (DAS) calculated to enable vessels participating in the fishery to catch, but not exceed, the target total allowable landings (TAL) and the annual catch target (ACT), which is the TAL plus an estimate of expected discards, for each management area.

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NMFS approves, disapproves, or partially approves measures that the Council recommends, based on consistency with the Act and other applicable law. NMFS reviews proposed regulations for consistency with the fishery management plan, plan amendments, the Magnuson-Stevens Act and other applicable law, and publishes the proposed regulations, solicits public comment, and promulgates the final regulations. NMFS published a proposed rule for Framework 17 on April 23, 2026 (91 FR 21779), with a 30-day comment period that ended on May 26, 2026. Based on information provided in the SIR and considered during the preparation of this action, and after consideration of comments, NMFS has approved all the measures in Framework 17 recommended by the Councils, as described below. The measures implemented in this final rule:

- Set specifications for the NFMA and SFMA for fishing year 2026 and projects specifications for fishing years 2027 and 2028;

• Streamlines the implementation of AMs in the event of an ACL overage; and

• Adds default specifications for the monkfish fishery, previously approved in Framework 13.

Approved Measures

1. Specifications

This action sets the NFMA and SFMA quotas for fishing year 2026 and projects quotas for fishing year 2027 and 2028, based on the Councils' recommendations.

On August 19, 2025, the New England Council's Scientific and Statistical Committee (SSC) recommended acceptable biological catch (ABC) levels in the NFMA and SFMA for fishing years 2026–2028 based on the Northeast Fisheries Science Center's 2025 Data Update for Northern and Southern Monkfish and information provided by the New England Council's Plan Development Team.

The Councils' recommended specifications include status quo ABCs and ACLs in both management areas relative to 2023–2025 values. Expected discards, calculated using the median of the most recent 10 years of data, slightly increased in the NFMA and marginally decreased in the SFMA. After accounting for discards, the Councils recommended a 3-percent decrease in the TAL for the NFMA and a less than 1-percent increase in the TAL for the SFMA. Table 1 includes the approved catch limits for 2026–2028 and the change relative to the 2023–2025 specifications.

TABLE 1—APPROVED FRAMEWORK 17 SPECIFICATIONS

Catch limits	Northern area		Southern area	
	2026–2028 Specs in metric tons (mt)	% Change from 2023–2025 *	2026–2028 Specs (mt)	% Change from 2023–2025 *
ABC	6,224	0	5,861	0
ACL	6,224	0	5,861	0
Management Uncertainty (3%)	187		176	
ACT (TAL + discards)	6,038	0	5,685	0
Expected Discards	863	18.4	2,198.5	−0.3
TAL	5,309	−3	3,487	0.2

* Percent change from the previously approved 2023–2025 specifications.

At the end of each fishing year, NMFS evaluates catch information and determines if the quota has been exceeded. The regulations at 50 CFR 648.96(d) require revision of the monkfish ACT if it is determined that the ACL was exceeded in any given year. If an overage occurs, NMFS will publish a notice in the **Federal Register** of any revisions to these specifications. NMFS has determined, based on final 2024 year-end accounting, that no adjustment is necessary for fishing year 2026. NMFS will provide notice of the 2027 and 2028 quotas prior to the start of each respective fishing year.

2. Annual Catch Limit Overage Accountability Measures

Under regulations defining the ACL Overage AMs at § 648.96(d)(2), if it is determined that the ACL for a stock was exceeded in a given year, then the Councils are required to take action to deduct the amount of the ACL overage from the ACT for that stock in the second fishing year following the overage. Only if the Councils fail to take action to implement this revision is the Regional Administrator required to take action to implement the AM in accordance with the Administrative Procedure Act and other applicable law.

Framework 17 removes the requirement that the Councils trigger the ACL Overage AMs, making only the Regional Administrator responsible for implementing the AMs. This change simplifies and streamlines the procedure for implementing AMs and minimizes disruption to Council workplans. Shifting responsibility for implementing AMs to the Regional Administrator eliminates these disruptions; NMFS already provides notice of annual monkfish quotas in the **Federal Register** and would be able to implement any ACT revisions as part of that process. The regulations included in this final rule clarify this process.

This rule implements no other changes to the ACL Overage AMs.

3. Default Overfishing Limits (OFL), ABCs, and ACLs

This rule implements regulations that define default OFLs, ABCs, and ACLs that would go into place if no specifications for a fishing year are in place at the start of that fishing year.

Default rollover specifications were originally included in the Councils' submission of Framework 13 to the Monkfish FMP. After reviewing Framework 13 for consistency with the Magnuson-Stevens Act and applicable law, NMFS approved Framework 13 and published a final rule in the **Federal Register** on August 11, 2023 (88 FR 54495) (2023 Final Rule). However, during the development of Framework 17 and in discussions related to potential changes that might be considered under the New England Council's Omnibus Management Flexibility Amendment, NMFS discovered that changes to the monkfish regulations to clarify rollover and default specifications in § 648.96 were inadvertently omitted from the 2023 Final Rule. As such, these regulations were never put in place. This action adds regulations to define default specifications and corrects this omission.

Comments and Responses

NMFS received two comments during the public comment period for the proposed rule. Of these comments, one was not relevant to the proposed measures and will not be addressed here. The other comment received opposed publication of the final rule for Framework 17 on procedural grounds.

Comment 1: One member of the public stated that, in 15 separate instances, the proposed rule for Framework 17 failed to comply or document compliance with the Magnuson-Stevens Act (including the 10 National Standards), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Regulatory Flexibility Act (RFA), the Marine Mammal Protection Act (MMPA), the Coastal Zone Management Act (CZMA), and several Executive Orders. The commenter stated that NMFS should not approve the action or issue the final rule for Framework 17 until these ''procedural and substantive defects'' are addressed.

Response: NMFS disagrees that Framework 17 or the proposed rule is out of compliance with the MSA, applicable law, or applicable Executive Orders. NMFS has approved Framework 17 on the basis that it is in compliance with the Monkfish FMP, the Magnuson-Stevens Act, and all applicable law.

The Supplemental Information Report submitted by the Councils in support of Framework 17 includes an in-depth discussion of the action's compliance with the Magnuson-Stevens Act and applicable laws that the commenter states are not adequately addressed. Specifically, the Framework 17 document includes a summary of how the Framework is consistent with all 10 National Standards, 15 required provisions for FMPs found in section 303(a) of the Magnuson-Stevens Act, the ESA, the MMPA, CZMA, and applicable Executive Orders. The proposed rule for Framework 17 provided instruction in the **ADDRESSES** section on how to obtain copies of the Framework 17 document, including the draft Supplemental Information Report, prepared by the Councils. This included instructions on how readers could access the documents via the internet. NMFS again directs the commenter and the public to the Framework 17 document by following the instructions in the **ADDRESSES** section of this final rule.

In addition, the proposed rule clearly documents that the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this action would not have a significant economic effect on a substantial number of small entities. The proposed rule includes a detailed description of the entities regulated by this action, whether they are large or small, and the long-term impacts of the action on small entities.

Finally, some of the remaining deficiencies that the commenter claims regarding Framework 17 and/or its proposed rule are not relevant (*e.g.,* Executive Orders 12898 and 14008, which have been rescinded).

Changes From the Proposed Rule

NMFS made one change to the proposed rule. This final rule made a minor adjustment to the regulatory text regarding the implementation of an AM due to an ACL overage to clarify the Regional Administrator's role in the process.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Monkfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This final rule is exempt from the requirements of Executive Order 14192 because it is a routine fishing action.

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

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.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. Although NMFS received a comment simply stating that the certification was not defensible, this comment did not provide additional data or information that contradicts the factual basis for this certification. This comment and NMFS's response is included in the Comments and Responses section of this final rule. As a result, a regulatory flexibility analysis was not required, and none was prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing.

Dated: August 24, 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 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Amend § 648.96 by adding paragraph (c)(1)(iv) and revising paragraph (d)(2) to read as follows:

§ 648.96 FMP review, specification, and framework adjustment process.

* * * * *

(c) * * *

(1) * * *

(iv) *Default OFLs, ABCs, and ACLs.* If final specifications (OFLs, ABCs, and ACLs) for a fishing year are not published in the **Federal Register** in a manner consistent with this section for the start of that fishing year, specifications for that fishing year shall be equal to the prior fishing year's specifications for each stock, until superseded by a final rule implementing new specifications.

(A) Specification of ACTs for each management area and accounting for incidental catch in non-directed fisheries and discards in all fisheries under default ACLs shall be consistent with what was adopted for the previous year's specifications.

(B) [Reserved]

(d) * * *

(2) *ACL overages and adjustments.* If it is determined, based upon, but not limited to, available landings and discard information, that the ACL for a monkfish stock is exceeded in a given year, then the ACT for that stock in the second fishing year following the fishing year in which the ACL overage occurred shall be revised such that the ACL overage is deducted from the ACT on a pound for pound basis. If necessary, based on the scale of the deduction, management measures (DAS and trip limits) may be revised after consultation with the Councils. The Regional Administrator shall make these adjustments in accordance with the Administrative Procedure Act and other applicable law.

* * * * *

[FR Doc. 2026–17500 Filed 8–26–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 165

Thursday, August 27, 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 HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2026–0758]

RIN 1625–AA09

Drawbridge Operation Regulation; Albemarle Sound to Sunset Beach, Atlantic Intracoastal Waterway (AICW), Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily modify the operating schedule for the S.R. 74 Bridge across the Atlantic Intracoastal Waterway (AICW), mile 283.1, at Wrightsville Beach, NC. This action is necessary to alleviate vehicle traffic congestion on the S.R. 74 Bridge caused by the replacement and lane reductions of two nearby bridges during construction. Upon completion of the construction project, the S.R. 74 Drawbridge will return to its normal operating schedule. The Coast Guard invites your comments on this proposed rulemaking.

DATES: Comments and related material must reach the Coast Guard on or before September 28, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2026–0758 at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, contact Mr. Jack H. Williams, Bridge Management Specialist, Coast Guard East District, at (206) 815–5085 or *Jack.H.Williams2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The S.R. 74 Bridge across the Atlantic Intracoastal Waterway (AICW), mile 283.1, at Wrightsville Beach, NC, has a vertical clearance of 20 feet above mean high water in the closed position and unlimited clearance in the open position. The horizontal clearance between the bridge protective system is 90 feet. Navigation on the waterway consists of both recreational and commercial mariners.

Under the current operating schedule, the drawbridge opens on signal for commercial vessels at all times. For pleasure vessels, the drawbridge opens on signal except between 7 a.m. and 7 p.m., when it need only open on the hour. Additionally, from 7 a.m. to 9 a.m. on the second Saturday of July, from 7 a.m. to 11 a.m. on the third and fourth Saturday of September, and from 7 a.m. to 10:30 a.m. on the last Saturday of October or the first or second Saturday of November, the draw need not open for vessels due to annual races.

A review of bridge opening logs provided by the North Carolina Department of Transportation, the bridge owner, supports the need for this proposed temporary rule. The rule is intended to facilitate the replacement of Bridge #21 over Banks Channel, Bridge #22 over Lees Cut, and Bridge #24 over Banks Channel. To safely and efficiently complete these construction activities, lane reductions will be necessary. As a result, this rule proposes to temporarily reduce the frequency of openings for the S.R. 74 Bridge. This measure is intended to minimize traffic disruptions, enhance worker and public safety, and facilitate the timely completion of the bridge replacement projects. The bridge owner has requested that the drawbridge only open on the hour for all vessels during this period.

III. Discussion of Proposed Rule

Under this proposed rule, the S.R. 74 (Heide Trask) Bridge, mile 283.1, at Wrightsville Beach, NC, will open for the passage of all vessels, commercial and recreational, on the hour beginning at 12:01 a.m. on November 1, 2026, through 11:59 p.m. on June 30, 2030. This represents a temporary change from the current regulation, which allows commercial vessels to request a bridge opening at any time. An exception is included for commercial vessels engaged in towing, dredging, marine construction, and maintenance of aids to navigation that are unable to adjust their voyage plan to transit the bridge during a scheduled hourly opening, due to operational constraints.

The bridge will open on signal for commercial vessels unable transit the bridge during a scheduled opening, due to operational constraints, if at least 30 minutes' advance notice is given to the bridge tender. This exception is intended to preserve safe navigation on the waterway for all vessels including commercial vessels engaged in towing, dredging, marine construction, and maintenance of aids to navigation, while minimizing impacts to roadway traffic.

The bridge will continue to open for emergencies, if at least 10-minutes' advance notice is given to the bridge tender.

IV. Regulatory Analyses

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

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, vessels can still transit the bridge when the bridge operator is given advanced notice. Therefore, we anticipate this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2026–0758 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a final rule is published of any posting or updates to the docket.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 01.4.

■ 2. Section 117.821 is amended by:

■ a. Staying paragraph (a)(3).

■ b. Adding paragraph (a)(4) to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

(a) * * *

(4) S.R 74 Bridge, mile 283.1, at Wrightsville Beach, NC, from 12:01 a.m. November 1, 2026, through 11:59 p.m. June 30, 2030, the draw need only open on the hour for the passage of vessels from 7 a.m. to 7 p.m., daily; except that

from 7 a.m. to 9 a.m. on the second Saturday of July of every year, from 7 a.m. to 11 a.m. on the third and fourth Saturday of September of every year, and from 7 a.m. to 10:30 a.m. on the last Saturday of October of every year or the first or second Saturday of November of every year, the draw need not open for vessels due to annual races. Commercial vessels engaged in towing, dredging, marine construction, and maintenance of aids to navigation should adjust their voyage plan to transit the bridge during a scheduled hourly opening or between 7 p.m. and 7 a.m., when practical. If operational constraints make it impracticable for a commercial vessel engaged in towing, dredging, marine construction, and maintenance of aids to navigation to transit during a scheduled hourly opening or between 7 p.m. and 7 a.m., the draw shall open on signal if at least 30 minutes' notice is given to the bridge tender. The draw shall open on signal for emergencies if at least 10 minutes' notice is given to the bridge tender.

* * * * *

Z. Merchant,

Rear Admiral (lower half), U.S. Coast Guard, Commander, Coast Guard East District.

[FR Doc. 2026–17483 Filed 8–26–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2026–2080; FRL–13425–01–R6]

Air Plan Approval; Oklahoma; Regional Haze Plan for the First Implementation Revision; Revision to State Implementation Plan and Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve the State implementation plan (SIP) revision submitted by the State of Oklahoma on March 12, 2026, (Oklahoma's 2026 SIP submission) for the regional haze program's first implementation (planning) period. Oklahoma's 2026 SIP submission revises previously approved source-specific requirements for the American Electric Power/Public Service of Oklahoma (AEP/PSO) Northeastern Power Station as part of the State's long-term strategy for the first planning period. The EPA is proposing to find that this SIP revision meets the requirements of the CAA and the Regional Haze Rule.

DATES: Written comments must be received on or before September 28, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2026–2080, 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, please contact the persons identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *https://www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Karolina Ruan Lei, EPA Region 6 Office, Air and Radiation Division, Regional Haze and SO_2 Section, telephone number: 214–665–7346; email address: *ruan-lei.karolina@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contacts listed above if you need alternative access to material indexed but not provided in the docket.

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

I. What action is the EPA proposing?

The EPA is proposing to approve a revision to the Oklahoma SIP for the regional haze first implementation period that revises source-specific requirements for the American Electric Power/Public Service of Oklahoma (AEP/PSO) [1] Northeastern Power Station that are part of the State's long-term strategy. Specifically, this action proposes to remove the requirement that PSO Northeastern Unit 3 cease operations by December 31, 2026, and allow the unit to continue operations as a natural gas-fired unit. In addition, consistent with the requirements of Clean Air Act Section 110(l) this action proposes to approve reductions in nitrogen oxides (NO_X) emissions at Unit 2. The EPA is proposing to find that Oklahoma's 2026 SIP submission, with the accompanying revised regional haze agreement for PSO Northeastern, satisfies the long-term strategy regulatory requirements from the first planning period under the regional haze program.[2]

II. Background and Requirements for Regional Haze First Planning Period Plans

In the 1977 CAA amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas. The CAA under section 169A establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." [3]

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities that are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the

[1] Public Service Company (PSO) is a subsidiary of American Electric Power (AEP). Throughout this document, AEP/PSO Northeastern Power Station may be used interchangeably with PSO Northeastern.

[2] 40 CFR 51.308(d)(3).

[3] CAA section 169A(a)(1).

perception of clarity and color, as well as visible distance.[4]

To address regional haze visibility impairment, the 1999 Regional Haze Rule (RHR) established an iterative planning process that requires both States in which Class I areas are located and States ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment (CAA section 169A(b)(2); [5] see also 40 CFR 51.308(b) and (f) (establishing submission dates for iterative regional haze SIP revisions); 64 FR 35714 at 64 FR 35768 (July 1, 1999)).

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying States' Best Available Retrofit Technology (BART) obligations.[6] First implementation period SIPs were additionally required to contain long-term strategies for making reasonable progress toward the national visibility goal, of which BART is one component. The long-term strategy is the compilation of ''enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the [reasonable progress goals (RPGs)],'' [7] and is the means through which the State ensures that its RPG will be met. The core required elements for the first implementation period SIPs (other than BART) are laid out in 40 CFR 51.308(d). The RHR gives States wide latitude to determine the set of source categories and control measures for the long-term strategy and the related reasonable progress goals (RPGs). Those provisions required that States containing Class I areas establish RPGs that are measured in deciviews and reflect the anticipated visibility conditions at the end of the implementation period including from implementation of States' long-term strategies. The first planning period RPGs were required to provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. In establishing the RPGs for any Class I area in a State, the State was required to consider four statutory factors: the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources.[8]

States were also required to calculate baseline (using the five year period of 2000 through 2004) and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for each Class I area, and to calculate the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is known as the uniform rate of progress (URP) and is used as a tracking metric to help States assess the amount of progress they are making towards the national visibility goal over time in each Class I area.[9] The 1999 RHR also provided that States' long-term strategies must include the ''enforceable emissions limitations, compliance, schedules, and other measures as necessary to achieve the reasonable progress goals.'' [10] In establishing their long-term strategies, States are required to consult with other States that also contribute to visibility impairment in a given Class I area and include all measures necessary to obtain their shares of the emission reductions needed to meet the RPGs.[11] Section 51.308(d) also contains seven additional factors States must consider in formulating their long-term strategies, 40 CFR 51.308(d)(3)(v), as well as provisions governing monitoring and other implementation plan requirements.[12]

Finally, the 1999 RHR required States to consult with the Federal Land Manager(s) [13] (FLMs) responsible for each Class I area according to the requirements in CAA section 169A(d) and 40 CFR 51.308(i).

III. Rulemaking History on Oklahoma's Regional Haze Plans for the AEP PSO Northeastern Facility

A. Oklahoma's Regional Haze Plan for the First Implementation Period

Oklahoma submitted its regional haze SIP for the first implementation period to the EPA on February 19, 2010. On December 28, 2011 (76 FR 81728), the EPA partially approved certain requirements for the PSO Northeastern facility as provided in the 2010 Oklahoma regional haze SIP. As part of that action, we approved Oklahoma's SO_2, NO_X, and PM BART determinations for PSO Northeastern Unit 2, and the NO_X and PM BART determinations for PSO Northeastern Units 3 and 4. Specifically, we approved Oklahoma's determination that for Unit 2, the NO_X BART emission limit is 0.28 pounds per million British thermal units (lbs/MMBtu) on a 30-day rolling average. As Unit 2 is gas fired, the Oklahoma Department of Environmental Quality (ODEQ) determined that no additional controls were necessary for SO_2 and PM BART. For Units 3 and 4, we approved Oklahoma's determination that the NO_X BART emission limit is 0.15 lbs/MMBtu on a 30-day rolling average. In that same 2011 action, we disapproved Oklahoma's SO_2 BART determination for PSO Northeastern Units 3 and 4 and promulgated a Federal implementation plan (FIP) that imposed SO_2 BART emission limits for these units.

The State of Oklahoma and AEP/PSO filed Petitions for Review [14] of the FIP,

[4] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used for expressing visibility and is measured in inverse megameters (Mm^{-1}). The formula for the deciview is 10 ln (b^{ext})/10 Mm^{-1}). 40 CFR 51.301.

[5] The RHR expresses the statutory requirement for States to submit plans addressing out-of-state Class I areas by providing that States must address visibility impairment ''in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(d), (f).

[6] 40 CFR 51.308(e).

[7] 40 CFR 51.308(d)(3).

[8] CAA 169A(g)(1); 40 CFR 51.308(d)(1).

[9] The EPA established the URP framework in the 1999 RHR to provide ''an equitable analytical approach'' to assessing the rate of visibility improvement at Class I areas across the country. The starting point for the URP analysis is 2004 and the endpoint was calculated based on the amount of visibility improvement that was anticipated to result from implementation of existing CAA programs over the period from the mid-1990s to approximately 2005. Assuming this rate of progress would continue into the future, the EPA determined that natural visibility conditions would be reached in 60 years, or 2064 (60 years from the baseline starting point of 2004). However, the EPA did not establish 2064 as the year by which the national goal *must* be reached (64 FR 35714 at 64 FR 35731 through 35732, July 1, 1999). That is, the URP and the 2064 date are not enforceable targets but are rather tools that ''allow for analytical comparisons between the rate of progress that would be achieved by the State's chosen set of control measures and the URP.'' (82 FR 3078 at 82 FR 3084, January 10, 2017).

[10] 40 CFR 51.308(d)(3).

[11] 40 CFR 51.308(d)(3)(i), (ii).

[12] 40 CFR 51.308(d)(4).

[13] The EPA's regulations define ''Federal Land Manager'' as ''the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.'' 40 CFR 51.301.

[14] *Public Service Company of Oklahoma* v. *U.S. Environmental Protection Agency,* et al., No. 12–9525 (10th Cir, filed February 24, 2012). Sierra Club filed a Motion to Intervene on March 26, 2012, which was granted on March 27, 2012.

and both parties separately entered into a settlement agreement with the EPA and Sierra Club (''2013 PSO Settlement Agreement,'' formalized February 8, 2013), which included a timeline for preparing and processing a SIP that would implement a comprehensive strategy for PSO and Oklahoma to comply with its obligations with respect to visibility and interstate transport provisions of the CAA.[15] On March 7, 2014 (79 FR 12944), the EPA approved the 2013 Oklahoma regional haze SIP[16] that replaced and approved SO_2 BART requirements for the PSO Northeastern Units 3 and 4 and concurrently withdrew the FIP's applicability to these two units. In that same 2014 action (79 FR 12944, March 7, 2014), the EPA approved revised NO_X BART compliance schedules for these two units as well as requirements providing for further reductions for NO_X and SO_2 through reductions in maximum utilization. Specifically, the approved Oklahoma revised SO_2 BART determination included interim SO_2 emission limits for Units 3 and 4 of 0.60 lbs/MMBtu (with additional caps on combined annual SO_2 emissions) until 2016 when AEP/PSO would retire one of the two units. The unit remaining in operation had an SO_2 emission limit of 0.40 lbs/MMBtu on a 30-day rolling average basis through December 31, 2026, when the remaining unit would cease operation. Currently, Oklahoma has SIP-approved regional haze first planning period requirements that provide for emission controls and compliance schedules for PSO Northeastern Units 2, 3, and 4.

As part of the approval of Oklahoma's regional haze SIP submissions, the EPA approved Oklahoma's BART determinations for PSO Northeastern facility, which included provisions contained in the ''PSO Regional Haze Agreement, DEQ Case No. 10–025 (February 10, 2010)'' (''2010 PSO Regional Haze Agreement''), as amended by the ''First Amended Regional Haze Agreement, DEQ Case No. 10–025 (March 26, 2013)'' (''2013 PSO Regional Haze Agreement'').[17]

In sum, the NO_X requirements for PSO Northeastern Unit 2 and initial NO_X requirements for Units 3 and 4 are contained in the 2010 PSO Regional Haze Agreement. The SO_2 requirements and revised NO_X compliance schedules for Units 3 and 4, including requirements for reduced utilization and cessation of operation of these units, are contained in the 2013 PSO Regional Haze Agreement.[18]

B. Oklahoma's 2026 SIP Submission for the Regional Haze First Implementation Period

On March 12, 2026, the Oklahoma Department of Environmental Quality (ODEQ)[19] submitted a SIP revision to amend certain source-specific requirements for the PSO Northeastern facility and included a revised agreement as the enforceable mechanism. Our evaluation of this SIP submission is provided in the following section.

IV. The EPA's Evaluation of Oklahoma's 2026 SIP Submission

A. Background for the Revised PSO Northeastern Facility's Source-Specific Requirements

AEP/PSO Northeastern Power Station is an electric utility located in Rogers County, Oklahoma. PSO Northeastern Units 2, 3, and 4 were BART-eligible sources under the regional haze program first planning period.[20] Unit 2 is a gas-fired boiler with a gross output of 495 MW. Units 3 and 4 are or were coal-fired boilers, permitted to fire coal and/or natural gas, with gross outputs of 490 MW each. Consistent with Oklahoma regional haze SIP requirements for the first planning period, AEP/PSO elected to retire Unit 4 on April 16, 2016, and only Units 2 and 3 are currently in operation.

More information and our evaluation of the proposed changes to the regional haze SIP requirements for PSO Northeastern Units 2 and 3 are provided in sections IV.A.1 and IV.A.2. of this document.

1. Oklahoma's Revisions to Requirements for AEP/PSO Northeastern Units 2 and 3

In 2024, AEP/PSO notified ODEQ that they would not be able to comply with the Southwest Power Pool's (SPP) increasing electric generation demands if Northeastern Unit 3 is required to cease operation on December 31, 2026, as stipulated in the 2013 settlement agreement and SIP. Therefore, to ensure reliable power in Oklahoma, AEP/PSO requested that Unit 3 be allowed to continue operating past this deadline as a natural gas-fired unit. Operating on natural gas will limit Unit 3's SO_2 emissions to a negligible 2.34 tons per year (TPY). In addition, AEP/PSO committed to an annual NO_X emission limit of 300 TPY on Unit 3 and lowering the allowable NO_X emissions of Unit 2 by 300 TPY to address CAA section 110(l) requirements with respect to the NO_X emissions from the continued operation of Unit 3.

On August 2, 2024, the Sierra Club and PSO executed a new settlement agreement based on these terms. The agreement provides for Northeastern Unit 3 continuing to operate as a natural gas-fired power plant, contingent upon ODEQ developing and EPA approving a SIP revision.[21] On May 14, 2025, ODEQ and PSO executed the ''Second Amended Regional Haze Agreement, DEQ Case No. 10–025'' (''2025 PSO Regional Haze Agreement''), which amends portions of the 2010 and 2013 PSO Regional Haze Agreements from Case No. 10–025 and allows for the continued operation of Northeastern Unit 3 as a natural gas-fired unit, while also limiting the NO_X emissions at Unit 2, contingent upon an EPA-approved SIP revision.

The revised NO_X and SO_2 emission limits for PSO Northeastern Units 2 and 3 are provided as follows in table 1 of this document.[22]

[15] A copy of the settlement agreement may be found in Appendix I of the 2013 Oklahoma regional haze SIP. As stated in our August 21, 2013, proposal (78 FR 51686), the settlement agreement did not dictate the EPA's final determination with respect to the submitted SIP revision; that approval is based on our statutorily prescribed role of reviewing the submitted SIP revision for consistency with the requirements of the CAA.

[16] The 2013 Oklahoma regional haze SIP was Oklahoma's first revision to its first planning period regional haze SIP (the 2010 Oklahoma regional haze SIP).

[17] See the docket for this action for the ''PSO Regional Haze Agreement, DEQ Case No. 10–025 (February 10, 2010)'' (''2010 PSO Regional Haze Agreement''), and the ''First Amended Regional Haze Agreement, DEQ Case No. 10–025 (March 26, 2013)'' (''2013 PSO Regional Haze Agreement'').

[18] Although the PM determination and requirements for PSO Northeastern Units 2, 3, and 4 as provided in the 2010 Oklahoma regional haze SIP and 2010 PSO Regional Haze Agreement were also approved by the EPA, it is not discussed in detail in this proposal as part of the EPA's evaluation as the proposed changes in Oklahoma's 2026 SIP submission only discusses revisions in NO_X and SO_2 requirements for these units.

[19] In this document, ODEQ and Oklahoma are used interchangeably.

[20] In our review and action on the 2010 Oklahoma regional haze SIP, we agreed with Oklahoma's identification of sources that are BART-eligible and subject to BART, including Units 2, 3 and 4 of the PSO Northeastern facility (76 FR 81728, December 28, 2011).

[21] *See* Settlement Agreement between Public Service Company of Oklahoma (PSO) and Sierra Club, dated August 2, 2024, included in the docket for this action.

[22] There are no revisions to the requirements for PSO Northeastern Unit 4 as that unit retired on April 16, 2016.

TABLE 1—NO_X AND SO_2 EMISSION LIMITS FOR PSO NORTHEASTERN UNITS 2 AND 3 UNDER THE 2025 OKLAHOMA REGIONAL HAZE SIP AND THE 2025 PSO REGIONAL HAZE AGREEMENT [23]

PSO Northeastern Unit 3		
Compliance date	NO_X limit	SO_2 limit
January 1, 2025 (50% Utilization)	1,569 TPY	4,183 TPY.
January 1, 2026, or upon approval of the [2025 PSO Regional Haze Agreement] if after January 1, 2026 (20% Utilization).	300 TPY	No Coal Combustion; 2.34 TPY using pipeline grade natural gas.
PSO Northeastern Unit 2—By January 1, 2027		
NO_X control	[LNB with OFA] [24]	
Emission Rate (lbs/MMBtu)	0.22 lbs/MMBtu (30-day rolling average).	
Emissions (TPY)	5,530 TPY.	

Certain requirements for PSO Northeastern Units 2 and 3 remain unchanged from the previous PSO regional haze agreements. Unit 2 will still be subject to the NO_X emission limits from the 2010 PSO Regional Haze Agreement. For Unit 3, until January 1, 2026, or the EPA's approval of the 2026 SIP submission, PSO will continue to meet the utilization and emission limits that were required under the 2013 PSO Regional Haze Agreement as approved by the EPA.

The 2025 PSO Regional Haze Agreement provides new and revised requirements for PSO Northeastern Units 2 and 3, by providing (1) new, lower NO_X emission limits for Unit 2 by January 1, 2027 to offset the increase in NO_X emissions at Unit 3; and (2) revised requirements for Unit 3, including annual emission limits and a utilization rate of no more than 20% in addition to limiting operation to burning only pipeline-grade natural gas by the date of the EPA's approval of the agreement. In addition, and as discussed further in section IV.C of this document, the 2025 PSO Regional Haze Agreement also contains testing, monitoring, recordkeeping and reporting requirements for PSO Northeastern Units 2 and 3 to ensure compliance with the revised emission limits. Applicable requirements for Units 2 and 3 will also be incorporated into their corresponding Oklahoma air quality permits upon final EPA approval of Oklahoma's 2026 SIP submission incorporating the requirements of the 2025 PSO Regional Haze Agreement.

2. Evaluation of PSO Northeastern Facility's Source-Specific Requirements in Oklahoma's 2026 SIP Submission

Oklahoma's 2026 SIP submission revises or adds to those portions of Oklahoma's regional haze SIP that relate to the SO_2 and NO_X regional haze requirements for AEP/PSO's Northeastern Units 2 and 3. Oklahoma's SIP revision does not revise the previously approved BART determinations for the PSO Northeastern facility. As discussed further in section III.A of this document, the NO_X limits approved in 2011 for Units 2 and 3 are 0.28 and 0.15 lbs/MMBtu respectively. The NO_X emission limit for Unit 3 will continue to be 0.15 lbs/MMBtu, and as discussed further in sections IV.A.1 and IV.F of this document, the NO_X limit for Unit 2 will be reduced to 0.22 lbs/MMBtu and lowered by 300 tons annually. Unit 3 will continue to meet an SO_2 emission limit of 0.4 lbs/MMBtu, as required by the 2013 PSO Regional Haze agreement, until the unit only burns pipeline-grade natural gas. After January 1, 2026, or upon EPA approval of the 2026 SIP submission, the SO_2 emission limit will be a nominal 2.34 TPY based on an SO_2 emission rate of 0.0006 lbs/MMBtu from burning pipeline-grade natural gas.[25] Gas-fired EGUs have inherently low SO_2 emissions [26] and there are no known SO_2 controls that can be evaluated. Oklahoma states in the SIP submission that these emission limitations effectively equal the SO_2 and NO_X emission reductions in the approved Oklahoma SIP as part of the long-term strategy.

A comparison of the requirements for PSO Northeastern Units 2 and 3 between the 2010, 2013, and 2025 PSO Regional Haze Agreements are provided in table 2 of this document.

TABLE 2—COMPARISON OF THE EXISTING AND PROPOSED NO_X AND SO_2 CONTROLS FOR PSO NORTHEASTERN UNITS 2 AND 3 UNDER THE PSO REGIONAL HAZE AGREEMENTS [27]

Unit	Existing requirements under the 2010/2013 PSO Regional Haze Agreements		Proposed requirements under the 2025 PSO Regional Haze Agreement	
	Unit 2	Unit 3	Unit 2	Unit 3
Fuel Usage	Natural Gas	Previously Utilized Coal—Unit Retirement by December 31, 2026.	Natural Gas	Limited to Only Burn Natural Gas and Utilization Limited to 20%.
NO_X Limit	5,830 TPY, 0.28 lbs/MMBtu.	1,569 TPY, 0.15 lbs/MMBtu (through December 31, 2026).	5,530 TPY, m0.22 lbs/MMBtu.	300 TPY, 0.15 lbs/MMBtu.
SO_2 Limit		8,366 TPY, 0.40 lbs/MMBtu (through December 31, 2026).		2.34 TPY.

[23] *See* paragraphs 12 and 26 of the 2025 PSO Regional Haze Agreement.

[24] As provided under the 2010 PSO Regional Haze Agreement.

[25] *See* Oklahoma's 2026 SIP submission, section II.B, and the 2025 PSO Regional Haze Agreement.

[26] AP–42, Fifth Edition, Volume 1, Chapter 1: External Sources, Section 1.4, Natural Gas Combustion, available here: *https://www.epa.gov/sites/default/files/2020-09/documents/1.4_natural_gas_combustion.pdf* (accessed from *https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-fifth-edition-volume-i-chapter-1-external-0*).

[27] *See* paragraphs 12 and 26 of the 2010, 2013, and 2025 PSO Regional Haze Agreements.

When comparing the current and proposed NO_X requirements for Units 2 and 3, the total amount of annual NO_X emissions between the two units is equivalent to the previous requirement to retire Unit 3 because the 300 TPY NO_X emissions from the burning of natural gas at Unit 3 is offset by a commensurate reduction of 300 TPY NO_X at Unit 2. Oklahoma's 2026 SIP submission revises, and we propose to approve, the NO_X annual limit for Unit 2 to decrease by 300 tons and limit Unit 3 to 300 tons annually; the NO_X annual emissions would continue to be limited to 5,830 TPY combined for these units. In addition, we propose to approve the revised requirement that Unit 2 will be subject to a NO_X emission rate limit of 0.22 lbs/MMBtu on a 30-day rolling average, compared to the 0.28 lbs/MMBtu under the current requirements, which represents a 20 percent reduction in the permitted emission rate.

SO_2 emissions under the existing and revised requirements are anticipated to provide for the same visibility benefits. The combustion of natural gas results in minimal SO_2 emissions, typically at a rate of 0.6 pounds per million standard cubic feet (MMscf).[28] Consistent with the 2010 approval of Oklahoma's regional haze SIP, Unit 2 continues to operate as a natural gas-fired unit. For Unit 3, the requirement to retire by December 31, 2026, is revised to allow for continued operation using only natural gas with a nominal limit of 2.34 TPY for SO_2. As discussed in Oklahoma's 2026 SIP submission, Unit 3 is limited to burning pipeline-grade natural gas as defined in 40 CFR 72.2, with an equivalent SO_2 emission rate of 0.0006 lbs/MMBtu.[29]

The EPA is proposing to find that the revised requirements for PSO Northeastern Units 2 and 3 provide for equivalent emission reductions compared to the existing EPA-approved requirements for the PSO Northeastern facility.

[28] SO_2 emissions from natural gas-fired boilers are low because pipeline-quality natural gas typically has sulfur levels of 2,000 grains per million cubic feet. However, sulfur-containing odorants are added to natural gas for detecting leaks, leading to small amounts of SO_2 emissions (0.6 lb/MMscf). In comparison, NO_X emission factors range from 32 to 280 lb/MMscf. *See* US EPA's AP–42: Compilation of Air Emissions Factors from Stationary Sources, Chapter 1: External Combustion Sources, Section 1.4: Natural Gas Combustion, at *https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors-stationary-sources.*

[29] As defined under 40 CFR 72.2, pipeline natural gas contains 0.5 grains or less of total sulfur per 100 standard cubic feet, which is equivalent to an SO_2 emission rate of 0.0006 lbs/MMBtu.

B. Amended Long-Term Strategy

Under 40 CFR 308(d)(3), a State's ''long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by States having mandatory Class I Federal areas.'' Oklahoma submitted its 2026 SIP submission to revise the currently approved source-specific requirements for PSO Northeastern Unit 3 under its long-term strategy with equivalent emission reductions and reasonable progress. As described in more detail in section IV.A of this document, we are proposing to find that limiting Unit 3 operations to only pipeline-grade natural gas in combination with a new NO_X limit for Unit 2 results in equivalent NO_X and SO_2 emissions reductions that would be achieved through the shutdown of PSO Northeastern Unit 3.

Since reasonable progress is a subset of the requirements for the long-term strategy, adoption of the emission reductions under reasonable progress for Oklahoma PSO Northeastern Unit 3 will also ensure that the long-term strategy requirements will continue to be met. Because Oklahoma has demonstrated that the proposed control measures and emissions reductions for PSO Northeastern Units 2 and 3 are equivalent to the current SIP-approved control measures, we are proposing to approve Oklahoma's amended long-term strategy as provided in its 2026 SIP submission. This includes Oklahoma's revised NO_X and SO_2 requirements for PSO Northeastern Units 2 and 3 as provided in Oklahoma's 2026 SIP submission and accompanying 2025 PSO Regional Haze Agreement.

C. Testing, Monitoring, Recordkeeping, and Reporting Requirements

We are proposing to approve the testing, monitoring, recordkeeping, and reporting requirements as provided Oklahoma's 2026 SIP submission, and as detailed in the 2025 PSO Regional Haze Agreement, paragraphs 26.E and 26.F, for the PSO Northeastern facility Units 2 and 3 that are associated with Unit 3 burning only natural gas and the revised emission limits for these two units. Specifically, the 2025 PSO Regional Haze Agreement contains provisions for testing and continuous monitoring requirements in accordance with 40 CFR 60.8, 60.13(e) through (h), appendix B of 40 CFR part 60, as well 40 CFR part 75, with further requirements detailed in paragraph 26.E of the agreement. The 2025 PSO Regional Haze Agreement also includes reporting and recordkeeping requirements for continuous monitoring compliance in accordance with 40 CFR 60.7(c) and (d) and 40 CFR part 75, as well as compliance with the Unit 2 SO_2 emission rate through fuel records. These testing, monitoring, recordkeeping, and reporting would provide for enforceability of the new emission limits for PSO Northeastern Units 2 and 3.

D. Consultation With States

States must meet the additional requirements when developing their long-term strategies. 40 CFR 51.308(d)(3)(i) requires States to consult with other States that have emissions that are reasonably anticipated to contribute to visibility impairment in Class I areas to develop coordinated emission management strategies. In section V.C of its 2026 SIP submission, Oklahoma describes how it consulted with other States on its draft SIP in accordance with 40 CFR 51.308(d)(3)(i). Oklahoma stated that it consulted with States that have Class I areas whose visibility is potentially affected by Oklahoma emissions during its original first planning period regional haze SIP development. On December 18, 2025, Oklahoma notified electronically the appropriate clean air agency staff for bordering and potentially affected States that were previously consulted on its proposed 2026 SIP submission and provided them with electronic access to the revision and related documents. These States include Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, and Texas, and the appropriate agency staff for each State is included in appendix VII of its SIP submission. Oklahoma also notified the State agency staff of the public hearing scheduled for January 22, 2026. Oklahoma did not receive any comments from other States on its draft SIP.

We are proposing to find that Oklahoma met applicable State to State consultation requirements under 40 CFR 51.308(d)(3)(i) in its 2026 SIP submission.

E. Consultation With Federal Land Managers

Oklahoma has one mandatory Class I Federal area within its borders, the Wichita Mountains Wilderness, located in the Wichita Mountains National Wildlife Refuge in Comanche County, in the southwest part of Oklahoma. Wichita Mountains Wilderness is managed by the US Fish and Wildlife Service (FWS). As provided in this section and in section II.D of this document, the RHR grants the FLMs, regardless of whether an FLM manages a Class I area within the State, a special role in the review of regional haze implementation plans.

Section 169A(d) of the CAA requires States to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. Under the RHR, 40 CFR 51.308(i)(2)'s FLM consultation provision requires a State to provide FLMs with an opportunity for consultation at least sixty days before a public hearing or public comment period at the State level. 40 CFR 51.308(i)(3) requires States, in developing their implementation plans, to include a description of how they addressed FLMs' comments.

In section V.B of its 2026 SIP submission, Oklahoma describes how it consulted with FLMs on its draft SIP in accordance with 40 CFR 51.308(i)(2). Oklahoma provided the FLMs a draft copy of its proposed 2026 SIP submission via email on November 13, 2025, and a consultation meeting was held virtually on December 16, 2025, between ODEQ and the U.S. Department of Agriculture Forest Service (FS) and the National Park Service (NPS). Oklahoma held a separate consultation phone call with the FWS on December 16, 2025. Oklahoma stated in it SIP that none of the agencies had any comments on the revision or requested further consultation. Oklahoma provided documentation of the virtual meeting and phone record in appendix II of its 2026 SIP submission. Oklahoma also provided the FLMs with notice of the opening of the public comment period on December 18, 2025, and the public hearing scheduled for January 22, 2026. FLMs did not provide any comments during the public comment period or during the public hearing. Oklahoma provided FLMs an opportunity for consultation in accordance with 40 CFR 51.308(i)(2). No comments were provided by FLMs, and thus no comments needed to be addressed in accordance with 40 CFR 51.308(i)(3).

We are proposing to find that Oklahoma met applicable FLM consultation requirements under CAA section 169A(d) and 40 CFR 51.308(i) in its 2026 SIP submission.

F. CAA Section 110(l)

Under CAA section 110(*l*), the EPA cannot approve a plan revision ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.'' [30]

The previous sections of this rulemaking explain how Oklahoma's 2026 SIP submission will comply with applicable regional haze requirements and general implementation plan requirements, such as compliance and enforceability through testing, monitoring, recordkeeping, and reporting requirements, and that annual NO_X and SO_2 emissions are not greater than what is currently allowed in the SIP. Additionally, there are no National Ambient Air Quality Standard (NAAQS) nonattainment areas in Oklahoma for nitrogen dioxide (NO_2), SO_2, ozone, or PM. ODEQ provided a CAA section 110(*l*) demonstration to show that the substitute measures provided in this SIP revision are quantifiable and represent a surplus from current allowable emission levels.[31] As discussed in section IV.C of this document, testing, monitoring, recordkeeping, and reporting requirements in Oklahoma's 2026 SIP submission provide for enforceability of the new requirements.

In Oklahoma's 2026 SIP submission, allowing for the continued operation of Unit 3 will result in an increase in NO_X emissions of 300 TPY, as compared to the existing requirement to retire Unit 3. To demonstrate that this change in emissions will not interfere with any applicable requirements, specifically the regional haze requirements, ODEQ's 2026 SIP submission includes a commensurate 300 TPY reduction in NO_X emissions from Unit 2. Therefore, emission limits for the PSO Northeastern Units 2 and 3 will provide for equivalent emissions reductions when compared to the existing requirements for Unit 3.[32] Under these existing requirements, PSO Northeastern Unit 3 is required to cease operation by December 31, 2026. Under Oklahoma's 2026 SIP submission and accompanying 2025 PSO Regional Haze Agreement requirements, PSO Northeastern Unit 3 will burn only natural gas, and Units 2 and 3 will be subject to additional emission limits.

In the 2025 PSO Regional Haze Agreement, PSO committed to only use natural gas as fuel in Northeastern Unit 3 no later than the EPA's approval of Oklahoma's 2026 SIP submission. The use of pipeline-grade natural gas at Unit 3 will provide for negligible annual SO_2 emissions (2.34 TPY). Under the agreement, Unit 3 will also be subject to a 300 TPY NO_X limit. As stated in the SIP, effective January 1, 2027, PSO Northeastern Unit 2 will be subject to a NO_X emission rate limit of 0.22 lbs/MMBtu (compared to the current limit of 0.28 lbs/MMBtu), which is included in the agreement and will also be incorporated into and made enforceable through the facility's New Source Review (NSR) construction permit.[33] This emission rate limit represents a 20 percent reduction in allowable NO_X emissions at full load and will result in a reduction in allowable NO_X emissions of at least 300 tons per 12-month period to offset the continuing NO_X emissions from Unit 3. The 2025 PSO Regional Haze Agreement includes an annual limit for Unit 2 of 5,530 TPY of NO_X on a 12-month rolling basis, which is a 300 TPY decrease from PSO Northeastern's current permit limit of 5,830 TPY of NO_X as provided in the original February 17, 2010, Regional Haze Agreement between PSO and ODEQ.

Because the proposed emission limits for the PSO Northeastern Units 2 and 3 will provide for quantifiable and enforceable emission limits that provide for equivalent emissions when compared to the existing SIP requirements for the PSO Northeastern facility, we propose to find that Oklahoma's 2026 SIP submission is not anticipated to interfere with applicable requirements of the CAA, including requirements concerning attainment and reasonable further progress.

G. Summary of the EPA's Evaluation

We are proposing to approve Oklahoma's 2026 SIP submission as it meets the following requirements as provided under sections IV.A through F of this document:

(1) Long-term strategy requirements under 40 CFR 51.308(d)(3) as applied to the revision of the PSO Northeastern facility control measures as well as enforceability of those controls through testing, monitoring, recordkeeping, and reporting requirements;

[30] Note that ''reasonable further progress'' as used in CAA section 110(*l*) is a reference to that term as defined in CAA section 171(1) (*i.e.,* 42 U.S.C. 7501(1)), and as such means reductions required to attain the NAAQS set for criteria pollutants under CAA section 109. This term as used in CAA section 110(*l*) (and defined in CAA section 171(1)) is *not* synonymous with ''reasonable progress'' as that term is used in the regional haze program under CAA section 169A(g). Instead, section 110(*l*) provides that the EPA cannot approve plan revisions that interfere with regional haze requirements (including reasonable progress requirements) insofar as they are ''other applicable requirement[s]'' of the CAA.

[31] *See* Oklahoma's 2026 SIP submission, section IV, pages 7 through 8. See also, EPA Green Book, ''Current Nonattainment Counties for All Criteria Pollutants'', at *https://www3.epa.gov/airquality/greenbook/ancl.html.*

[32] The EPA approved Oklahoma's 2013 regional haze SIP submission on March 7, 2014 (79 FR 12944).

[33] ODEQ NSR Permit No. 2019–0607–C (M–1).

(2) FLM consultation requirements under CAA section 169A(d) and 40 CFR 51.308(i); and,

(3) CAA section 110(*l*) requirements.

V. Proposed Action

The EPA is proposing to approve Oklahoma's SIP submission submitted on March 12, 2026, that revises source-specific requirements for the PSO Northeastern facility and amends the State's long-term strategy for the first implementation period of the regional haze program as meeting applicable Federal requirements under CAA section 110(*l*), section 169A, and 40 CFR 51.308. The EPA is proposing to find that Oklahoma's 2026 SIP submission satisfies the long-term strategy regulatory requirements from the first planning period under the regional haze program.[34]

The EPA is proposing to approve as part of Oklahoma's 2026 SIP submission source-specific requirements for the AEP/PSO Northeastern Power Station as described in the accompanying Seconded Amended Regional Haze Agreement between PSO and ODEQ, Case No. 10–025, dated May 14, 2025 (''2025 PSO Regional Haze Agreement''), which amends portions of the 2010 and 2013 PSO Regional Haze Agreements from Case No. 10–025. The 2025 PSO Regional Haze Agreement is the enforceable mechanism for the revised control measures for the PSO Northeastern facility. The EPA is proposing to approve all requirements set forth in the 2025 PSO Regional Haze Agreement as source-specific revisions to be incorporated into the Oklahoma SIP.

VI. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt* v. *Oklahoma,* 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA''), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA outside of Indian country. The State's request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval was necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality* v. *EPA,* 740 F.3d 185 (D.C. Cir. 2014).[35]

The EPA has approved Oklahoma's SAFETEA request to administer all of the State's EPA-approved environmental regulatory programs in the requested areas of Indian country. As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively ''excluded Indian country lands'').

The EPA's approval under SAFETEA expressly provided that to the extent the EPA's prior approvals of Oklahoma's environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request.[36] The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is proposing to approve Oklahoma's 2026 Regional Haze SIP for meeting applicable CAA requirements. This SIP submission revises a portion of Oklahoma's previously approved regional haze SIP for the first planning period for the PSO Northeastern facility located in Rogers County. If this proposed approval is finalized, this revision will become a part of the overall approved Oklahoma regional haze SIP, which applies statewide. Consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA* and with the EPA's SAFETEA approval, these SIP revisions will apply to areas of Indian country as follows: (1) pursuant to the SAFETEA approval, the SIP revisions will apply to all Indian country in the State of Oklahoma other than the excluded Indian country lands as described above; and (2) pursuant to the D.C. Circuit's decision in *ODEQ* v. *EPA,* the SIP revisions will also apply to any Indian allotments or dependent Indian communities that are located outside of any Indian reservation over which there has been no demonstration of Tribal authority.

VII. Incorporation by Reference

In this proposed action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Oklahoma source specific requirements as described in section V of this preamble. We have made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* (please contact the persons identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this 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 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

[34] 40 CFR 51.308(d)(3).

[35] In *ODEQ* v. *EPA,* the D.C. Circuit held that under the CAA, States have the authority to implement a SIP in non-reservation areas of Indian country in the State, unless there has been a demonstration of Tribal jurisdiction. Under the D.C. Circuit's decision, the CAA does not provide authority to States to implement SIPs in Indian reservations.

[36] The EPA's prior approvals relating to Oklahoma's SIP frequently noted that the SIP was not approved to apply in areas of Indian country (except as explained in the D.C. Circuit's decision in *ODEQ* v. *EPA*) located in the State (*see, e.g.,* 79 FR 12944, March 7, 2014). Such prior expressed limitations are superseded by the EPA's approval of Oklahoma's SAFETEA request.

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

This proposed approval of Oklahoma's 2026 Regional Haze SIP that contains revisions to Oklahoma's first planning period regional haze source-specific requirements will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has Tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on federally recognized Tribal governments because no actions will be required of Tribal governments. This action will also not preempt Tribal law as no Oklahoma Tribe implements a regulatory program under the CAA, and thus does not have applicable or related Tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (December 7, 2023), the EPA has offered consultation to Tribal governments that may be affected by this action and provided information about this action.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 19, 2026.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2026–17499 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0295; FRL–13322–01–R4]

Air Plan Approval; Kentucky; Louisville Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Energy and Environment Cabinet (Cabinet) on behalf of the Louisville Metro Air Pollution Control District (District) via a letter dated June 3, 2024. The SIP revision consists of a Limited Maintenance Plan (LMP) for the Kentucky portion of the bi-state Louisville, Kentucky-Indiana 1997 8-hour ozone maintenance area (the ''bi-state Louisville Area''). The Kentucky portion of the bi-state Louisville Area includes the Bullitt, Jefferson, and Oldham Counties of Kentucky (the ''Louisville Area''). The EPA is proposing to approve the Louisville Area's LMP because it provides for the maintenance of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) within the bi-state Louisville Area through the end of the second 10-year portion of the maintenance period. The effect of this proposed action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Louisville Area federally enforceable as part of the Kentucky SIP.

DATES: Comments must be received on or before September 17, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0295 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:

Nelsha Athauda, 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)-562–9360. Ms. Athauda can also be reached via electronic mail at *athauda.nelsha@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

AQS Air Quality System
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CO Carbon Monoxide
DV Design Value
EPA Environmental Protection Agency
FR Federal Register
KIPDA Kentuckiana Regional Planning and Development Agency
LMP Limited Maintenance Plan
MOVES EPA's MOtor Vehicle Emission Simulator
NAAQS National Ambient Air Quality Standard
NEI National Emissions Inventory
NO_X Nitrogen Oxides
PM_{10} Particulate Matter with an aerodynamic diameter less than 10 microns
ppm Parts per million
RACT Reasonably Available Control Technology
SIP State Implementation Plan
TDM Travel Demand Model
tpsd tons per summer day
VOC Volatile Organic Compounds

Table of Contents

I. Executive Summary

In accordance with the Clean Air Act (CAA or Act), the EPA is proposing to approve the Louisville Area's second 10-year LMP for the 1997 8-hour ozone NAAQS, adopted on June 3, 2024, and submitted to the Agency as a revision to the Kentucky SIP under a letter dated June 3, 2024.

On April 30, 2004, the bi-state Louisville Area, which is composed of Bullitt, Jefferson, and Oldham Counties in Kentucky and Clark and Floyd Counties in Indiana, was designated as nonattainment for the 1997 8-hour ozone NAAQS.[1] Subsequently, on September 29, 2006, the Cabinet submitted a redesignation request and the first 10-year maintenance plan for the Louisville Area. In 2007, the EPA approved the maintenance plan and redesignated the Louisville Area to attainment for the 1997 8-hour ozone NAAQS.[2]

The Louisville Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on June 3, 2024, is designed to maintain the 1997 8-hour ozone NAAQS within the Louisville Area through the end of the second 10-year portion of the maintenance period beyond redesignation (through 2027). The EPA is proposing to approve the plan because it meets all applicable requirements under CAA sections 110 and 175A.

II. Background

In 1979, under CAA section 109, the EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period.[3] On July 18, 1997, the EPA revised the primary and secondary NAAQS for ozone[4] to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period.[5]

Following promulgation of a new or revised NAAQS, the EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004, the EPA designated the bi-state Louisville Area, which consists of the Kentucky counties of Bullitt, Jefferson, and Oldham and the Indiana counties of Clark and Floyd, as nonattainment for the 1997 8-hour ozone NAAQS. Those designations became effective on June 15, 2004.[6]

The EPA has revised the ozone NAAQS twice since the 1997 standards were finalized. On July 20, 2012, the EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. The Louisville Area was designated as attainment for that standard with an effective date of July 20, 2012.[7] On November 16, 2017, the EPA designated areas for the 2015 8-hour ozone NAAQS. The bi-state Louisville Area was designated as nonattainment for the 2015 8-hour ozone NAAQS with an effective date of August 3, 2018.[8] The EPA redesignated the Indiana portion of the bi-state Louisville Area to attainment for the 2015 8-hour ozone NAAQS with an effective date of July 5, 2022.[9]

A State may submit a request that the EPA redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met the criteria described in CAA section 107(d)(3)(E), the Agency may approve the redesignation request.[10] One of the criteria for redesignation is for the area to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the State must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.,* ensuring maintenance for 20 years after redesignation).

The EPA has published long-standing guidance for States on developing maintenance plans. The Calcagni memo[11] provides that States may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory).[12] The EPA clarified in three subsequent guidance memos that certain areas can meet the CAA section 175A requirement to provide for maintenance by showing that they are unlikely to violate the NAAQS in the future, using information such as the area design values[13] when the design values are well below the standard and have been historically stable.[14] The EPA refers to a maintenance plan containing this streamlined demonstration as an LMP.

The EPA has interpreted CAA section 175A as permitting the LMP option because CAA section 175A does not define how areas may demonstrate maintenance, and in the Agency's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, States seeking an LMP must still submit the maintenance plan elements outlined in the Calcagni memo, including an attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a State seeking an LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain

[1] *See* 69 FR 23857 (Apr. 30, 2004).

[2] *See* 72 FR 36601 (July 5, 2007).

[3] *See* 44 FR 8202 (Feb. 8, 1979).

[4] *See* 62 FR 38856 (July 18, 1997).

[5] In March 2008, the EPA completed another review of the primary and secondary ozone NAAQS and lowered the level for both to 0.075 ppm. *See* 73 FR 16436 (Mar. 27, 2008). Additionally, in October 2015, the EPA completed another review of the primary and secondary ozone NAAQS and further lowered the level for both to 0.070 ppm. *See* 80 FR 65292 (Oct. 26, 2015).

[6] *See* 69 FR 23858 (Apr. 30, 2004).

[7] *See* 77 FR 30088 (May 21, 2012).

[8] *See* 83 FR 25776 (June 4, 2018).

[9] *See* 87 FR 39750 (July 5, 2022).

[10] CAA section 107(d)(3)(E) sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the State has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[11] John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards (OAQPS), ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' September 4, 1992 (Calcagni memo).

[12] *See* Calcagni memo at page 9.

[13] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

[14] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001. Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

NAAQS,[15] the EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.[16]

In this case, the EPA is proposing to approve the Louisville Area's LMP because the Commonwealth has shown that ozone concentrations in the bi-state Louisville Area are well below the 1997 8-hour ozone NAAQS, have been historically stable, and that the Commonwealth has met the other maintenance plan requirements. The Cabinet submitted the LMP for the Louisville Area to fulfill the CAA's second maintenance plan requirement. The EPA's evaluation of the Louisville Area's LMP is presented in section IV of this notice of proposed rulemaking, below.

On September 29, 2006, the Cabinet submitted a request to the EPA to redesignate the Louisville Area, to attainment for the 1997 8-hour ozone NAAQS. This submittal included a plan, for inclusion in the Kentucky SIP, to provide for maintenance of the 1997 8-hour ozone NAAQS in the bi-state Louisville Area through 2017. The EPA approved the Louisville Area maintenance plan and the Commonwealth's request to redesignate the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 8-hour ozone NAAQS, effective August 6, 2007.[17] Kentucky's June 3, 2024, submittal contains the second 10-year maintenance plan for the 20-year maintenance period of the 1997 8-hour ozone NAAQS to ensure continued maintenance for the bi-state Louisville Area.

CAA section 175A(b) requires States to submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. However, the EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[18]

In *South Coast Air Quality Management District* v. *EPA,* the United States Court of Appeals for the District of Columbia Circuit vacated the EPA's interpretation that, because of the revocation of the 1997 8-hour ozone NAAQS, second maintenance plans were not required for ''orphan maintenance areas,'' *i.e.,* areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS.[19] Thus, States with these ''orphan maintenance areas'' under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on June 3, 2024, Kentucky submitted a second 10-year maintenance plan for the Louisville Area that shows that the Area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through 2027.

In recognition of the continuing record of relatively stable air quality monitoring data showing ambient 8-hour ozone concentrations in the Louisville Area well below the 1997 8-hour ozone NAAQS, the Cabinet chose the LMP option for the development of the second 1997 8-hour ozone NAAQS maintenance plan.

III. Kentucky's SIP Submittal

As mentioned above, on June 3, 2024, KDAQ submitted the Louisville Area LMP for the 1997 8-hour ozone NAAQS to the EPA as a revision to the Kentucky SIP. The submittal includes the LMP, air quality data, emissions inventory information, and appendices. Appendices to the plan include monitoring data; documentation of public notice and statement of consideration; and public hearing minutes.

IV. The EPA's Evaluation of Kentucky's SIP Submittal

The EPA has reviewed the Louisville Area's LMP, which is designed to maintain the 1997 8-hour ozone NAAQS within the Louisville Area through the end of the 20-year period beyond redesignation, as required under CAA section 175A(b). The following is a summary of the EPA's interpretation of the section 175A requirements[20] and the Agency's evaluation of how each requirement is met for the Louisville Area.

A. Attainment Emissions Inventory

The June 3, 2024, submittal includes an ozone attainment inventory for the Louisville Area that reflects typical summer day emissions in 2019. The submittal also includes a comparison of the 2019 attainment emissions inventory to the 2003 attainment inventory developed for the first 10-year maintenance plan.[21] Comparing these inventories shows an overall decrease in emissions. Table 1 presents a summary of these inventories.

TABLE 1—ATTAINMENT EMISSIONS INVENTORY FOR 2003 AND 2019 IN TONS PER SUMMER DAY (tpsd) FOR THE LOUISVILLE AREA

	NO_X		VOC	
	2003	2019	2003	2019
Bullitt Total:	10.04	5.77	16.95	19.74
Nonpoint	0.11	0.33	3.34	5.03
Nonroad	1.81	0.26	1.77	0.55
Onroad	7.52	3.67	3.74	1.26
Point	0.60	1.51	8.10	12.90
Jefferson Total:	170.76	62.59	80.61	63.05
Nonpoint	0.75	6.88	17.33	30.53
Nonroad	31.94	3.39	14.31	3.66
Onroad	63.29	19.97	25.34	8.41
Point	74.78	32.35	23.63	20.45
Oldham Total:	6.22	2.61	7.01	2.80

[15] The prior memos addressed: unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM_{10} (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment areas for the carbon monoxide (CO) NAAQS.

[16] *See, e.g.,* 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 sulfur dioxide maintenance area).

[17] *See* 72 FR 36601 (July 5, 2007).

[18] *See* 80 FR 12264, 12315 (Mar. 6, 2015).

[19] *South Coast II,* 882 F.3d 1138 (D.C. Cir. 2018).

[20] *See* Calcagni memo.

[21] For more information on the development of the 2003 emissions inventory, *see* 72 FR 20966 (Apr. 27, 2007).

TABLE 1—ATTAINMENT EMISSIONS INVENTORY FOR 2003 AND 2019 IN TONS PER SUMMER DAY (tpsd) FOR THE LOUISVILLE AREA—Continued

	NO_X		VOC	
	2003	2019	2003	2019
Nonpoint	0.07	0.41	2.46	1.56
Nonroad	1.63	0.35	1.54	0.51
Onroad	4.43	1.67	2.29	0.61
Point	0.09	0.18	0.72	0.12
Kentucky Total	187.02	70.97	104.57	85.59

The Attainment Inventory portion of the June 3, 2024, submittal describes the methods, models, and assumptions used to develop the 2019 attainment inventory and indicates that this inventory was developed using the following combination of sources: (1) Data from the 2017 National Emissions Inventory (NEI); [22] (2) Data required to be submitted by sources to the District [23] and the Division; [24] (3) Mobile source modeling, using the Kentuckiana Regional Planning and Development Agency's (KIPDA's) most recent travel demand model (TDM) along with EPA's MOtor Vehicle Emission Simulator (MOVES) version 3.0.3, which was conducted by KIPDA and the District for the Area; and (4) EPA's 2016v2 modeling platform.[25]

Based on the review of the methods, models, and assumptions used by Kentucky to develop the volatile organic compounds (VOC) and oxides of nitrogen (NO_X) estimates, the EPA proposes to find that the June 3, 2024, submittal includes a comprehensive, reasonably accurate inventory of actual ozone precursor emissions in attainment year 2019 and proposes to conclude that the plan's inventories are acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

The maintenance demonstration requirement is considered to be satisfied in an LMP if the air monitoring data for the area that is well below the level of the NAAQS, that past air quality trends have been shown to be stable, and that the probability of the area experiencing a violation over the second 10-year maintenance period is low.[26] These criteria are evaluated below.

1. Evaluation of Ozone Concentrations

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, Appendix I, the 1997 8-hour ozone NAAQS is attained if the design value is 0.084 ppm or below.

There are currently seven ozone monitors in the bi-state Louisville Area, one in Bullitt County, Kentucky; one in Oldham County, Kentucky; three in Jefferson County, Kentucky; one in Clark County, Indiana; and one in Floyd County, Indiana. Data for four air monitoring sites in Jefferson County are reported in the table below due to the relocation of a monitor from Bates Elementary (Air Quality System (AQS) ID: 21–111–0027) to Carrithers Middle School (AQS ID: 21–111–0080) in 2018.[27] Table 2 presents the design values (in ppm) for each monitor in the bi-state Louisville Area over the 2012–2025 period.

TABLE 2—1997 8-HOUR OZONE NAAQS DESIGN VALUES (DV) (ppm) FOR MONITORS IN THE BI-STATE LOUISVILLE AREA FOR THE 2012–2025 TIME PERIOD

County	AQS Site ID	2010–2012 DV	2011–2013 DV	2012–2014 DV	2013–2015 DV	2014–2016 DV	2015–2017 DV	2016–2018 DV	2017–2019 DV	2018–2020 DV	2019–2021 DV	2020–2022 DV	2021–2023 DV	2022–2024 DV	2023–2025 DV
Clark, IN	18–019–0008	0.081	0.078	0.072	0.069	0.070	0.071	0.070	0.067	0.065	0.063	0.063	0.066	0.069	0.071
Bullitt, KY	21–029–0006	0.075	0.072	0.069	0.065	0.066	0.065	0.066	0.064	0.065	0.064	0.064	0.067	0.067	0.068
Jefferson, KY	21–111–0027	0.080	0.077	0.071	0.066	0.069	0.069	(*)	(*)	....	....	....	....	....	....
Jefferson, KY	21–111–0051	0.079	(**)	(**)	(**)	0.069	0.068	0.068	0.066	0.065	0.065	0.065	0.068	0.067	0.067
Jefferson, KY	21–111–0067	0.085	(**)	(**)	(**)	0.074	0.074	0.073	0.071	0.070	0.069	0.070	0.072	0.075	0.075
Oldham, KY	21–185–0004	0.086	0.082	0.074	0.068	0.07	0.068	0.067	0.066	0.065	0.063	0.063	0.065	0.067	0.069
Jefferson, KY	21–111–0080	....	....	....	....	....	....	(*)	(*)	0.067	0.068	0.069	0.070	0.070	0.070
Floyd, IN	18–043–0008	0.079	0.078	0.073	0.066	0.068	0.070	0.073	0.070	0.067	0.064	0.064	***0.066	***0.066	0.070

* The Jefferson County, Kentucky, monitor (AQS Site ID: 21–111–0027) was relocated to a new site (AQS ID: 21–111–0080) before the ozone monitoring season in 2018. As a result, neither site had a valid three-year design value during 2016–2018 and 2017–2019.

** Two Jefferson County, Kentucky, monitors (AQS Site ID: 21–111–0051 and AQS Site ID: 21–111–0067) did not meet completeness criteria in 2013. As a result, neither site had a valid three-year design value during 2011–2013, 2012–2014, and 2013–2015.

*** The Floyd County, Indiana, monitor (formerly AQS Site ID: 18–043–1004) was relocated to a new site (AQS Site ID: 18–043–0008) before the ozone monitoring season in 2023. The EPA approved the combination of data from both sites into a single site data record for the purpose of calculating design values. The design values shown include data from both monitoring sites before and after the relocation.

[22] Documentation and data for the 2017 NEI is available at: *https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data.*

[23] District Regulation 1.06, available at *https://louisvilleky.gov/air-pollution-control-district/document/regulation106-version-11.*

[24] 401 KAR 52:020, available at *https://apps.legislature.ky.gov/law/kar/401/052/020.pdf and 401 KAR 52:030, available at https://apps.legislature.ky.gov/law/kar/401/052/030.pdf.*

[25] Documentation and data for EPA's 2016v2 modeling platform available at: *https://www.epa.gov/air-emissions-modeling/2016v2-platform.*

[26] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[27] Page 66 of the 2024 Kentucky Annual Ambient Air Monitoring Network Plan describes the purpose and details behind the relocation of the monitor.

In the bi-state Louisville Area, all current design values are below 85 percent of the ozone NAAQS,[28] with the exception of one Jefferson County monitor (AQS ID: 21–111–0067). The Jefferson County monitor's 2025 design value is 0.075 ppm, which is 89 percent of the exceedance levels of the ozone NAAQS. All other monitors in the bi-state Louisville Area are below this 85 percent threshold. Based on the weight of evidence in support of Kentucky's submittal, the EPA is proposing to approve this LMP. No design values in the bi-state Louisville Area have exceeded the 1997 ozone NAAQS during the 2013–2025 time period depicted in Table 2. The design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe, and the 20-year maintenance period beyond redesignation ends in 2027, which leaves only a relatively short amount of remaining time during which significant increases in ozone levels are unlikely based on the data in Table 2. Thus, the probability of the area experiencing a violation during this second maintenance period is low. These aspects of the EPA's proposed approval are discussed in more detail below.

2. Stability of Ozone Levels

As discussed above, the bi-state Louisville Area has maintained ozone concentrations below the 1997 8-hour ozone NAAQS over the past twelve 3-year design value periods. Additionally, the design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe. Over the past eight years, the maximum design value increase was 0.008 ppm, which occurred at the Clark, Indiana, ozone monitor (AQS ID: 18–019–0008) from 0.063 ppm in the 2019–2021 DV and 2020–2022 DV, to 0.071 in the 2023–2025 DV. After adding the maximum design value increase of 0.008 ppm to the maximum most recent design value (0.075 ppm), the resulting 0.083 ppm remains below the 0.084 ppm threshold to attain the 1997 8-hour ozone NAAQS. Additionally, the 20-year maintenance period beyond redesignation ends in 2027, which leaves only a short amount of remaining time during which significant increases in ozone levels are unlikely based on the data in Table 2. As a result, the EPA finds that there is a low probability of the Area violating the 1997 8-hour ozone NAAQS during this second maintenance period.

[28] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994.

C. Monitoring Network and Verification of Continued Attainment

The EPA annually reviews the ozone monitoring network that the Cabinet operates and maintains in accordance with 40 CFR part 58. This network is described in the ambient air monitoring network plan that is developed by the Cabinet and submitted to the EPA annually, following a public notification and comment process. For further details on monitoring, the reader is referred to Kentucky's 2025 Ambient Air Monitoring Network Plan. The Cabinet submitted the 2025 Network Plan on July 1, 2025, and it received approval from the EPA on October 28, 2025.[29]

As noted above, the Cabinet's monitoring network in the Louisville Area has been approved by the EPA in accordance with 40 CFR part 58, and the Cabinet has committed to continue to maintain a network in accordance with the EPA requirements. The EPA proposes to find that the Cabinet's monitoring network is adequate to verify continued attainment of the 1997 ozone NAAQS in the bi-state Louisville Area.

D. Contingency Plan

CAA section 175A(d) requires that a maintenance plan include contingency provisions. The purpose of such contingency provisions is to prevent future violations of the NAAQS or to promptly remedy any NAAQS violations that might occur during the maintenance period.

The Louisville Area LMP contingency plan includes tracking and triggering mechanisms to determine when control measures are needed, and a process for developing and adopting appropriate control measures. Specifically, any 8-hour ozone monitoring reading of 0.085 ppm or greater in the bi-state Louisville Area or periodic emissions inventory updates[30] that reveal excessive or unanticipated growth greater than 10 percent in either NO_X or VOC emissions over the attainment inventory for the bi-state Louisville Area will cause the Division to evaluate existing control measures to see if any further emission reduction measures should be implemented at that time. Implementation of necessary controls in response to an initial ''indicator'' will take place as expeditiously as possible, but no later than twelve months from the conclusion of the most recent ozone season (October 31) in which the annual fourth-highest monitored value of 0.085 ppm or greater occurred.

[29] Kentucky's 2025 Annual Ambient Air Monitoring Network Plan (submitted to the EPA on July 1, 2025) and the EPA's Approval Letter (transmitted by October 28, 2025) are both available in the docket for this proposed action.

[30] The Air Emissions Reporting Rule requires State and local agencies to collect and submit criteria pollutant emissions data to EPA's Emissions Inventory System according to the schedule in 40 CFR 51.30.

If a three-year average of annual fourth-highest monitored values of 0.085 ppm or greater (*i.e.,* a violation of the standard) occurs within the bi-state Louisville Area, an action level response will take effect. The Division and the District, in conjunction with the metropolitan planning organization or regional council of governments, will determine additional control measures needed to ensure future attainment of the NAAQS for ozone. Appropriate contingency measures will be selected to be in place within twenty-four months of a monitored violation.

The contingency measures chosen will be selected based on their ability to bring the bi-state Louisville Area back into attainment. The LMP contains the following list of potential contingency measures.

- Implementation of a program to require additional emission reductions on stationary sources, including Reasonably Available Control Technology (RACT) for point sources of VOC and NO_X, and, specifically, the adoption of new and revised RACT rules based on Groups II, III, and IV Control Techniques Guidelines;
- Implementation of a program to enhance inspection of stationary sources;
- Implementation of fuel programs, including incentives for alternative fuels;
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles;
- Trip-reduction ordinances;
- Employer-based transportation management plans, including incentives;
- Programs for new construction and major reconstructions of paths or tracks for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest;
- Implementation of a modern vehicle inspection/maintenance program;
- Implementation of diesel retrofit programs, including incentives for performing retrofits for fleet vehicle operations;
- Additional engine idling reduction programs.

The Louisville Area's LMP includes updates to the list of potential contingency measures in the first 10-year maintenance plan. New potential contingency measures include additional engine idling reduction programs and the implementation of diesel retrofit programs with incentives for retrofitting fleet vehicles. The second 10-year LMP no longer identifies programs to limit or restrict vehicle use in downtown areas or other high-emission zones during peak periods as potential contingency measures.

The EPA proposes to find that the contingency provisions in Kentucky's second maintenance plan for the Louisville Area for the 1997 8-hour ozone NAAQS meet the requirements of the CAA section 175A(d).

V. Transportation Conformity

Transportation conformity is required by CAA section 176(c). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.[31] The EPA's transportation conformity rule at 40 CFR part 93, subpart A, requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether they conform.

Due to the decision in *South Coast Air Quality Management* v. *EPA,* transportation conformity is not required for the Louisville Area for the 1997 NAAQS as the entire 1997 Area is encompassed by the nonattainment area for the 2015 8-hour ozone NAAQS. Therefore, a demonstration for the less stringent 1997 ozone NAAQS is unnecessary.

The Louisville 2015 NAAQS Area needs to continue to meet all applicable requirements of the transportation conformity regulations, including the need for a regional emissions analysis and comparison of the results of the regional emissions analysis to the applicable motor vehicle emissions budgets for the 2015 ozone NAAQS. The approved 1997 ozone NAAQS budgets will be used to demonstrate conformity for the 2015 ozone NAAQS until budgets for the 2015 ozone NAAQS are deemed adequate or approved for the Kentucky portion of the Louisville Area.[32] [33]

VI. Proposed Action

Under CAA sections 110(k) and 175A and for the reasons set forth above, the EPA is proposing to approve the Louisville Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on June 3, 2024, as a revision to the Kentucky SIP. The EPA is proposing to approve the Louisville Area LMP because it includes an acceptable update of the various elements of the 1997 8-hour ozone NAAQS maintenance plan approved by the Agency for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions).

The EPA also finds that the Louisville Area qualifies for the LMP option and that, therefore, the Louisville Area LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing design values well below the NAAQS and continuation of existing control measures. The EPA believes that the Louisville Area LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the bi-state Louisville Area over the remainder of the second 10-year maintenance period, through 2027, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

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.[34] 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 20, 2026.

Kristy Eubanks,

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

[FR Doc. 2026–17501 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

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[31] *See* CAA 176(c)(1)(A) and (B).

[32] Budgets for the 2015 8-hour ozone NAAQS were deemed adequate and approved for the Indiana portion of the Louisville Area. *See* 87 FR 39750.

[33] *See* 40 CFR 93.109(c)(2).

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0440; FRL–13324–01–R4]

Air Plan Approval; Kentucky; Cincinnati-Hamilton Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve a State

Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Energy and Environment Cabinet (Cabinet), Division of Air Quality (Division), on July 23, 2024. The SIP revision consists of a Limited Maintenance Plan (LMP) for the Kentucky portion of the tri-state Cincinnati-Hamilton 1997 8-hour ozone nonattainment area (the ''tri-state Cincinnati-Hamilton Area''). The Kentucky portion of the tri-state Cincinnati-Hamilton Area is composed of Boone, Campbell, and Kenton Counties in Kentucky (hereinafter also referred to as the ''Northern Kentucky Area''). The EPA is proposing to approve Kentucky's LMP for the Northern Kentucky Area because it provides for the maintenance of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) within the tri-state Cincinnati-Hamilton Area through the end of the second 10-year portion of the maintenance period. The effect of this proposed action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Northern Kentucky Area federally enforceable as part of the Kentucky SIP.

DATES: Comments must be received on or before September 17, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0440 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: Nelsha Athauda, 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) 562–9360. Ms. Athauda can also be reached via electronic mail at *athauda.nelsha@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

AQS Air Quality System
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CO Carbon Monoxide
DV Design Value
EPA Environmental Protection Agency
FR Federal Register
LMP Limited Maintenance Plan
MOVES EPA's MOtor Vehicle Emission Simulator
NAAQS National Ambient Air Quality Standard
NEI National Emissions Inventory
NO_X Nitrogen Oxides
OKI Ohio-Kentucky-Indiana
PM_{10} Particulate Matter with an aerodynamic diameter less than 10 microns
ppm Parts per million
RACT Reasonably Available Control Technology
SIP State Implementation Plan
tpsd tons per summer day
VOC Volatile Organic Compounds

Table of Contents

I. Executive Summary

In accordance with the Clean Air Act (CAA or Act), the EPA is proposing to approve the Northern Kentucky Area's second 10-year LMP for the 1997 8-hour ozone NAAQS, adopted by the Cabinet on July 23, 2024, and submitted to the Agency as a revision to the Kentucky SIP on July 23, 2024.

On April 30, 2004, the tri-state Cincinnati-Hamilton Area, which is composed of Boone, Campbell, and Kenton Counties in Kentucky; Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio; and a portion of Dearborn County in Indiana, was designated as nonattainment for the 1997 8-hour ozone NAAQS.[1] Subsequently, on January 29, 2010, the Cabinet submitted a redesignation request and the first 10-year maintenance plan for the Northern Kentucky Area. In 2010, after the EPA's approval of the maintenance plan, the Northern Kentucky Area was redesignated to attainment for the 1997 8-hour ozone NAAQS.[2]

The Northern Kentucky Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on July 23, 2024, is designed to maintain the 1997 8-hour ozone NAAQS within the Northern Kentucky Area through the end of the second 10-year portion of the maintenance period beyond redesignation (through August 5, 2030). The EPA is proposing to approve the plan because it meets all applicable requirements under CAA sections 110 and 175A.

II. Background

In 1979, under CAA section 109, the EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period.[3] On July 18, 1997, the EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period.[4 5]

Following promulgation of a new or revised NAAQS, the EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004, the EPA designated the tri-state Cincinnati-Hamilton Area, which consists of the Kentucky counties of Boone, Campbell, and Kenton, the Ohio counties of Butler, Clermont, Clinton, Hamilton, and Warren, and a portion of Dearborn County of Indiana, as nonattainment for the 1997 8-hour ozone NAAQS. Those designations became effective on June 15, 2004.[6]

The EPA has revised the ozone NAAQS twice since the 1997 standards were finalized. On July 20, 2012, the EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. At that time, the tri-state Cincinnati-Hamilton

[1] *See* 69 FR 23857 (Apr. 30, 2004).

[2] *See* 75 FR 47218 (Aug. 5, 2010).

[3] *See* 44 FR 8202 (Feb. 8, 1979).

[4] *See* 62 FR 38856 (July 18, 1997).

[5] In March 2008, the EPA completed another review of the primary and secondary ozone NAAQS and lowered the level for both to 0.075 ppm. *See* 73 FR 16436 (Mar. 27, 2008). Additionally, in October 2015, the EPA completed another review of the primary and secondary ozone NAAQS and further lowered the level for both to 0.070 ppm. *See* 80 FR 65292 (Oct. 26, 2015).

[6] *See* 69 FR 23858 (Apr. 30, 2004).

Area was designated as nonattainment. The EPA redesignated the Kentucky portion of the tri-state Cincinnati-Hamilton Area to attainment for the 2008 8-hour ozone standard with an effective date of July 5, 2017.[7] On November 16, 2017, the EPA designated areas for the 2015 8-hour ozone NAAQS. The tri-state Cincinnati-Hamilton Area was designated as nonattainment for the 2015 8-hour ozone NAAQS with an effective date of August 3, 2018.[8] On June 9, 2022, the EPA designated the Ohio portion of the tri-state Area attainment for the 2015 8-hour ozone NAAQS with an effective date of June 9, 2022.[9] On October 4, 2023, the EPA designated the Kentucky portion of the tri-state Cincinnati-Hamilton Area to attainment for the 2015 8-hour ozone standard with an effective date of November 3, 2023.[10]

A State may submit a request that the EPA redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met the criteria described in CAA section 107(d)(3)(E), the Agency may approve the redesignation request.[11] One of the criteria for redesignation is for the area to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the State must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.,* ensuring maintenance for 20 years after redesignation).

The EPA has published long-standing guidance for states on developing maintenance plans. The Calcagni memo[12] provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory).[13] The EPA clarified in three subsequent guidance memos that certain areas can meet the CAA section 175A requirement to provide for maintenance by showing that they are unlikely to violate the NAAQS in the future, using information such as the area design values[14] when the design values are well below the standard and have been historically stable.[15] The EPA refers to a maintenance plan containing this streamlined demonstration as an LMP.

The EPA has interpreted CAA section 175A as permitting the LMP option because CAA section 175A does not define how areas may demonstrate maintenance, and in the Agency's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking an LMP must still submit the maintenance plan elements outlined in the Calcagni memo, including an attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a State seeking an LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain NAAQS,[16] the EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.[17]

In this case, the EPA is proposing to approve the Northern Kentucky Area LMP because the Commonwealth has shown that ozone concentrations in the tri-state Cincinnati-Hamilton Area are well below the 1997 8-hour ozone NAAQS, have been historically stable, and that the Commonwealth has met the other maintenance plan requirements. The Cabinet submitted the LMP for the Northern Kentucky Area to fulfill the CAA's second maintenance plan requirement. The EPA's evaluation of the Northern Kentucky Area LMP is presented in section IV of this document, below.

On January 29, 2010, the Cabinet submitted a request to the EPA to redesignate the Northern Kentucky Area to attainment for the 1997 8-hour ozone NAAQS. This submittal included a plan, for inclusion in the Kentucky SIP, to provide for maintenance of the 1997 8-hour ozone NAAQS in the tri-state Cincinnati-Hamilton Area through 2030. The EPA approved the Northern Kentucky Maintenance Plan and the Commonwealth's requests to redesignate the Northern Kentucky Area to attainment for the 1997 8-hour ozone NAAQS, effective August 5, 2010.[18] Kentucky's July 23, 2024, submittal contains the second 10-year maintenance plan for the 20-year maintenance period of the 1997 8-hour ozone NAAQS to ensure continued maintenance for the tri-state Cincinnati-Hamilton Area.

CAA section 175A(b) requires states to submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. However, the EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 NAAQS no longer needed to submit a second 10-year maintenance plan under CAA section 175A(b).[19]

In *South Coast Air Quality Management District* v. *EPA,* the United States Court of Appeals for the District

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[7] *See* 82 FR 30976 (July 5, 2017).

[8] *See* 83 FR 25776 (June 4, 2018).

[9] *See* 87 FR 35104 (June 9, 2022).

[10] *See* 88 FR 68471 (Oct. 4, 2023).

[11] CAA section 107(d)(3)(E) sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the State has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[12] John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards (OAQPS), ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' September 4, 1992 (Calcagni memo).

[13] *See* Calcagni memo at page 9.

[14] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

[15] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001. Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

[16] The prior memos addressed: unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM_{10} (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment areas for the carbon monoxide (CO) NAAQS.

[17] *See, e.g.,* 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 sulfur dioxide maintenance area).

[18] *See* 75 FR 47218 (Aug. 5, 2010).

[19] *See* 80 FR 12264, 12315 (Mar. 6, 2015).

of Columbia Circuit vacated the EPA's interpretation that, because of the revocation of the 1997 8-hour ozone NAAQS, a second maintenance plan was not required for ''orphan maintenance areas,'' *i.e.,* areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS.[20] Thus, states with these ''orphan maintenance areas'' under the 1997 8-hour ozone NAAQS must submit a maintenance plan for the second maintenance period. Accordingly, on July 23, 2024, Kentucky submitted a second maintenance plan for the Northern Kentucky Area which shows that the Area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through 2030.

In recognition of the continuing record of relatively stable air quality monitoring data showing ambient 8-hour ozone concentrations in the tri-state Cincinnati-Hamilton Area well below the 1997 8-hour ozone NAAQS, the Cabinet chose the LMP option for the development of the second 1997 8-hour ozone NAAQS maintenance plan.

III. Kentucky's SIP Submittal

As mentioned previously, on July 23, 2024, the Cabinet submitted the Northern Kentucky Area LMP for the 1997 8-hour ozone NAAQS to the EPA as a revision to the Kentucky SIP. The submittal includes the LMP, air quality data, emissions inventory information, and appendices. Appendices to the plan include monitoring data along with documentation of public notice and statement of consideration.

IV. The EPA's Evaluation of Kentucky's SIP Submittal

The EPA has reviewed the Northern Kentucky Area LMP, which is designed to maintain the 1997 8-hour ozone NAAQS within the tri-state Cincinnati-Hamilton Area through the end of the 20-year period beyond redesignation, as required under CAA section 175A(b). The following is a summary of EPA's interpretation of the section 175A requirements[21] and the Agency's evaluation of how each requirement is met for the Northern Kentucky Area.

A. Attainment Emissions Inventory

The July 23, 2024, submittal includes an ozone attainment inventory that reflects typical summer day emissions in 2019. The submittal also includes a comparison of the 2019 attainment emissions inventory to the 2008 attainment inventory developed for the first 10-year maintenance plan.[22] Comparing these inventories shows an overall decrease in emissions. Table 1 presents a summary of these inventories.

TABLE 1—ATTAINMENT EMISSIONS INVENTORY FOR 2008 AND 2019 IN TONS PER SUMMER DAY (tpsd) FOR THE NORTHERN KENTUCKY AREA

	NO_X		VOC	
	2008	2019	2008	2019
Boone Total:	47.84	13.97	20.29	12.83
Point	23.27	5.99	2.81	2.75
Nonpoint	5.02	2.54	8.41	7.29
Onroad	8.53	4.70	4.00	1.30
Nonroad	11.02	0.74	5.07	1.49
Campbell Total:	11.56	3.79	8.42	3.95
Point	0.02	0.29	0.28	0.40
Nonpoint	1.32	0.92	4.34	2.23
Onroad	4.88	2.20	2.29	0.80
Nonroad	5.34	0.38	1.51	0.52
Kenton Total:	19.79	7.68	14.85	6.78
Point	0.03	0.28	1.17	0.43
Nonpoint	4.06	1.53	7.88	4.11
Onroad	8.37	5.30	3.85	1.50.
Nonroad	7.33	0.57	1.95	0.74
Kentucky Total	79.19	25.44	43.56	23.56

The Attainment Inventory portion of the July 23, 2024, submittal describes the methods, models, and assumptions used to develop the 2019 attainment inventory and indicates that this inventory was developed using the following combination of sources: (1) data from the 2017 National Emissions Inventory (NEI); (2) data required to be submitted by sources to the Division;[23] (3) mobile modeling conducted by the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments;[24] and (4) EPA's 2016v2 modeling platform.[25]

Based on our review of the methods, models, and assumptions used by Kentucky to develop the volatile organic compounds (VOC) and oxides of nitrogen (NO_X) estimates, the EPA proposes to find that the Northern Kentucky Area LMP includes a comprehensive, reasonably accurate inventory of actual ozone precursor emissions in attainment year 2019 and proposes to conclude that the plan's inventories are acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

The maintenance demonstration requirement is satisfied in a LMP if the weight of evidence indicates that air quality in the area is well below the level of the NAAQS, that past air quality trends have been shown to be stable, and that the probability of the area

[20] *South Coast II,* 882 F.3d 1138 (D.C. Cir. 2018).

[21] *See* Calcagni memo.

[22] For more information on the development of the 2008 emissions inventories, *see* 75 FR 26685 (May 12, 2010).

[23] 401 KAR 52:020, available at *https://apps.legislature.ky.gov/law/kar/401/052/020.pdf;* and 401 KAR 52:030, available at *https://apps.legislature.ky.gov/law/kar/401/052/030.pdf.*

[24] Mobile emissions data was developed by OKI from emission factors produced by EPA's MOtor Vehicle Emission Simulator (MOVES) version 3 (MOVES3) software program and data extracted from the region's updated travel-demand model.

[25] Documentation and data for the 2016 NEIv2 can be accessed via the following website: *http://www.epa.gov/air-emissions-inventories/2014-national-emissions-inventory-nei-data.*

experiencing a violation over the second 10-year maintenance period is low.[26] These criteria are evaluated below.

1. Evaluation of Ozone Concentrations

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value or DV) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the 1997 8-hour ozone NAAQS is attained if the design value is 0.084 ppm or below.

There are currently eleven ozone monitors in the tri-state Cincinnati-Hamilton Maintenance Area: one in Boone County, Kentucky; one in Campbell County, Kentucky; three in Butler County, Ohio; one in Clermont County, Ohio; one in Clinton County, Ohio; three in Hamilton County, Ohio; and one in Warren County, Ohio. Table 2 of this document presents the design values (in ppm) for each monitor in the tri-state Cincinnati-Hamilton Maintenance Area over the 2012–2025 period.

TABLE 2—1997 8-HOUR OZONE NAAQS DESIGN VALUES (ppm) FOR MONITORS IN THE TRI-STATE CINCINNATI-HAMILTON AREA FOR THE 2012–2025 TIME PERIOD *

County	AQS Site ID	2010–2012 DV	2011–2013 DV	2012–2014 DV	2013–2015 DV	2014–2016 DV	2015–2017 DV	2016–2018 DV	2017–2019 DV	2018–2020 DV	2019–2021 DV	2020–2022 DV	2021–2023 DV	2022–2024 DV	2023–2025 DV
Boone, KY	21–015–0008	0.070	0.067	0.065	0.061	0.063	0.062	0.064	0.063	0.064	0.061	** 0.063	** 0.068	0.068	0.070
Campbell, KY	21–037–3002	0.079	0.078	0.075	0.071	0.070	0.069	0.067	0.065	0.063	0.063	0.063	0.064	0.066	0.069
Butler, OH	39–017–0018	0.082	0.078	0.073	0.069	0.071	0.071	0.073	0.071	0.071	0.067	0.067	0.067	0.068	0.068
Butler, OH	39–017–0023	0.079	0.076	0.073	0.069	0.072	0.072	0.073	0.070	0.069	0.066	0.067	0.068	0.068	0.068
Butler, OH	39–017–9991	(***)	0.077	0.074	0.068	0.069	0.069	0.070	0.068	0.066	0.064	0.064	0.066	0.067	0.067
Clermont, OH	39–025–0022	0.082	0.079	0.075	0.068	0.070	0.070	0.070	0.069	0.068	0.066	0.064	0.065	0.066	0.068
Clinton, OH	39–027–1002	0.082	0.078	0.073	0.068	0.070	0.070	0.069	0.067	0.064	0.063	0.063	0.067	0.070	0.071
Hamilton, OH	39–061–0006	0.085	0.081	0.075	0.070	0.072	0.073	0.075	0.074	0.074	0.070	0.069	0.070	0.071	0.072
Hamilton, OH	39–061–0010	0.080	0.075	0.073	0.069	0.072	0.070	0.072	0.070	0.070	0.067	0.067	0.068	0.070	0.070
Hamilton, OH	39–061–0040	0.080	0.078	0.073	0.069	0.071	0.071	0.072	0.071	0.070	0.069	0.068	0.070	0.071	0.074
Warren, OH	39–165–0007	0.079	0.076	0.072	0.069	0.072	0.071	0.072	0.071	0.072	0.070	0.069	0.070	0.072	0.073

* This notice of proposed rulemaking uses design values generated under the 1997 ozone NAAQS procedures, as provided by the Air Quality System (AQS), as the design value data provided in the July 23, 2024, submittal were inadvertently generated under the 2015 ozone NAAQS procedures. AQS data is accessible at *https://www.epa.gov/aqs*.

** The Boone County, Kentucky, monitor (AQS Site ID: 21–015–0003) was relocated to a new site (AQS Site ID: 21–015–0008) in 2022. The EPA approved combining data for the two sites to calculate design values; value reported is a combined design value.

*** The Butler County, Ohio, monitor (AQS Site ID: 39–017–9991) reported no data during 2010. As a result, there is no valid three-year design value during (2010–2012) for this monitor.

In the tri-state Cincinnati-Hamilton Area, all current design values are below 85 percent of the ozone NAAQS,[27] with the exception of two monitors, one in Warren County, OH, (AQS ID: 39–165–0007) and one in Hamilton, OH (AQS ID: 39–061–0040). The Hamilton County monitor's 2025 design value is 0.074 ppm, which is 88 percent of the exceedance levels of the ozone NAAQS. All other monitors in the tri-state Cincinnati-Hamilton Area are below this 85 percent threshold. Based on the weight of evidence in support of Kentucky's submittal, the EPA is proposing to approve this LMP. No design values in the tri-state Cincinnati-Hamilton Area have exceeded the 1997 ozone NAAQS during the 2013–2025 time period depicted in Table 2. The design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe, and the 20-year maintenance period beyond redesignation ends in 2030, which leaves only a relatively short amount of remaining time based on the data in Table 2. Thus, the probability of the tri-state Cincinnati-Hamilton Area experiencing a violation during this second maintenance period is low. These aspects of the EPA's proposed approval are discussed in more detail below.

2. Stability of Ozone Levels

As discussed previously, the tri-state Cincinnati-Hamilton Area has maintained ozone concentrations below the 1997 8-hour ozone NAAQS over the past twelve 3-year design value periods. Additionally, the design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe. Over the past ten years, the maximum design value increase was 0.009 ppm, which occurred at the Boone, Kentucky ozone monitor (AQS ID: 21–015–0003) between the 2019–2021 DV and the 2023–2025 DV. After adding the maximum design value increase of 0.009 ppm to the maximum most recent design value (0.070 ppm), the resulting 0.079 ppm remains below the 0.084 ppm threshold to attain the 1997 8-hour ozone NAAQS. Additionally, the 20-year maintenance period beyond redesignation ends in 2030, which leaves a relatively short amount of remaining time during which significant increases in ozone levels are unlikely based on the data in Table 2. As a result, the EPA finds that there is a low probability of the tri-state Cincinnati-Hamilton Area violating the 1997 8-hour ozone NAAQS during this second maintenance period.

C. Monitoring Network and Verification of Continued Attainment

The EPA annually reviews the ozone monitoring network that the Cabinet operates and maintains in accordance with 40 CFR part 58. This network is described in the ambient air monitoring network plan that is developed by the Cabinet and submitted to the EPA annually, following a public notification and comment process. For further details on monitoring, the reader is referred to Kentucky's 2025 Ambient Air Monitoring Network Plan. The Cabinet submitted the 2025 Network Plan on July 1, 2025, and it received approval from the EPA on October 28, 2025.[28]

As noted previously, the Cabinet's monitoring network in the Northern

[26] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[27] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994.

[28] Kentucky's 2025 Annual Ambient Air Monitoring Network Plan (submitted to the EPA on July 1, 2025) and the EPA's Approval Letter (transmitted by October 28, 2025) are both available in the docket for this proposed action.

Kentucky Area has been approved by the EPA in accordance with 40 CFR part 58, and the Cabinet has committed to continue to maintain a network in accordance with the EPA requirements. The EPA proposes to find that the Cabinet's monitoring network is adequate to verify continued attainment of the 1997 ozone NAAQS in the tri-state Cincinnati-Hamilton Area.

D. Contingency Plan

CAA section 175A(d) requires that a maintenance plan include contingency provisions. The purpose of such contingency provisions is to prevent future violations of the NAAQS or to promptly remedy any NAAQS violations that might occur during the maintenance period.

The Northern Kentucky Area LMP contingency plan includes tracking and triggering mechanisms to determine when control measures are needed, and a process for developing and adopting appropriate control measures. Specifically, any 8-hour ozone monitoring reading of 0.085 ppm or greater in the tri-state Cincinnati-Hamilton Area or periodic emissions inventory updates [29] that reveal excessive or unanticipated growth greater than 10 percent in either NO_X or VOC emissions over the attainment inventory for the tri-state Cincinnati-Hamilton Area will cause the Division to evaluate existing control measures to see if any further emission reduction measures should be implemented at that time. Implementation of necessary controls in response to an initial ''indicator'' will take place as expeditiously as possible, but no later than twelve months from the conclusion of the most recent ozone season (October 31) in which the annual fourth-highest monitored value of 0.085 ppm or greater occurred.

If a three-year average of annual fourth-highest monitored values of 0.085 ppm or greater (*i.e.,* a violation of the standard) occurs within the tri-state Cincinnati-Hamilton Area, an ''action level'' response will take effect. The Division, in conjunction with the metropolitan planning organization or regional council of governments, will determine additional control measures needed to ensure future attainment of the NAAQS for ozone. Appropriate contingency measures will be selected to be in place within twenty-four months of a monitored violation.

The contingency measures chosen will be selected based on their ability to bring the tri-state Cincinnati-Hamilton Area back into attainment. The LMP contains the following list of potential contingency measures:

- Implementation of a program to require additional emission reductions on stationary sources, including Reasonably Available Control Technology (RACT) for point sources of VOC and NO_X, and, specifically, the adoption of new and revised RACT rules based on Groups II, III, and IV Control Technique Guidelines;
- Implementation of a program to enhance inspection of stationary sources;
- Implementation of fuel programs, including incentives for alternative fuels;
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles;
- Trip-reduction ordinances;
- Employer-based transportation management plans, including incentives;
- Programs for new construction and major reconstructions of paths or tracks for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest;
- Implementation of a modern vehicle inspection/maintenance program;
- Implementation of diesel retrofit programs, including incentives for performing retrofits for fleet vehicle operations;
- Additional engine idling reduction programs.

The Northern Kentucky LMP includes updates to the list of potential contingency measures in the first 10-year maintenance plan. New potential contingency measures include the implementation of a program to enhance inspection of stationary sources, a modern vehicle inspection/maintenance program, diesel retrofit programs with incentives for retrofitting fleet vehicles, and additional engine idling reduction programs. The second 10-year LMP no longer lists the programs from the first 10-year maintenance plan aimed at limiting or restricting vehicle use in downtown areas or other high-emission zones during peak periods as potential contingency measures.

The EPA proposes to find that the contingency provisions in Kentucky's second maintenance plan for Northern Kentucky for the 1997 8-hour Ozone NAAQS meet the requirements of the CAA section 175A(d).

V. Transportation Conformity

Transportation conformity is required by CAA section 176(c). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations or delay timely attainment of the NAAQS.[30] The EPA's transportation conformity rule at 40 CFR part 93, subpart A, requires that transportation plans, programs, and projects conform to SIPs, and establishes the criteria and procedures for determining whether they conform.

Due to the decision in *South Coast Air Quality Management* v. *EPA,* the parts of the 1997 maintenance area that are also in maintenance for the 2008 and 2015 8-hour ozone NAAQS are not required to demonstrate conformity with the 1997 standard as they are currently demonstrating conformity with the more stringent 2008 and 2015 NAAQS with their respective approved motor vehicle emissions budgets.

The parts of the 1997 maintenance area that are not included in the maintenance area for the subsequent 2008 and 2015 NAAQS are considered a partial orphan area.[31] Transportation conformity continues to apply for the 1997 NAAQS in the partial maintenance area. Within the partial orphan area, transportation conformity for transportation plans and transportation improvement programs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis pursuant to 40 CFR 93.109(c) because the *South Coast II* court decision upheld EPA's revocation of the 1997 ozone NAAQS.

The Northern Kentucky 2008 8-hour ozone and 2015 8-hour ozone NAAQS Areas need to continue to meet all applicable requirements of the transportation conformity regulations, including the need for a regional emissions analysis and comparison of the results of the regional emissions analysis to the applicable budget for the respective 8-hour ozone NAAQS. A budget was approved for the 2008 8-hour ozone NAAQS,[32] effective July 5, 2017.[33] A budget was approved for the 2015 8-hour ozone NAAQS, effective November 3, 2023.[34]

[29] The Air Emissions Reporting Rule requires State and local agencies to collect and submit criteria pollutant emissions data to the EPA's Emissions Inventory System according to the schedule in 40 CFR 51.30.

[30] *See* CAA 176(c)(1)(A) and (B).

[31] The 1997 partial orphan area is made up of the southern portions of Boone, Campbell, and Kenton counties that were excluded from the nonattainment designations for the 2008 and 2015 NAAQS. *See* 77 FR 30088 (May 21, 2012) and 83 FR 25776 (June 4, 2018), respectively.

[32] *See* 82 FR 30976 (July 5, 2017).

[33] On July 3, 2025, the Cabinet submitted a second 10-year maintenance plan for the 2008 8-hour ozone maintenance area. This will be addressed in a separate future action.

[34] *See* 88 FR 68471 (Oct. 4, 2023).

VI. Proposed Action

Under CAA sections 110(k) and 175A and for the reasons set forth above, the EPA is proposing to approve the Northern Kentucky LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on July 23, 2024, as a revision to the Kentucky SIP. The EPA is proposing to approve the Northern Kentucky LMP because it includes an acceptable update of the various elements of the 1997 8-hour ozone NAAQS maintenance plan approved by the EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions).

The EPA also finds that the Northern Kentucky Area qualifies for the LMP option and that, therefore, the Northern Kentucky Area LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing design values well below the NAAQS and continuation of existing control measures. The EPA believes that the Northern Kentucky Area LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the tri-state Cincinnati-Hamilton Area over the remainder of the second 10-year maintenance period, through 2030, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

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.[35] 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 rulemaking:

- 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 20, 2026.

Kristy Eubanks,

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

[FR Doc. 2026–17502 Filed 8–26–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0227; FRL–13502–01–R4]

Air Plan Approval; Mississippi; 2010 1-Hour SO_2 NAAQS Transport Infrastructure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ), on January 27, 2022, for the purpose of complying with the ''good neighbor'' provision of the CAA for the 2010 1-hour sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS). The good neighbor provision requires each State's implementation plan to contain adequate provisions prohibiting the interstate transport of air pollution in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of a NAAQS in any other State. In this proposed rulemaking, the EPA is proposing to determine that Mississippi will not contribute significantly to nonattainment or interfere with maintenance of the 2010 1-hour SO_2 primary NAAQS in any other State. Therefore, the EPA is proposing to approve the January 27, 2022, SIP revision as meeting the requirements of the good neighbor provision for the 2010 1-hour SO_2 primary NAAQS.

DATES: Comments must be received on or before September 17, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2023–0227 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: Matthew Bloemer, Muti-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) 562–9653. Mr. Bloemer can also be reached via electronic mail at *bloemer.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. 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
CBI Confidential Business Information
CFR Code of Federal Regulations
DRR Data Requirements Rule
DV Design Value
EGU Electric Generating Unit
EIS Emissions Inventory System
EPA Environmental Protection Agency
FR Federal Register
km Kilometer
MDEQ Mississippi Department of Environmental Quality
MS Mississippi
NAAQS National Ambient Air Quality Standard
NEI National Emissions Inventory
NPRM Notice of Proposed Rulemaking
NSR New Source Review
Pb Lead
$PM_{2.5}$ Particulate Matter less than 2.5 μm in diameter
ppb Parts Per Billion
SIP State Implementation Plan
SO_2 Sulfur Dioxide
tpy Tons per year
TSD Technical Support Document
WOE Weight of Evidence

Table of Contents

I. Background

A. Infrastructure SIPs

On June 2, 2010, the EPA established a revised primary 1-hour SO_2 NAAQS with a level of 75 parts per billion (ppb), based on a 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations.[1] CAA section 110(a)(1) requires all States to submit, within three years after promulgation of a new or revised NAAQS, SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS.[2] The EPA has historically referred to these SIPs as ''infrastructure SIPs.'' Specifically, CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions. CAA section 110(a)(2) lists specific elements that all States must meet related to a newly established or revised NAAQS, such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS.

CAA section 110(a)(2)(D)(i)(I), also known as the ''good neighbor'' provision, requires a State's implementation plan to include adequate provisions prohibiting any source or other type of emissions activity in the State from emitting any air pollutant in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in any other State. The EPA has long interpreted this language to enact a ''functional prohibition'' on certain emissions from upwind States, necessitating the EPA's independent assessment whether those emissions will occur or have been adequately controlled in the State where they originate.[3] The EPA often refers to these requirements as prong 1 (significant contribution to nonattainment of the NAAQS) and prong 2 (interference with maintenance of the NAAQS).[4] This notice of proposed rulemaking (NPRM) addresses Mississippi's good neighbor obligations pursuant to prongs 1 and 2. All other applicable infrastructure SIP requirements of CAA section 110(a)(2) for the 2010 1-hour SO_2 NAAQS for Mississippi, except for prong 4, have been addressed in separate rulemakings.[5]

B. 2010 1-Hour SO_2 NAAQS Designations Background

In this proposed rulemaking, the EPA has considered information from the 2010 1-hour SO_2 NAAQS designations process, as discussed in more detail in the Technical Support Document (TSD) for this rulemaking. For this reason, a summary of the EPA's designations process for the 2010 1-hour SO_2 NAAQS is included here.[6]

After the promulgation of a new or revised NAAQS, the EPA is required to designate areas as ''nonattainment,'' ''attainment,'' or ''unclassifiable'' pursuant to CAA section 107(d)(1)-(2). The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d) of the CAA. The EPA promulgated the 2010 1-hour SO_2 NAAQS on June 2, 2010.[7] The EPA Administrator signed the first round [8] of designations (Round 1) [9] for the 2010 1-

[1] *See* 75 FR 35520 (June 22, 2010).

[2] On December 10, 2024, the EPA revised the existing secondary SO_2 standard to an annual standard of 10 ppb, averaged over 3 years. *See* 89 FR 105692 (Dec. 27, 2024).

[3] *See Genon Rema LLC* v. *EPA,* 722 F.3d 513, 520–24 (3d Cir. 2013); *Appalachian Power Co.* v. *EPA,* 249 F.2d 1032, 1045–47 (D.C. Cir. 2001); *see also* 71 FR 25328, 25335 (Apr. 28, 2006) (explaining that the SIP/FIP process under CAA section 110 and the petitioning process for direct Federal regulation under CAA section 126 provide independent means of effectuating the same ''functional prohibition'' found in CAA section 110(a)(2)(D)(i)(I)).

[4] CAA section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in CAA section 110(a)(2)(D)(i)(I), prohibit any source or other type of emissions activity in one State from contributing significantly to nonattainment of the NAAQS in another State (prong 1) and from interfering with maintenance of the NAAQS in another State (prong 2). The third and fourth prongs, which are codified in CAA section 110(a)(2)(D)(i)(II), prohibit emissions activity in one State from interfering with measures required to prevent significant deterioration of air quality in another State (prong 3) or from interfering with measures to protect visibility in another State (prong 4).

[5] The EPA took action to approve Mississippi's remaining infrastructure elements, except for CAA section 110(a)(2)(D)(i)(II), prong 4, on September 30, 2016 (81 FR 67178) and October 4, 2018 (83 FR 50014). The EPA will address prong 4 in a separate rulemaking.

[6] While designations may provide useful information for purposes of analyzing transport, the EPA notes that designations themselves are not dispositive of whether or not upwind emissions are impacting areas in downwind States. The EPA has consistently taken the position that CAA section 110(a)(2)(D)(i)(I) requires elimination of significant contribution and interference with maintenance in other States, and this analysis is not limited to designated nonattainment areas. Nor must designations for nonattainment areas have first occurred before States or EPA can act under CAA section 110(a)(2)(D)(i)(I). *See, e.g.,* Clean Air Interstate Rule, 70 FR 25162, 25265 (May 12, 2005); Cross State Air Pollution Rule, 76 FR 48208, 48211 (Aug. 8, 2011); Final Response to Petition from New Jersey Regarding SO_2 Emissions From the Portland Generating Station, 76 FR 69052 (Nov. 7, 2011) (finding facility in violation of the prohibitions of CAA section 110(a)(2)(D)(i)(I) with respect to the 2010 1-hour SO_2 NAAQS prior to issuance of designations for that standard).

[7] *See* 75 FR 35520 (June 22, 2010).

[8] The term ''round'' in this instance refers to which ''round of designations.''

[9] The EPA and State documents and public comments related to the Round 1 final designations are in the docket at *regulations.gov* with Docket ID No. EPA–HQ–OAR–2012–0233 and at the EPA's website for SO_2 designations at *https://www.epa.gov/sulfur-dioxide-designations.*

hour SO_2 NAAQS on July 25, 2013, designating 29 areas in 16 States as nonattainment for the 2010 1-hour SO_2 NAAQS.[10] The **Federal Register** final rules of promulgation for Round 2 designations [11] published on July 12, 2016 and on December 13, 2016. [12] [13] Round 3 designations [14] were published on January 9, 2018 and April 5, 2018.[15] [16] Round 4 designations [17] were published on March 26, 2021 and April 14, 2021.[18] [19] [20] The Agency published the Data Requirements Rule (DRR) on August 21, 2015 to provide expectations for collection of data, either monitoring or modeling, for the remaining designations.[21] [22] In the DRR, the EPA identified six sources in Mississippi for which the State was required to characterize air quality through modeling or monitoring or impose federally enforceable controls. In Round 2 designations, the EPA designated Lamar County as attainment/unclassifiable based on modeling, effective August 12, 2016.[23] In Round 3, the EPA designated Choctaw and Jackson Counties as attainment/unclassifiable based on modeling, effective April 9, 2018.[24] Also, during Round 3, the EPA designated the remaining counties without DRR sources as attainment/unclassifiable, completing the area designations for the 2010 1-hour SO_2 NAAQS in Mississippi effective April 9, 2018. Thus, no areas in the State were designated in Round 4. Currently, there are no nonattainment areas in Mississippi for the 2010 1-hour SO_2 NAAQS based on Rounds 1 through 4.

II. Relevant Factors Used To Evaluate 2010 1-Hour SO_2 Interstate Transport SIPs

Although SO_2 is emitted from a similar universe of point and nonpoint sources as is directly emitted fine particulate matter ($PM_{2.5}$) and the precursors to ozone and $PM_{2.5}$, interstate transport of SO_2 is unlike the transport of $PM_{2.5}$ or ozone, which disperse over a wide area and can contribute to nonattainment or maintenance issues hundreds of miles from precursor-emitting sources or activities. SO_2 emissions usually do not undergo long-range transport in the atmosphere. The transport of SO_2 relative to the 2010 1-hour SO_2 NAAQS is more analogous to the transport of lead (Pb) relative to the Pb NAAQS in that emissions of SO_2 typically result in 1-hour pollutant impacts of greatest concern near the emissions source. However, ambient 1-hour concentrations of SO_2 do not decrease as quickly with distance from the source as do 3-month average concentrations of Pb, because SO_2 gas is not removed by deposition as rapidly as are Pb particles. Emitted SO_2 has wider-ranging impacts than emitted Pb, but it does not have such wide-ranging (far downwind) impacts that treatment in a manner similar to ozone or $PM_{2.5}$ would be appropriate. Accordingly, the approaches that the EPA has adopted for ozone or $PM_{2.5}$ transport are too regionally focused, and the approach for Pb transport is too tightly circumscribed to the source, to be appropriate for assessing SO_2 transport. SO_2 transport is therefore a unique case and necessitates an approach that lies between these other approaches to assessing pollutant transport.

In this NPRM, and consistent with prior SO_2 transport analyses, the EPA focused on a 50 kilometer (km)-wide zone around sources of interest because the physical properties of SO_2 result in relatively localized pollutant impacts near an emission source that drop off with distance. Given the properties of SO_2, the EPA believes that significant impacts in a downwind State are unlikely at distances greater than 50 km from a source and thus, the EPA's review focused on areas within 50 km of the State lines. This scale of analysis is consistent with the ''urban scale'' which is the largest appropriate spatial scale for SO_2 monitors and is useful for assessing SO_2 transport and trends in area-wide air quality.[25]

As discussed in section III of this document, and in further detail in the TSD for this proposed rulemaking, the EPA reviewed Mississippi's January 27, 2022, SO_2 SIP submission. Mississippi's submission did not provide enough data to completely assess whether the State was meeting its CAA good neighbor requirements for the 2010 SO_2 NAAQS. Therefore, the EPA elected to review and assess other available information regarding SO_2 emissions and air quality for sources in Mississippi to assist in this evaluation given the availability of more recent emissions, air quality data, and air dispersion modeling that was not available at the time of Mississippi's submittal. The EPA independently analyzed such information to determine whether Mississippi meets the interstate transport requirements described in the CAA.[26]

Consistent with our prior evaluations of other States' SO_2 transport obligations, the EPA conducted a weight of evidence (WOE) analysis evaluating

[10] *See* 78 FR 47191 (Aug. 5, 2013).

[11] The EPA and State documents and public comments related to the Round 2 final designations are in the docket at *regulations.gov* with Docket ID No. EPA–HQ–OAR–2014–0464 and at the EPA's website for SO_2 designations at *https://www.epa.gov/sulfur-dioxide-designations.*

[12] *See* 81 FR 45039.

[13] *See* 81 FR 89870.

[14] The EPA and State documents and public comments related to Round 3 final designations are in the docket at *regulations.gov* with Docket ID No. EPA–HQ–OAR–2017–0003 and at the EPA's website for SO_2 designations at *https://www.epa.gov/sulfur-dioxide-designations.*

[15] *See* 83 FR 1098.

[16] *See* 83 FR 14597.

[17] The EPA and State documents and public comments related to Round 4 final designations are in the docket at *regulations.gov* with Docket ID No. EPA–HQ–OAR–2020–0037 and at the EPA's website for SO_2 designations at *https://www.epa.gov/sulfur-dioxide-designations.*

[18] The Round 4 2010 1-hour SO_2 NAAQS designations action was signed by former EPA Administrator Andrew Wheeler on December 21, 2020, pursuant to a court-ordered deadline of December 31, 2020. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, former Acting Administrator Jane Nishida re-signed the same action on March 10, 2021, for publication in the **Federal Register**.

[19] *See* 86 FR 16055.

[20] *See* 86 FR 19576.

[21] *See* 80 FR 51052.

[22] On August 21, 2015 (80 FR 51052), the EPA separately promulgated air quality characterization requirements for the 2010 1-hour SO_2 NAAQS in the DRR. The DRR requires State air agencies to characterize air quality, through air dispersion modeling or monitoring, in areas associated with sources that emitted in 2014 2,000 tpy or more of SO_2, or that have otherwise been listed under the DRR by the EPA or State air agencies. In lieu of modeling or monitoring, State air agencies, by specified dates, could elect to impose federally enforceable emissions limitations on those sources restricting their annual SO_2 emissions to less than 2,000 tpy, or provide documentation that the sources have been shut down. The EPA used the information generated by implementation of the DRR to help inform round 4 designations for the 2010 1-hour SO_2 NAAQS.

[23] *See* 81 FR 45039 (July 12, 2016) and EPA's *Final Technical Support Document: Mississippi—Area Designations for the 2010 SO_2 Primary National Ambient Air Quality Standard,* at *https://www.epa.gov/sites/default/files/2016-07/documents/r4_ms_final_designation_tsd_06302016.pdf.*

[24] *See* 83 FR 1098 (Jan. 9, 2018) and *Technical Support Document: Chapter 21 Final Round 3 Area Designations for the 2010 1-Hour SO_2 Primary National Ambient Air Quality Standard for Mississippi,* at *https://www.epa.gov/sites/default/files/2017-12/documents/21-ms-so2-rd3-final.pdf.*

[25] For the definition of spatial scales for SO_2, *see* 40 CFR part 58, appendix D, section 4.4 (''Sulfur Dioxide (SO_2) Design Criteria''). For further discussion on how the EPA applies these definitions with respect to interstate transport of SO_2, see the EPA's proposed rulemaking on Connecticut's SO_2 transport SIP. *See* 82 FR 21351, 21352, 21354 (May 8, 2017).

[26] This proposed rulemaking is based on the information contained in the administrative record for this proposed rulemaking and does not prejudge any future EPA action that may make other determinations regarding the air quality status in Mississippi and downwind States. Any such future action, such as area designations under any NAAQS, would be based on separate administrative records and the EPA's analyses of information that become available at that time. Future available information may include, monitoring data and modeling analyses conducted by States, air agencies, and third-party stakeholders.

several sources of information, including current air quality data from monitors as well as available emissions and/or source modeling for sources in Mississippi and neighboring States within 50 km of the State border. A WOE approach can be appropriate in instances, such as in this case, to determine whether or not SO_2 emissions from Mississippi contribute to nonattainment or maintenance issues in adjoining States. A WOE analysis that is based strictly on available data may not be sufficient in all instances for evaluating interstate SO_2 transport, and additional analysis may be necessary. Further, the term ''WOE'' does not establish the legal or technical meaning for what constitutes significant contribution to nonattainment or interference with maintenance for the 2010 SO_2 NAAQS. Rather, the term refers to the gathering and consideration of a wide range of information, on a case-by-case basis, to determine whether a statutory or regulatory standard is met.

In other SO_2 transport SIP actions, the EPA has generally been able to use a WOE analysis of available information to reach a conclusion that there are no SO_2 nonattainment or maintenance issues in the relevant areas of other States, or that no sources in the upwind State are contributing to those issues. If the available evidence indicated, however, that an upwind source, sources, or emissions activities were contributing to an out-of-State SO_2 nonattainment or maintenance problem, then further analysis and a regulatory determination would be necessary concerning what amount of those emissions, if any, constituted ''significant contribution'' under prong 1 or prong 2 of the good neighbor provision.

The EPA finds there is sufficient information to allow the EPA to make a determination that no Mississippi sources are contributing to any out-of-State SO_2 nonattainment or maintenance concerns under current and likely future conditions and emissions scenarios; therefore, it is not necessary for purposes of this action to render a determination concerning what amount of emissions would be ''significant'' and therefore subject to prohibition under the good neighbor provision.[27]

III. Mississippi's SIP Submission and the EPA's Analysis

A. State Submission

Mississippi's January 27, 2022, SIP submission addresses the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 primary NAAQS. Mississippi conducted an analysis to examine whether SO_2 emissions from Mississippi contribute significantly to nonattainment, or interfere with maintenance of, the 2010 1-hour SO_2 NAAQS in downwind States.

Mississippi based its conclusions for prongs 1 and 2 on the following information: SO_2 design values (DVs)[28] for the years 2012–2014 at monitors in Mississippi and in the neighboring States (Alabama, Tennessee, and Louisiana); statewide SO_2 actual emissions from 2008 and 2011 and emission trends in this data; stationary source (electric generating units) actual SO_2 emissions from 2002–2017 and emissions trends in this data; Mississippi's initial work to meet the DRR requirements; State and Federal measures that establish requirements for sources of SO_2 emissions; monitored ambient air data in Mississippi and neighboring States based on a 50 km spatial distance; available DRR air dispersion modeling associated with relevant SO_2 sources in Mississippi and in neighboring States within 50 km of Mississippi's border; and an SO_2 source specific emission analysis from stationary sources in Mississippi and neighboring States that were not subject to the DRR that emitted over 100 tons per year (tpy) of SO_2 emissions in 2018 or 2019 within 50 km of the State's border (*i.e.,* an analyses of non-DRR sources' current emissions relative to the distance to the State's border).

Based on this analysis, MDEQ concluded that no sources in the State are significantly contributing to nonattainment or interfering with maintenance of the 2010 SO_2 NAAQS in a neighboring State. Thus, Mississippi determined that the SIP contains adequate provisions to address the State's CAA good neighbor obligations.

The EPA's evaluation of Mississippi's submission is detailed in section III.B of this document below. The EPA may elect to consider additional information to assist in reaching a conclusion as to whether the submission may be approved, in whole or in part, as satisfying the Act's requirements, or does not meet the Act's requirements. Here, the EPA may consider all relevant information, or generate new data and analysis, to make an independent judgment in evaluating States' compliance with the good neighbor provision, which concerns the effects of States' emissions in other States. Therefore, the EPA elected to supplement Mississippi's transport SIP analysis with a review and assessment of other available information, as described below and in more detail in the TSD for this proposed rulemaking, regarding SO_2 emissions and air quality for sources in Mississippi to assist in the EPA's evaluation and to fully assess whether Mississippi is meeting its CAA good neighbor obligations for the 2010 SO_2 NAAQS.

B. The EPA's Evaluation Methodology

For this CAA section 110(a)(2)(D)(i)(I) evaluation of the 2010 SO_2 NAAQS, the EPA conducted a WOE analysis for prong 1 and prong 2 separately,[29] evaluating available information such as SO_2 ambient air data, emission inventory trends, modeling, and emission trends in Mississippi and the States that border Mississippi. The EPA has evaluated this information and further supplements Mississippi's analysis here to ensure there are no further SO_2 emissions controls needed for meeting CAA interstate transport requirements. To identify which sources and emissions activities in Mississippi could potentially impact downwind air quality in other States with respect to the 2010 1-hour SO_2 NAAQS, the EPA used information in the EPA's National Emissions Inventory (NEI)[30] and Emissions Inventory System (EIS).[31] The NEI is a comprehensive and detailed estimate of air emissions for criteria pollutants, criteria pollutant precursors, and hazardous air pollutants

[27] *Cf. Genon Rema* v. *EPA,* 722 F.3d 513 (3d Cir. 2013) (upholding the EPA grant of CAA section 126(b) petition and establishment of direct Federal emissions control requirements on SO_2 source in Pennsylvania found to be significantly contributing to nonattainment and interfering with maintenance of the 2010 SO_2 NAAQS in New Jersey).

[28] A ''Design Value'' is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. The DV for the primary 2010 1-hour SO_2 NAAQS is the 3-year average of annual 99th percentile daily maximum 1-hour values for a monitoring site. For example, the 2017 DV is calculated based on the three-year average from 2015–2017. The interpretation of the primary 2010 1-hour SO_2 NAAQS including the data handling conventions and calculations necessary for determining compliance with the NAAQS can be found in appendix T to 40 CFR part 50.

[29] In *North Carolina* v. *EPA,* 531 F.3d 896, 910–911 (D.C. Cir. 2008), modified, 550 F. 3d 1176 (D.C. Cir. 2008), the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) explained that the regulating authority must give prong 2 ''independent significance'' from prong 1 by evaluating the impact of upwind State emissions on downwind areas that, while currently in attainment, are at risk of future nonattainment.

[30] The EPA's NEI is available and accessible to the public at *https://www.epa.gov/air-emissions-inventories/national-emissions-inventory.*

[31] The EIS is the EPA's database used to receive and store emissions data and generate emissions inventories. The EIS Gateway is a web-based tool developed to provide only registered EPA, State, local and Tribal users with access to emission inventory data for sources in their jurisdiction.

from air emissions sources, updated every three years using information provided by the States and other information available to the EPA. For the identification of sources and emissions activities, the EPA largely relied on data from the 2020 NEI because it is the most recently available, complete, and quality assured dataset. However, in evaluating emissions trends, both State-wide and at the facility level, the EPA also considered data from prior NEI reports and EIS queries as part of the overall WOE analysis.

As shown in table 1 below, the majority of SO_2 emissions in Mississippi originate from point sources. In 2020, total SO_2 emissions from point sources in Mississippi comprised approximately 56 percent of the total SO_2 emissions in the State. Nonpoint sources, on road, and nonroad emissions sources are individually much smaller and more dispersed throughout the State and are therefore unlikely to contribute to high ambient concentrations when compared to point source contributions. Further analysis [32] shows that facilities with reported emissions greater than 100 tpy represent approximately 4 percent of the total number of Mississippi SO_2 point sources but are responsible 5,411 tons of SO_2, or 84 percent of the total 2020 reported SO_2 emissions originating from point sources in Mississippi.[33] Based on this analysis, the EPA's WOE analysis focused on SO_2 emissions from Mississippi's point sources (*i.e.,* sources emitting over 100 tpy of SO_2) that are located within 50 km of one or more State borders.[34] The EPA's WOE analysis includes some of the same sources included in Mississippi's non-DRR source specific analysis.

TABLE 1—SUMMARY OF 2020 SO_2 EMISSIONS IN MISSISSIPPI BY SOURCE CATEGORY

Category	2020 Emissions (tpy)	Percent total SO_2 emissions
Point	6,420	56
Nonpoint	4,897	43
On Road	128	1
Nonroad	8	0
SO_2 Emission Total	11,453	100

As described in this section III of this document, the EPA proposes that an assessment of Mississippi's satisfaction of the prong 1 and 2 requirements under CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS may be reasonably based upon several factors. These factors include 2020–2022 through 2022–2024 ambient air quality SO_2 design value concentrations in Mississippi and surrounding States, 2022 SO_2 emission trends data for sources in Mississippi and neighboring States (assessing sources' current emissions relative to distance from the border), assessment of Mississippi's SO_2 point source 2022 emissions of more than 100 tpy of SO_2 per facility that are located within approximately 50 km of another State, assessment of other States' point sources emitting more than 100 tpy of SO_2 located within approximately 50 km of Mississippi, evaluation of the predicted downwind impacts projected in previous relevant modeling studies that have been conducted for certain sources, review of wind and topographic data to evaluate the likely direction of transport and magnitude of SO_2 emissions from relevant sources, and assessment of Federal regulations and SIP-approved regulations affecting Mississippi's SO_2 sources. The EPA's evaluation is informed by all available data at the time of this proposed rulemaking, including the analysis Mississippi provided in its January 27, 2022, SIP submission.[35]

The EPA notes that if this information were insufficient to draw a reasonable conclusion concerning whether Mississippi is ''significantly contributing'' or not, then it would not be possible to propose approval based only on this information. In other words, in general, the absence of information concerning whether interstate transport is occurring is not in itself sufficient justification for approving a good neighbor SIP submission. For example, if there were inadequate monitoring or modeling information to characterize the effects of a large, near-border source of SO_2 emissions, it may be appropriate to conduct, or ask the State to conduct, further analysis to better characterize that source and its effects, in order to reach a determination concerning whether the good neighbor provision is being met.[36] In this case, the information available to the EPA, as analyzed in the accompanying TSD and summarized below, is fully sufficient to conclude that under current and likely future conditions and emissions scenarios Mississippi is not emitting and will not emit SO_2 pollution in violation of the good neighbor provision for the 2010 SO_2 NAAQS.

1. The EPA's Prong 1 Evaluation—Contribute Significantly to Nonattainment

Prong 1 of the ''good neighbor'' provision requires States' plans to prohibit emissions that will contribute significantly to nonattainment of the NAAQS in another State. The EPA's evaluation [37] of whether Mississippi has met its prong 1 transport obligations was accomplished by considering all available information including the following: SO_2 ambient air quality in Mississippi and neighboring States; SO_2 emissions trends for Mississippi and neighboring States; potential ambient impacts of SO_2 emissions from certain facilities [38] in Mississippi on neighboring States; Mississippi's SIP-approved regulations specific to SO_2 emissions and to permit requirements;

[32] *See the* EPA's TSD for a more detailed discussion.

[33] *See* Table 9 in the EPA's TSD.

[34] *See* Table 10 in the EPA's TSD.

[35] The EPA notes that the evaluation of other States' satisfaction of CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS can be informed by similar factors found in this proposed rulemaking but may not be identical to the approach taken in this or any future rulemaking for Mississippi, depending on available information and State-specific circumstances.

[36] *See, e.g.,* 88 FR 41344 (June 26, 2023) (proposing approval of Tennessee's SO_2 good neighbor SIP submission based on updated modeling conducted to better characterize emissions from the Eastman Chemical facility).

[37] A detailed review of the EPA's evaluation of emissions, air monitoring data, other technical information, and rationale for proposed approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS may be found in the TSD.

[38] The physical properties of SO_2 result in relatively localized pollutant impacts near the emissions source. Therefore, the EPA selected a spatial scale with dimensions up to 50 km from point sources.

and other SIP-approved or federally enforceable regulations which may reduce SO_2 emissions either directly or indirectly.

Based on the EPA's analysis, the Agency proposes to determine that there are no SO_2 nonattainment issues in the relevant areas in other States bordering Mississippi, and as such, the EPA proposes to determine that Mississippi's SIP satisfies the requirements of prong 1 of CAA section 110(a)(2)(D)(i)(I). This proposed determination is based on the following considerations:

- Monitors in neighboring Alabama, Louisiana, and Tennessee within 50 km of Mississippi's border all have DVs below the standard; there are no monitors recording violations of the 2010 1-hour SO_2 NAAQS located in Mississippi within 50 km of its border; and there are only two SO_2 monitors in Mississippi and neither are violating the 2010 SO_2 NAAQS. Only one of the two Mississippi monitors is within 50 km of the State's border, and the current DVs [39] at these two monitors are well below the 2010 SO_2 NAAQS and have remained well below the standard for many years;
- Downward SO_2 emission trends in Mississippi and in Alabama, Louisiana, and Tennessee, when considered together with the other factors discussed as part of Mississippi's analysis and the EPA's WOE, support Mississippi's conclusion that sources in the State will not contribute significantly to any other States' nonattainment of the 2010 1-hour SO_2 NAAQS; and
- Source-specific analyses of sources located within 50 km of the State border that emitted 100 tpy or more of SO_2 indicate that these sources do not contribute significantly to nonattainment in other States. These analyses draw upon available emissions data, monitoring data, air dispersion modeling, source retirements, wind rose data, and other relevant information to assess the likelihood of air quality impacts from these sources to areas in surrounding States. A detailed discussion of each source-specific analysis is contained in section IV.B.1.iii of the EPA's TSD accompanying this proposed rulemaking.

Below, the EPA covers some of the principal evidence that confirms that emissions from Mississippi do not contribute significantly to nonattainment in other States.[40]

a. *North Mississippi:* The EPA evaluated two sources in north Mississippi—Rockwool (formerly Roxul USA, Inc.) and Mississippi Silicon. Considering the short distance (approximately 2 km) from Rockwool to the Tennessee border, the EPA looked at available wind rose data (2021–2023) at the Olive Branch Airport in DeSoto County, Mississippi (the nearest wind rose west of Rockwool). This data shows predominant wind patterns from the south, southeast, and southwest suggesting that Rockwool emissions are most likely carried north into Tennessee possibly interacting with the Shelby Farms monitor and Memphis Airport. However, the EPA assessed prevention of significant deterioration (PSD) permit modeling for Rockwool performed in 2012 [41] and 2016,[42] including modeling of SO_2 to determine compliance with the 1-hour SO_2 NAAQS. The results showed Rockwool did not cause or contribute to any violations of the 1-hour SO_2 NAAQS in either Mississippi or across the border in Tennessee. Both sets of modeling included cumulative impacts above the 1-hour SO_2 NAAQS, but in both analyses, the contribution from the Rockwool facility to the modeled violations was very small (<0.11 microgram per cubic meter ($\mu g/m^3$)), which is well below the 1-hour SO_2 Significant Impact Level (SIL) of 7.8 $\mu g/m^3$.

For Mississippi (MS) Silicon, the EPA looked at available wind rose data (2021–2023). This data shows predominant wind patterns from the south and southeast suggesting that emissions are likely transported northward into Tennessee possibly interacting with the nearest Tennessee source, Package Corporation of America. However, the EPA also considered 2014 [43] and 2021 [44] PSD permit modeling for MS Silicon where both modeling analyses were performed to demonstrate compliance with the 1-hour SO_2 NAAQS in accordance with PSD permitting requirements. The results of the modeling show that MS Silicon did not cause or contribute to any violations of the 1-hour SO_2 NAAQS in either Mississippi or across the borders in Tennessee and Alabama. The available modeling for MS Silicon, discussed further in the EPA's TSD, supports a determination that the source does not contribute significantly to nonattainment of the NAAQS in Tennessee or Alabama.

b. *East Mississippi:* For the three Lowndes County sources—Steel Dynamics Columbus (SDI), International Paper Columbus Mill (IP-Columbus Mill), and the Columbus Air Force Base (AFB). These sources are approximately 27 km, 15 km, and 17 km, respectively, from the Alabama State border. In 2022, these sources emitted approximately 370 tpy, 215 tpy, and 239 tpy, respectively. From 2020–2022, these sources collectively emitted 912 tpy or less per year. The distance between the closest Lowndes County source (IP-Columbus Mill) and the nearest Alabama source (Nucor Steel in Tuscaloosa) is 90 km. Wind rose data showing predominant winds from the south, southeast, and north indicate that emissions from these sources will predominately not be transported across the Alabama border. Based on all of this, the EPA believes these three sources in Lowndes County are not interacting in such a way that they will significantly contribute to nonattainment or interfere with maintenance in Alabama.

c. *West Mississippi:* The low SO_2 emissions (under 100 tpy in 2023) from IP-Vicksburg in Warren County, infrequent winds toward Louisiana, the large distance between the closest Louisiana source, GPI, in Ouachita Parish, and IP-Vicksburg (129 km) (suggesting the respective plumes would be too far apart to interact), and the Mississippi-Louisiana border (98 km), all suggest an unlikely cumulative impact in Louisiana. Thus, the EPA believes it is unlikely that emissions from IP-Vicksburg could contribute significantly to nonattainment of the 2010 SO_2 NAAQS in Louisiana.

d. *South Mississippi:*

i. Lamar County

There are no nearby SO_2 sources in Mississippi or Louisiana within 50 km of the Rain CII Carbon LLC (Rain-MS) facility in Lamar County that emitted greater than 100 tpy of SO_2 that could interact with the facility and create a potential cumulative downwind transport of SO_2 emissions into Louisiana to cause a violation of the 2010 standard. The closest Louisiana source—International Paper-Bogalusa

[39] The design value is the 3-year average of the 99th percentile 1-hour daily maximums at a monitor. A control strategy should be designed to bring the value to attainment of the standard.

[40] Unless otherwise stated, the summaries below include Mississippi sources listed in Table 10 of the TSD (and Tables 7 and 8 in Mississippi's submission) already established as meeting the 50 km spatial distance and 100 ton emission threshold for further analysis. This includes references to the EPA Region 6's WOE analysis regarding the Louisiana SO_2 transport infrastructure SIP revision.

[41] The PSD Air Permit Application, Volume III, Dispersion Modeling, Roxul USA, Inc., March 2012, Prepared by ERM.

[42] Volume II: Update to PSD Air Quality Assessment, Roxul USA, Inc. August 2016, Prepared by ERM.

[43] Mississippi Department of Environmental Quality, Modeling Report, Mississippi Silicon LLC, Tishomingo County, MS, November 2014, Prepared by FC&E Engineering LLC.

[44] Mississippi Silicon Air Quality Impact Assessment, Report in Support of Air Permit Amendment Request, August 17, 2021, Prepared by Kennedy/Jenks Consultants.

Mill (IP-Bogalusa Mill)—is approximately 64 km southwest of Rain. Additionally, available 2021–2023 wind rose data shows predominant wind patterns from the south and north and less frequently from the northwest and southeast in the path of Rain-MS suggesting a low frequency of winds blowing from Rain-MS towards Louisiana. With the distance from Rain-MS to the Louisiana border and IP-Bogalusa greater than 50 km, the consistent trend in annual SO_2 emissions at Rain-MS over the past 10 years,[45] no evidence of modeled cumulative impacts with the nearby R.D. Morrow DRR, and the repowering of emission units at Morrow, the EPA believes it is unlikely that Rain-MS could interact with these sources to contribute significantly to nonattainment of the SO_2 NAAQS in Louisiana. Furthermore, there are no nearby SO_2 sources in Mississippi or Louisiana within 50 km of Rain that emitted greater than 100 tpy of SO_2 that could interact with the facility and create potential cumulative downwind impacts.[46]

ii. Jackson County

Wind rose data near Chevron Texaco Products (Chevron) petroleum refinery in Jackson County, Mississippi indicates a low frequency of west to east winds in the path of Chevron towards the Alabama border and the W&T Offshore and Evonik sources in southeast Mobile County. The 80 km spatial distance between Chevron and Alabama Power Plant Barry Generating Station and Nouryon in northwest Mobile County is also too far for their respective plumes to interact and contribute significantly to SO_2 NAAQS nonattainment in Alabama. The EPA also believes it is unlikely that emissions from Chevron and the two sources in the St. Bernard Parish SO_2 nonattainment area (Chalmette Refining LLC and Rain CII Carbon-Louisiana) could interact as to contribute significantly to SO_2 NAAQS nonattainment in Louisiana.[47] Based on this weight of evidence, the EPA concludes that emissions from Chevron are not contributing significantly to SO_2 NAAQS nonattainment in Alabama or Louisiana.

The Pascagoula monitor, located approximately 5 km northwest of Chevron in Jackson County, 13 km west of the Alabama border, and 80 km north of St. Bernard Parrish, Louisiana, measured less than 6 ppb from 2018 through 2024. This monitor was not sited to characterize the maximum SO_2 concentrations from Chevron, however, the EPA believes the low design value provides a good indication that Chevron's SO_2 concentrations near the Alabama border are likely well below the 1-hr SO_2 NAAQS.

Based on this evaluation, discussed further in the EPA's TSD, EPA proposes to find that SO_2 sources in Mississippi will not contribute significantly to nonattainment of the 2010 1-hour SO_2 NAAQS in any other State.

2. The EPA's Prong 2 Evaluation—Interference With Maintenance

Prong 2 of the ''good neighbor'' provision requires State plans to prohibit emissions that will interfere with maintenance of a NAAQS in another State. The EPA's evaluation of whether Mississippi has met its prong 2 transport obligations was accomplished by considering all available information, with a focus on current air quality data, SO_2 emission trends for Mississippi and neighboring States, and how existing and future sources of SO_2 are addressed through existing SIP-approved and other federally enforceable regulations. This evaluation builds upon the analysis conducted for significant contribution to nonattainment (prong 1), which considered SO_2 ambient air quality in Mississippi and neighboring States and potential ambient impacts of SO_2 emissions from certain facilities in Mississippi on neighboring States.

Based on the EPA's analysis, we propose to find that SO_2 levels in neighboring States near the Mississippi border do not indicate an inability to maintain the SO_2 NAAQS that could be attributed in part to sources in Mississippi. As such, the EPA proposes to determine that Mississippi's SIP satisfies the requirements of prong 2 of CAA section 110(a)(2)(D)(i)(I). This determination is based on the following considerations:

- The current 2022–2024 DV for the SO_2 monitor in Mississippi within 50 km of another State's border and in neighboring States within 50 km of Mississippi's border are below the standard, indicating that these areas are all currently in attainment of the 2010 1-hour SO_2 NAAQS;
- State-wide SO_2 emission trends in Mississippi and surrounding States are generally declining thus resulting in declining impacts to neighboring States;
- Source-specific analyses show that Mississippi facility-level emissions are generally decreasing considering Federal and SIP-approved provisions regulating SO_2 emission standards, indicating that emissions are not anticipated to increase relative to baseline emissions;
- Current Mississippi SIP-approved measures and Federal SO_2 emission requirements control SO_2 emissions from specific source sectors within Mississippi; and
- Mississippi's SIP-approved PSD, major New Source Review (NSR), and minor source NSR regulations address future new and modified SO_2 sources above major and minor permitting thresholds with the intent of ensuring that the SO_2 NAAQS will not be exceeded within or outside of the State because of new facility construction or existing facility modification within the State.

Based on this evaluation, as discussed further in the EPA's TSD for this proposed rulemaking, the Agency proposes to find that sources within Mississippi will not interfere with maintenance of the 2010 1-hour SO_2 NAAQS in any other State.

IV. Proposed Action

The EPA is proposing to approve Mississippi's January 27, 2022, prong 1 and prong 2 infrastructure SIP addressing interstate transport for the 2010 1-hour SO_2 NAAQS. Based on the EPA's WOE analysis, and as more thoroughly discussed in the TSD, the Agency proposes to determine that emissions from Mississippi will not contribute significantly to nonattainment in, or interfere with maintenance of, any other State with respect to the 2010 SO_2 NAAQS. The EPA therefore proposes to find that Mississippi's SIP contains adequate provisions consistent with CAA section 110(a)(2)(D)(i)(I).

V. 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.[48] Thus, in reviewing SIP

[45] Even though preliminary 2023 emissions at Rain show an increase of approximately 20 tons, this increase is not a significant outlier in the trends from the past 10 years when Rain has shown a downward trend from 746.14 tons since 2013 and has stable emissions between 377 and 347 tpy since 2017.

[46] *See* ''Air Plan Approval; Louisiana; Interstate Transport Requirements for the 2010 SO_2 NAAQS.'' 90 FR 15213 (Apr. 9, 2025) and 90 FR 29743 (July 7, 2025). *See also* EPA's TSD for the Louisiana rulemaking in Docket No. EPA–R06–OAR–2013–0465.

[47] *See* the TSD in Docket No. EPA–R06–OAR–2013–0465 for EPA's WOE analysis of sources in the St. Bernard Parish SO_2 NAA supporting the EPA's approval of Louisiana's SO_2 Interstate Transport SIP. *See* ''Air Plan Approval; Louisiana; Interstate Transport Requirements for the 2010 SO_2 NAAQS.'' 90 FR 29743 (July 7, 2025).

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

submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed rulemaking 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 rulemaking:

- 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 20, 2026.

Kristy Eubanks,

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

[FR Doc. 2026–17503 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2026–4027; FRL–13426–01–R3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County; Negative Declaration for Existing Large Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the negative declaration submitted by the Allegheny County Health Department (ACHD) on March 25, 2026. The negative declaration submitted by ACHD certifies that there are no existing large municipal waste combustors (LMWC) subject to the Clean Air Act (CAA) requirements within the jurisdiction of Allegheny County.

DATES: Written comments must be received on or before September 28, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2026–4027 at *Regulations.gov,* or via email to *Supplee.Gwendolyn@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.Krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The CAA requires State regulatory agencies to implement emission guidelines and associated compliance times using a State plan developed under sections 111(d) and 129 of the CAA. Section 111(d) of the CAA establishes standards of performance for certain existing sources. Air pollutants included under this section are those which have not already been established as air quality criteria pollutants via 42 U.S.C. 7408(a) or hazardous air pollutants via 42 U.S.C. 7412. Section 111(d)(1) of the CAA requires States to submit to EPA for approval a plan that establishes standards of performance. The plan must provide that the State will implement and enforce the standards of performance.

Section 129 of the CAA requires emission guidelines to be promulgated for solid waste incineration units, including LMWC. Section 129 of the CAA mandates that all plan requirements be at least as protective as the promulgated emission guidelines, including fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 of the CAA also requires the States to submit plans to the EPA within one year after promulgation of the emission guidelines and compliance times.

The EPA prescribes a Federal plan if a State does not submit a State-specific plan or the submitted plan is disapproved. If a State has no designated facilities for a standards of performance source category, it may submit a negative declaration in lieu of a State plan for that source category in accordance with 40 Code of Federal

Regulations (CFR) 60.23(b), 60.23a(b) and 62.06.

The Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before January 23, 2024, as codified at 40 CFR part 60 subpart WWWW (subpart WWWW) apply to States with existing LMWCs. The existing LWMCs to which the emission guidelines and compliance times apply is listed at 40 CFR 60.6300.

II. Summary of Action and EPA Analysis

ACHD submitted a negative declaration to the EPA on March 25, 2026, certifying that there are no existing large municipal waste combustors in its jurisdiction that are subject to the requirements of 40 CFR part 60 subpart WWWW. For additional background information on ACHD's negative declaration, see the documents that are available at *Regulations.gov,* Docket ID No. EPA–R03–OAR–2026–4027.

III. Proposed Action

The EPA is proposing to amend 40 CFR part 62 to reflect EPA's receipt of ACHD's negative declaration for LMWC. The negative declaration satisfies the requirements of 40 CFR 60.23(b), 60.23a(b) and 62.06, serving in lieu of a CAA section 111(d)/129 plan for existing large municipal waste combustors. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to approve a 129/111(d) negative declaration in lieu of a State plan that complies with the provisions of the CAA and applicable Federal regulations. *See* 40 CFR 62.06. In reviewing CAA section 129/111(d) negative declaration letters, EPA's role is to approve State choices, provided that they meet the criteria of the CAA and of EPA's implementing regulations. Accordingly, this action merely notifies the public of the EPA's receipt of ACHD's negative declaration for LMWC and does not impose additional requirements. For that reason, the EPA concludes the following.

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action 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.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

J. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Amy Van Blarcom-Lackey,
Regional Administrator, Region III.

[FR Doc. 2026–17497 Filed 8–26–26; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2026–2741; FRL–13326–01–R2]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Puerto Rico; Negative Declaration for the Oil and Gas Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Clean Air Act, the Environmental Protection Agency is proposing to approve a negative declaration for oil and natural gas facilities within the Commonwealth of Puerto Rico. This negative declaration formally certifies that there are no existing crude oil or natural gas

facilities in the jurisdiction of Puerto Rico that must comply with the Emission Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities.

DATES: Written comments must be received on or before September 28, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R02–OAR–2026–2741, 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, please contact Blythe Reder by telephone at (212)-637–3678, or by email at *reder.blythe@epa.gov.* For 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. Docket:* The index to the docket for this action is available electronically at *http://www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Blythe Reder, EPA Region 2 Office, Air and Radiation Division—Air Planning Branch; telephone number: (212)–637–3678; email address: *reder.blythe@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. 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; CBI, Confidential Business Information; CFR, Code of Federal Regulations; EPA, Environmental Protection Agency; FR, **Federal Register**; GHG, Greenhouse Gas.

Table of Contents

I. Executive Summary

A. What action is the EPA taking?

The EPA is proposing to amend 40 CFR part 62 to formally reflect the receipt and approval of Puerto Rico's negative declaration regarding existing crude oil and natural gas facilities subject to the Emission Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities codified under 40 CFR part 60, subpart OOOOc.

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

Pursuant to section 111(d) of the Clean Air Act and 40 CFR part 60, subpart OOOOc, State regulatory agencies are required to submit implementation plans establishing methane emission standards for existing crude oil and natural gas facilities. Jurisdictions failing to submit an approvable plan will be subject to a Federal implementation plan, while States and territories lacking any such designated facilities are permitted to satisfy these mandates by submitting a formal negative declaration.

II. Background

The Clean Air Act (CAA) requires State regulatory agencies to implement Federal emission guidelines and associated compliance schedules through a State plan developed under CAA section 111(d). Section 111(d) of the CAA requires the establishment of performance standards for specific existing stationary sources. The air pollutants regulated under this section are restricted to those not already designated as criteria air pollutants under 42 U.S.C. 7408(a) or hazardous air pollutants under 42 U.S.C. 7412. Pursuant to this statutory mandate, on March 8, 2024, the U.S. Environmental Protection Agency (EPA) codified 40 CFR part 60, subpart OOOOc, which requires State and territorial agencies to implement emission guidelines and compliance timelines controlling greenhouse gas (GHG) emissions within the crude oil and natural gas source category (*See* 89 FR 17140, March 8, 2024). The targeted GHG emissions under subpart OOOOc consist of methane emissions from designated facilities that commenced construction, modification, or reconstruction on or before December 6, 2022, as specified in 40 CFR 60.5362c.

Section 111(d)(1) of the CAA mandates that States submit a formal plan to the EPA for review and approval that establishes, implements, and enforces these standards of performance. If a jurisdiction fails to submit an approvable State-specific plan, the EPA is required to prescribe an overarching Federal implementation plan. However, if a State or Territory contains no designated facilities within a regulated source category, it must submit a formal negative declaration in lieu of a State Plan; the negative declaration relevant to this action is governed by the procedural requirements of 40 CFR 60.23a(b), 62.06, and 60.5362c(b). In accordance with this regulatory framework, the Commonwealth of Puerto Rico has submitted a formal negative declaration in lieu of a CAA section 111(d) State Plan.

III. Summary of Puerto Rico's Submittal

The Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities, codified under 40 CFR Part 60, subpart OOOOc, apply to jurisdictions containing one or more onshore designated facilities in the crude oil and natural gas source category that are listed under 60.5386c(a) through (h), for which construction, modification, or reconstruction commenced on or before December 6, 2022.

On March 26, 2025, the Commonwealth of Puerto Rico submitted a formal negative declaration to the EPA certifying that the Commonwealth does not contain any existing crude oil and natural gas facilities subject to subpart OOOOc within its jurisdiction.

IV. The EPA's Evaluation of Puerto Rico's Submittal

The EPA is proposing to amend 40 CFR part 62 to formally reflect the receipt and approval of Puerto Rico's negative declaration regarding existing crude oil and natural gas facilities. In accordance with these regulations, the EPA proposes to find that the submission serves in lieu of a Clean Air Act (CAA) section 111(d) State Plan for the designated crude oil and natural gas source category. Pursuant to the administrative procedures of part 62, the EPA is soliciting public comment on the regulatory interpretations and facility analyses discussed in this proposed action. All submitted comments will be reviewed and evaluated prior to the agency executing a final rule amending 40 CFR part 62, subpart BBB—Puerto Rico.

V. Statutory and Executive Order Reviews

Under the CAA, the EPA is required to approve a CAA section 129/111(d) submission that complies with the provisions of the Act and applicable Federal regulations (*See* 42 U.S.C. 7411(d); 42 U.S.C. 7429; and 40 CFR part 62, subpart A). In reviewing CAA section 129/111(d) submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA and its implementing regulations. States are allowed to submit a negative declaration in lieu of a State plan (*See* 40 CFR 60.23a(b), 62.06, and 60.5362c(b)). Accordingly, this proposed action merely notifies the public of the EPA's receipt of Puerto Rico's negative declarations for crude oil and natural gas facilities and proposes to revise 40 CFR part 62, subpart BBB to reflect this. 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 contain any information collection activities and so 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, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or significantly or uniquely affect small governments;
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government;
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program, it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children;
- Is not a significant regulatory action under Executive Order 12866 and thus is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA. This action does not involve technical standards.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2026–17495 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2026–2377; FRL–13383–01–R3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Negative Declarations for Existing Commercial and Industrial Solid Waste Incinerators, Large Municipal Waste Incinerators, Small Municipal Waste Incinerators, and Other Solid Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the negative declarations submitted by the Philadelphia Air Management Services (AMS) on January 13, 2026. The negative declarations submitted by AMS certify that there are no existing commercial and industrial solid waste incinerators (CISWI), large municipal waste combustors (LMWC), small municipal waste combustors (SMWC), or other solid waste incinerators (OSWI) subject to the Clean Air Act (CAA) requirements within the jurisdiction of the City of Philadelphia.

DATES: Written comments must be received on or before September 28, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2026–2377 at *Regulations.gov,* or via email to *Supplee.Gwendolyn@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

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

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.Krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The CAA requires State regulatory agencies to implement emission guidelines and associated compliance times using a State plan developed under sections 111(d) and 129 of the CAA. Section 111(d) of the CAA establishes standards of performance for certain existing sources. Air pollutants included under this section are those which have not already been established as air quality criteria pollutants via 42 U.S.C. 7408(a) or hazardous air pollutants via 42 U.S.C. 7412. Section 111(d)(1) of the CAA requires States to submit to EPA for approval a plan that establishes standards of performance. The plan must provide that the State will implement and enforce the standards of performance.

Section 129 of the CAA requires emission guidelines to be promulgated for solid waste incineration units, including CISWI, LMWC, SMWC, and OSWI. Section 129 of the CAA mandates that all plan requirements be at least as protective as the promulgated emission guidelines, including fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 of the CAA also requires the States to submit plans to the EPA within one year after promulgation of the emission guidelines and compliance times.

The EPA prescribes a Federal plan if a State does not submit a State-specific plan or the submitted plan is disapproved. If a State has no designated facilities for a standards of performance source category, it may submit a negative declaration in lieu of a State plan for that source category in accordance with 40 Code of Federal Regulations (CFR) 60.23(b), 60.23a(b) and 62.06.

II. Summary of Action and the EPA Analysis

The Emissions Guidelines for Commercial and Industrial Solid Waste Incinerators, as codified at 40 CFR part 60 subpart DDDD (subpart DDDD) apply to States with one or more CISWI or air curtain incinerators (ACIs). The terms CISWI and ACI are defined at 40 CFR 60.2875. CISWI and ACI units addressed by this subpart include those specified by the dates listed at 40 CFR 60.2550(a)(1).

The Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994, as codified at 40 CFR part 60 subpart Cb (subpart Cb) apply to States with designated LMWCs. An LMWC is defined at 40 CFR 60.32b(a). The designated facilities to which the emission guidelines and compliance times apply are existing LMWC units for which construction was commenced on or before September 20, 1994.

The Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, as codified at 40 CFR part 60 subpart BBBB (subpart BBBB) apply to States with designated SMWCs. An affected SMWC meets the conditions at 40 CFR 60.1550(a). The designated facilities to which the emission guidelines and compliance times apply are existing SMWC units for which construction was commenced on or before August 30, 1999.

The Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units, as codified at 40 CFR part 60 subpart FFFF (subpart FFFF) apply to States with an existing OSWI as defined at 40 CFR 60.2992. OSWIs addressed by this subpart include those specified by the dates listed under 40 CFR 60.2992.

AMS submitted negative declarations to the EPA on January 13, 2026, certifying that there are no existing commercial and industrial solid waste incinerators, large municipal waste combustors, small municipal waste combustors, or other solid waste incinerators in its jurisdiction that are subject to the requirements of 40 CFR part 60 subpart DDDD, subpart Cb, subpart BBBB, and subpart FFFF, respectively. For additional background information on AMS's negative declaration, see the documents that are available at *Regulations.gov,* Docket ID No. EPA–R03–OAR–2026–2377.

III. Proposed Action

The EPA is proposing to amend 40 CFR part 62 to reflect the EPA's receipt of AMS's negative declarations for CISWI, LMWC, SMWC, and OSWI. The negative declarations satisfy the requirements of 40 CFR 60.23(b), 60.23a(b), and 62.06, serving in lieu of a CAA section 111(d)/129 plan for existing commercial and industrial solid waste incinerators, large municipal waste combustors, small municipal waste combustors, or other solid waste incinerators. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to approve a 129/111(d) negative declaration in lieu of a State plan that complies with the provisions of the CAA and applicable Federal regulations. *See* 40 CFR 62.06. In reviewing CAA section 129/111(d) negative declaration letters, EPA's role is to approve State choices, provided that they meet the criteria of the CAA and of EPA's implementing regulations. Accordingly, this action merely notifies the public of the EPA's receipt of AMS's negative declarations for CISWI, LMWC, SMWC, and OSWI and does not impose additional requirements. For that reason, the EPA concludes the following:

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action 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.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

J. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–17488 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

Federal Register
Vol. 91, No. 165
Thursday, August 27, 2026

Notices

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 28, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Pale Cyst Nematode.

OMB Control Number: 0579–0322.

Summary of Collection: The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plants pests into the United States or their dissemination within the United States.

In accordance with the regulations in ''Subpart-Pale Cyst Nematode'' (7 CFR 301.86–301.86–9), the Animal and Plant Health Inspection Service of U.S. Department of Agriculture restricts the interstate movement of certain articles to help prevent the spread of pale cyst nematode, a major pest of potato crops in cool-temperature areas, via potatoes, soil, and other host material to none-infested areas of the United States. Allowing the restrictions on the interstate movement of regulated articles necessitates the completion of certain forms such as Federal Certificates, Federal Limited Permits, Compliance Agreements, Self-Certification, Packing Facility Process Approval, Appeal of Withdrawn Certificate or Limited Permit, Appeal of Withdrawn Compliance Agreement, and Labeling.

Need and Use of the Information: APHIS will collect information using certificates, limited permits, compliance agreements, self-certification, packing facility process approval, appeal of withdrawn certificate or limited permit, appeal of withdrawn compliance agreement, cyst nematode survey (PPQ form 312), and labeling to prevent the spread of PCN and to ensure that regulated articles can be moved safely from the quarantined area without spreading PCN. If APHIS did not collect this information, the spread of PCN in the United States could result in a loss of United States potatoes and other commodities from domestic and/or foreign markets.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 72.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 133.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–17448 Filed 8–26–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 28, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: African Swine Fever; Importation of Live Dogs for Resale from Regions Where ASF. Exists or Is Reasonably Believed to Exist.

OMB Control Number: 0579–0478.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if required to prevent the spread of any livestock or poultry pest or disease. The AHPA is contained in title X, subtitle E, sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002; 7 U.S.C. 8301, *et seq.* The Animal and Plant Health Inspection Service (APHIS) Veterinary Services (VS) business unit is responsible for preventing foreign animal disease outbreaks in the United States, and monitoring, controlling, and eliminating a disease outbreak should one occur.

APHIS has determined that dogs imported from African swine fever (ASF)-affected countries for resale purposes, along with their bedding, represent a possible pathway for the introduction of disease. To block this pathway, APHIS has issued a Federal Order imposing several restrictions on the importation of dogs for resale from regions where ASF exists or is reasonably believed to exist. Importers will need to verify that they have met these restrictions by completing and submitting a Dog Import Record form, ASF VSDIR 1.

Need and Use of the Information: This form helps APHIS determine where dogs are coming from (to assess the risk of whether they could have been exposed to ASF), where they are going, and, most importantly, measures taken to ensure neither the dogs nor anything that came with them can spread ASF. Both parts of the VS Dog Import Record must be completed and submitted for each shipment of imported dog or dogs intended for resale.

The form also contains space for a detailed list of bathing confirmation for the individual dog or dogs imported, including the dogs' microchip numbers; name; age; gender; breed, color and markings; and the date of bathing. Each person bathing the dog or dogs must sign the form, as well as the importer.

Description of Respondents: Businesses or other for-profit.

Number of Respondents: 72.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 962.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–17439 Filed 8–26–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 28, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such people are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Administration

Title: EmpowHR/Person Model Non-Employee Data Sheet—FNA–775.

OMB Control Number: 0584–0686.

Summary of Collection: FNA 775 EmpowHR/Person Model shows the required biographic data to be collected for system input. The data collected on this sheet is used to input the USDA, Food and Nutrition Administration's non-employee (contractor, intern, volunteer, etc.) information into EmpowHR/Person Model. Legal authority for gathering of data fields mentioned comes from the Homeland Security Presidential Directive 12 (HSPD–12).

Need and Use of the Information: The data collected is for the specific purpose of sponsorship for the agency's PIV credential and background investigation required for access to agency facilities, systems, and information.

Description of Respondents: Individual/Households; Business or Other For Profit; Federal Government; All USDA FNA non-employee affiliates.

Number of Respondents: 750.

Frequency of Responses: Reporting: Once.

Total Burden Hours: 125.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–17492 Filed 8–26–26; 8:45 am]

BILLING CODE 3410–30–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2026–0018–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board previously reviewed and made formal disclosure determinations on records related to civil rights cold case incident 2023–002–006 in which the Department of Justice (DOJ) proposed postponements. The DOJ later proposed 4 additional postponements. On August 24, 2026, the Review Board rejected these postponements and determined that 32 pages in full and 33 pages in part should be publicly disclosed in the Civil Rights Cold Case Records Collection. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in

the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Review board decision
2023–002–006	2024–DOJ–02–0521a	Reject.
2023–002–006	2024–DOJ–02–0535a	Reject.
2023–002–006	2024–DOJ–02–0549a	Reject.
2023–002–006	2024–DOJ–02–0563a	Reject.

Dated: August 24, 2026.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2026–17441 Filed 8–26–26; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Domestic and International Client Export Services and Customized Forms

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 26, 2026.

ADDRESSES: Interested persons are invited to submit written comments to Leo Kim, PRA Process Administrator by email, *Leo.kim@trade.gov* or *PRA@trade.gov.* Please reference OMB Control Number 0625–0143 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Leo Kim, PRA Process Administrator by phone, 202–989–5979, and by email, *Leo.Kim@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's (ITA) is mandated by Congress to, among other responsibilities, broaden and deepen the U.S. exporter base. It accomplishes this by providing counseling, programs and services to help U.S. organizations export and conduct business in overseas markets. This information collection package enables ITA to provide appropriate global trade services to U.S. businesses and international buyers.

ITA offers a variety of services to enable clients to begin exporting and global trade or to expand existing export and global trade efforts. Clients may learn about available services from business related entities such as the National Association of Manufacturers, Federal Express, State Economic Development offices, the internet or word of mouth. ITA provides a standard set of services to assist clients with identifying potential overseas partners, establishing meeting programs with appropriate overseas business contacts and providing due diligence reports on potential overseas business partners. ITA also provides other global trade related services considered to be of a ''customized nature'' because they do not fit into the standard set of services but are driven by unique business needs of individual clients.

The dissemination of international market information and potential business opportunities for U.S. companies interested and actively exporting and conducting business globally are critical components of the ITA's global trade assistance programs and services. U.S. companies are able to conveniently access and indicate their interest in services by completing the appropriate forms via multiple ways, including via a website (*e.g. trade.gov*), web-based survey or form links, or paper-based forms.

ITA works closely with clients to educate them about the exporting/importing process and to help prepare them for global trading opportunities. When a client is ready to begin the process the field staff provide counseling to assist in the development of a global trade strategy. ITA provides fee-based, global trade-related services designed to help a client's business presence internationally. The type of service that is offered to a client depends upon a client's business goals and where they are in the export/import process. Some clients are at the beginning of the process and require assistance with identifying potential distributors, whereas other clients may be ready to sign a contract with a potential distributor and require due diligence assistance.

Before ITA can provide global trade and export-related services to clients, such as assistance with identifying potential partners or providing due diligence, specific information is required to determine the client's business objectives and needs. For example, before ITA can provide a service to identify potential business partners, information is needed regarding if the client would like a potential partner to have specific technical qualifications, coverage in a specific market, English or foreign language ability or warehousing requirements. This information collection is designed to elicit such data so that appropriate services can be proposed and conducted to most effectively meet the client's global trading goals. Without these forms ITA is unable to provide services when requested by clients.

The forms ask U.S. businesses standard questions about their company details, demographic information, export/import experience, information about the products or services they wish to export/import and their goals. A few questions are tailored to a specific program type and will vary slightly with each program. ITA staff use this information to gain an understanding of clients' needs and objectives so that they can provide appropriate and effective assistance tailored to each U.S. business' particular global trade requirements.

II. Method of Collection

Clients will be asked to provide their information in multiple ways, including via a website (*e.g. trade.gov*), web-based survey or form links, or paper-based forms.

III. Data

OMB Control Number: 0625–0143.

Form Number(s): None

Type of Review: Revision of a current information collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Estimated Number of Respondents: 200,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 34,133 hours.

Estimated Total Annual Cost to Public: $1,030,485.

Respondent's Obligation: Voluntary.

Legal Authority: US Code: 15 U.S.C. 4724.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–17523 Filed 8–26–26; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

NTIA Listening Session on Screen-Based Instruction in K–12 Schools

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a virtual listening session on screen use in schools, as it relates to the Federal Communication Commission's (FCC's) E-Rate program. The FCC has initiated a Notice of Proposed Rule Making (NPRM), which includes a public comment period, to examine whether the E-Rate program is serving the long-term interests of children—or instead encouraging excessive screen-based instruction in K–12 schools at the expense of child development and academic outcomes (*https://www.federalregister.gov/documents/2026/08/14/2026-16590/fcc-to-review-e-rate-program-to-ensure-congresss-vision*). This session invites parents, students, educators, and child development specialists to provide input into the NPRM process.

DATES: The listening session will be held on September 15, 2026, from 7:00 p.m. to 8:30 p.m., Eastern Daylight Time (EDT).

ADDRESSES: The session will be held virtually, with more details and online dial-in information to be posted at *https://www.ntia.gov/events-and-meetings/ntia-listening-session-fccs-e-rate-and-screen-use-nprm.*

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding this notice to *kids@ntia.gov,* indicating ''E-Rate Listening Session'' in the subject line, or if by mail, addressed to National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–941–0606. Please direct media inquiries to NTIA's Office of Public Affairs at *press@ntia.gov.*

SUPPLEMENTARY INFORMATION:

Background and Authority: The National Telecommunications and Information Administration (NTIA) serves as the President's principal advisor on telecommunications and information policy issues. NTIA's programs and policymaking focus largely on expanding broadband internet access and adoption in America, expanding the use of spectrum by all users, advancing public safety communications, and ensuring that the internet remains an engine for innovation and economic growth. This includes examining how broadband access is used in different contexts, including in educational settings. Pursuant to our authorities under 47 U.S.C. 902(b)(2)(M), NTIA will host a public listening session to gather stakeholder perspectives that will inform NTIA's ongoing research.

NTIA seeks participant feedback on the effects of screen-based instruction in schools, including one-to-one device policies; existing mechanisms and obstacles for parents seeking to opt their children out of classroom technology use; the content, effectiveness, and enforcement of school internet safety policies under the Children's internet Protection Act (CIPA); the nature and effectiveness of internet filtering in schools; the extent to which parents and teachers—as opposed to vendors, consultants, and lobbyists—have a voice in E-Rate program decisions; other mechanisms used to protect children when using E-Rate funded networks; the appropriate role of parents, schools, the FCC, and other entities in protecting children online; and other comments related to the internet access and online services provided through E-Rate funded schools and libraries. NTIA may collect feedback received during the session from parents, students, educators, and child development specialists regarding use time in schools and submit it to the FCC for consideration as part of the NPRM record. Individuals who are unable to attend, or who do not have the opportunity to speak during the session, may respond directly to the FCC's NPRM at *https://www.fcc.gov/ecfs/search/docket-detail/26-133.*

Other Information: All parents, students, educators, and child development specialists are welcome to speak at the listening session, time permitting. For privacy reasons, commenters under age 18 are asked to keep their camera off and not share personally identifiable information. The virtual meeting is open for observation by the public and the press. The virtual meeting is accessible to people with disabilities. Individuals requiring accommodations such as real-time captioning, sign language interpretation, or other ancillary aids should notify NTIA at *kids@ntia.gov* at least seven (7) business days prior to the meeting. Access details for the meeting are subject to change. Please refer to NTIA's website, *https://www.ntia.gov,* for the most current information.

Dated: August 24, 2026.

David Brodian,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2026–17435 Filed 8–26–26; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Patent Trial and Appeal Board (PTAB) Appeals

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter ''USPTO'' or ''Agency'') will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comments on the information collection renewal of 0651–0063, which helps the USPTO assess the impact of its information collection requirements and minimize the reporting burden to the public. Public comments were previously requested via the **Federal Register** on April 20, 2026, during a 60-day comment period (91 FR 20986). This notice allows for an additional 30 days for public comments.

DATES: To ensure consideration, you must submit comments regarding this information collection on or before September 28, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website, *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review–Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number, 0651–0063. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

- This information collection request may be viewed at *https://www.reginfo.gov/.* Follow the instructions to view the Department of Commerce, USPTO information collections currently under review by OMB.
- *Email: InformationCollection@uspto.gov.* Include ''0651–0063 information request'' in the subject line of the message.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Stacey White, Patent Trial and Appeal Board, 571–272–9797.

SUPPLEMENTARY INFORMATION:

Title: Patent Trial and Appeal Board (PTAB) Appeals.

OMB Control Number: 0651–0063.

Abstract: The Patent Trial and Appeal Board (hereafter ''PTAB'' or Board'') is established by statute under 35 U.S.C. 6. This statute directs, in relevant part, that PTAB shall ''on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a).'' PTAB has the authority, under 35 U.S.C. 134 and 306 to decide appeals in applications and *ex parte* reexamination proceedings, and under pre-AIA sections of the Patent Act, *i.e.,* 35 U.S.C. 134, 135, and 315, to decide appeals in *inter partes* reexamination proceedings and interferences. In addition, 35 U.S.C. 6 establishes the membership of PTAB as the Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the Administrative Patent Judges. Appeals and interferences are decided by a merits panel of at least three members of the Board.

The Board's responsibilities under the statute include the review of *ex parte* appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied applicant or patent owner. In *inter partes* reexamination appeals, PTAB reviews an examiner's decision adverse to a patent owner or a third-party requester. PTAB's opinions and decisions for publicly available files are published on the USPTO website.[1] The Board also conducts interference proceedings.

The items associated with this information collection include appeals in applications, *ex parte* reexamination proceedings, and appeals in *inter partes* reexamination proceedings and interference proceedings that are governed by the regulations in 37 CFR 41. Failure to comply with the appropriate regulations may result in dismissal of the appeal or denial of entry of the submission.

Since the publication of the 60-day notice, the USPTO has updated the number of responses associated with this information collection to include respondents participating in the SPARK Pilot Program. This results in an increase of 50 respondents, responses, and burden hours to this information collection.

Forms: (AIA = America Invents Act; SB = Specimen Book)

- *PTO/AIA/31:* (Notice of Appeal from the Examiner to the Patent Trial and Appeal Board).
- *PTO/SB/31:* (Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences).
- *PTO/AIA/32:* (Request for Oral Hearing before the Patent Trial and Appeal Board).
- *PTO/SB/32:* (Request for Oral Hearing before the Patent Trial and Appeal Board).
- *PTO/SB/479b:* Certification and Petition Under the Standards Participation and Representation Kudos (SPARK) Pilot Program to Expedite an Appeal to the Patent Trial and Appeal Board (PTAB).

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 16,955 respondents.

Estimated Number of Annual Responses: 31,544 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 30 minutes (0.50 hours) to 120 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 337,712 hours.

Estimated Total Annual Respondent Non-hourly Cost Burden: $24,086,261.

[1] *https://www.uspto.gov/patents/ptab/decisions.*

Since the publication of the 60-day notice, the USPTO has updated the postage rate associated with this information collection from $12.25 to $13.25. This results in an increase of $315 in non-hourly cost burden, for a new estimated total annual respondent non-hourly cost burden of $24,086,261.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2026–17524 Filed 8–26–26; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Substantive Submissions Made During the Prosecution of the Trademark Application

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter ''USPTO'' or ''Agency''), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0054 (Substantive Submissions Made During the Prosecution of the Trademark Application). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, you must submit comments regarding this information collection on or before October 26, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0054 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: https://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Emily Carlsen, Petitions Office, Office of the Deputy Commissioner for Trademark Examination Policy, 571–272–2235.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Emily Carlsen, Senior Attorney Advisor, at: Petitions Office, Office of the Deputy Commissioner of Trademark Examination Policy, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; 571–272–2235; or *TMPolicy@uspto.gov* with ''0651–0054 comment'' in the subject line. Additional information about this information collection is also available at *https://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by the Trademark Act, 15 U.S.C. 1051 *et seq.,* which provides for the registration of trademarks, service marks, collective trademarks and collective service marks, collective membership marks, and certification marks. Individuals and business that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or service into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that was abandoned for failure to submit a timely statement of use or extension request. Applicants are allowed to file up to five extension requests over a 30-month period. The USPTO estimates that the average applicant will file two extension requests per year. In some circumstances, an applicant may expressly abandon an application by filing a request for withdrawal of the application.

The rules implementing the Trademark Act are set forth in 37 CFR part 2. These rules mandate that each trademark register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or business to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. As a result, the federal trademark registration process is intended to reduce unnecessary litigation and its accompanying costs and burdens.

The information in this collection is used to process the substantive submissions made during prosecution of a trademark application. The submissions in this information collection are a matter of public record and are used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is accessible online, through the USPTO website, as well as through various USPTO facilities.

II. Method of Collection

Items in this information collection must be submitted as electronic submissions. In limited circumstances, applicants may be permitted to submit the information in paper form by mail or hand delivery.

III. Data

OMB Control Number: 0651–0054.

Forms:

- PTO–1553 (Allegation of Use (Statement of Use/Amendment to Allege Use))
- PTO–1554 (Request to Divide Application)
- PTO–1555 (Response to Intent-to-Use/ Divisional (ITU/Divisional) Unit Office Action)
- PTO–1556 (Response to Petition to Revive Deficiency Letter)
- PTO–1557 (Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/ Collective Membership Organization after NOA)
- PTO–1581 (Request for Extension of Time to File a Statement of Use)
- PTO–2194 (Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action)
- PTO–2195 (Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request)
- PTO–2200 (Request to Delete Section 1(B) Basis, Intent to Use)
- PTO–2202 (Request for Express Abandonment (Withdrawal) of Application)
- PTO–2301 (Petition to Director)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 314,085 respondents.

Estimated Number of Annual Responses: 444,085 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 10 minutes (0.17 hours) to 70 minutes (1.17 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed item(s) to the USPTO.

Estimated Total Annual Respondent Burden Hours: 324,612 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $178,536,600.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Allegation of Use (Statement of Use/Amendment to Allege Use) PTO–1553.	135,000	1	135,000	1	135,000	$550	$74,250,000
2	Request for Extension of Time to File a Statement of Use PTO–1581.	130,000	2	260,000	0.58 (35 minutes)	150,800	550	82,940,000
3	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action PTO–2194.	16,000	1	16,000	1	16,000	550	8,800,000
4	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request PTO–2195.	14,500	1	14,500	0.67 (40 minutes)	9,715	550	5,343,250
5	Request to Delete Section 1(b) Basis, Intent to Use PTO–2200.	2,300	1	2,300	0.50 (30 minutes)	1,150	550	632,500
6	Request for Express Abandonment (Withdrawal) of Application PTO–2202.	8,200	1		0.17 (10 minutes)	1,394	550	766,700
7	Request to Divide Application PTO–1554.	3,650	1	3,650	0.67 (40 minutes)	2,446	550	1,345,300
8	Response to Intent-to-Use/Divisional (ITU/Divisional) Unit Office Action PTO–1555.	900	1	900	1.17 (70 minutes)	1,053	550	579,150
9	Response to Petition to Revive Deficiency Letter PTO–1556.	1,000	1	1,000	0.83 (50 minutes)	830	550	456,500
10	Petition to Director PTO–2301.	2,450	1	2,450	2.50	6,125	550	3,368,750
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA PTO–1557.	85	1	85	1.17 (70 minutes)	99	550	54,450
Totals		314,085		444,085		324,612		178,536,600

[1] *2025 Report of the Economic Survey,* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–35. The USPTO uses the average billing rate for intellectual property work in all firms which is $550 per hour (*https://www.aipla.org/home/news-publications/economic-survey/2025-report-of-the-economic-survey*).

Estimated Total Annual Respondent Non-hourly Cost Burden: $61,747,125. There are no capital start-up costs, maintenance costs, or recordkeeping costs associated with this information collection. However, the USPTO estimates that the total annual non-hourly cost burden for this information collection, in the form of filing fees and postage, is $61,747,125.

Filing Fees

The fees associated with submitting items in this information collection are outlined in Table 2 below:

TABLE 2—FILING FEES

Item No.	Fee code	Item	Estimated annual responses (a)	Filing fee ($) (b)	Non-hourly cost burden (a) × (b) = (c)
1	6002, 6003	Allegation of Use (Statement of Use/Amendment to Allege Use) (Paper).	14	$250	$3,500
1	7002, 7003	Allegation of Use (Statement of Use/Amendment to Allege Use) (Electronic).	134,986	150	20,247,900
2	6004	Request for Extension of Time to File a Statement of Use (Paper)	26	225	5,850
2	7004	Request for Extension of Time to File a Statement of Use (Electronic)	259,974	125	32,496,750
3	6010	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (Paper).	2	350	700
3	7010	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (Electronic).	15,998	250	3,999,500
4	6010	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (Paper).	1	350	350
4	7010	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (Electronic).	14,499	250	3,624,750
7	6006	Request to Divide Application (Paper)	1	200	200
7	7006	Request to Divide Application (Electronic)	3,649	100	364,900
10	6005	Petition to Director (Paper)	1	500	500
10	7005	Petition to Director (Electronic)	2,449	400	979,600
11	6010	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper).	1	350	350
11	7010	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Electronic).	84	250	61,743,000
Totals			431,685		61,745,850

Postage Costs

The USPTO requires that the items in this information collection be submitted electronically. In very limited circumstances, responses may be submitted by hand or by mail through the United States Postal Service. The USPTO estimates that 100 items in this information collection will be submitted in themail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat-rate envelope, will be $13.25. Therefore, the USPTO estimates the total mailing cost for this information collection is $1,325.

IV. Request for Comments

The USPTO is soliciting public comments to:

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

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

(d) 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.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While one may request in a comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2026–17525 Filed 8–26–26; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: September 26, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7510–01–660–3733—Toner Cartridge, Remanufactured, Standard Yield, Black, HP LaserJet 4345
Authorized Source of Supply: TRI Industries NFP, Vernon Hills, IL
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS ADMIN SVCS ACQUISITION BR(2

Service(s)

Service Type: Bursting/Packaging Commemorative Stamps
Mandatory For: USPS, Customer Products and Fulfillment CMC, Aurora, CO, 3300 South Parker Road, Suite 400, Aurora, CO
Authorized Source of Supply: MDI Government Services, Inc., Minneapolis, MN
Contracting Activity: U.S. Postal Service, U.S. Postal Service, Washington, DC

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–17470 Filed 8–26–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* September 27, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On March 12, 2026 (91 FR 12172) and July 2, 2026 (91 FR 40518), the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. The Committee determined that the services listed below are suitable for procurement by the Federal Government and has added these services to the Procurement List as a mandatory purchase for the contracting activities listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activities at the locations listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized the nonprofit agencies listed as the authorized source(s) of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) added to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Contractor Operated Civil Engineer Supply Store
Mandatory For: US Air Force, Minot Air Force Base, Minot AFB, ND, 521 Bomber Blvd., Bldg 521, Minot AFB, ND
Authorized Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Contracting Activity: DEPT OF THE AIR FORCE, FA4528 5 CONS LGCP

Service Type: Vehicle Maintenance Services
Mandatory For: US Air Force, Robins Air Force Base, Robins AFB, GA, 375 Perry St, Building 255, Robins Air Force Base, GA
Authorized Source of Supply: Skookum Educational Programs, Bremerton, WA
Contracting Activity: DEPT OF THE AIR FORCE, FA8501 AFSC PZIO

Deletions

On July 23, 2026 (91 FR 46413), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7045–01–705–7357—3D Printer Filament, Water Soluble, 750g of 1.75 mm
7045–01–705–7358—3D Printer Filament, Water Soluble, 750g of 2.85 mm
Authorized Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS FURNITURE SYSTEMS MGT DIV

NSN(s)—Product Name(s):
4240–00–NIB–0271—Kit, Conversion, Mirrored Lucite ''EXIT'', Double Sided, Photoluminescent

4240–00–NIB–0272—Label, ''STANDPIPE'', Adhesive Back, Photoluminescent
4240–00–NIB–0273—Label, ''EMERGENCY EXIT'', Adhesive Back, Photoluminescent
4240–00–NIB–0274—Sign, ''RUNNING MAN'' with Directional Arrow, Photoluminescent
4240–00–NIB–0275—Sign, ''FIRE EXTINGUISHER'', Photoluminescent
4240–00–NIB–0282—Sign, ''FLOOR 1'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0283—Sign, ''FLOOR 2'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0284—Sign, ''FLOOR 3'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0285—Sign, ''FLOOR 4'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0286—Sign, ''FLOOR 5'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0287—Sign, ''FLOOR 6'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0288—Sign, ''FLOOR 7'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0289—Sign, ''FLOOR 8'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0290—Sign, ''FLOOR 9'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0291—Sign, ''FLOOR 10'', Stairwell Identifier, Photoluminescent
4240–00–NIB–0292—Sign, Side Directional Arrow, Photoluminescent
4240–00–NIB–0293—Sign, Corner Directional Arrow, Photoluminescent
4240–00–NIB–0295—Sign, ''EXIT LEFT'', Photoluminescent
4240–00–NIB–0296—Sign, ''EXIT RIGHT'', Photoluminescent
4240–00–NIB–0303—Sign, ''EXIT'', Photoluminescent
4240–00–NIB–0304—Sign, ''TIME DELAYED DOOR'', Photoluminescent
4240–00–NIB–0305—Sign, ''IN CASE OF FIRE'', Photoluminescent
4240–00–NIB–0306—Sign, Custom Printed, Photoluminescent, 12″ x 9″

Authorized Source of Supply: CINCINNATI ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED, Cincinnati, OH
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s):
8470–01–442–1429—Headband, Ground-Troop/Parachutists Helmet, Small/Medium/Large, Olive Drab
8470–01–442–1430—Headband, Ground-Troop/Parachutists Helmet, X-Large, Olive Drab
8470–01–442–1434—Headband, Ground-Troop/Parachutists Helmet, X-Small, Olive Drab

Authorized Source of Supply: Lions Services, Inc., Charlotte, NC
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s):
8455–01–698–8429—Face Mask Lanyard, Black, 36″ × 3/8″ with Breakaway

Authorized Source of Supply: West Texas Lighthouse for the Blind, San Angelo, TX
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FSS GREATER SOUTHWEST ACQUISITI

NSN(s)—Product Name(s):
9905–00–WIM–0100—Rulers, Tape Measure, Navy Reserve
9905–00–WIM–0110—Memo Pad, Mini with lines, Navy Reserve
9905–00–WIM–0115—Beads, Necklace, Navy Reserve
9905–00–WIM–0120—Bracelet, Silicon Bracelet
9905–00–WIM–0210—Keychain, Acrylic Navy Reserve
9905–00–WIM–0215—Keychain, Brass Medallion Chaplain
9905–00–WIM–0400—USB, 1GB USB Drive and case
9905–00–WIM–0405—Leave/Take-a-Penny Tray

Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: DEPT OF DEFENSE, U S FLEET FORCES COMMAND

NSN(s)—Product Name(s):
8470–01–092–8492—Headband, Helmet, Ground Troop/Parachutists, XS
8470–01–092–8493—Headband, Helmet, Ground Troop/Parachutists, S/M/L
8470–01–303–8946—Headband, Helmet, Ground Troop/Parachutists, XL
8470–01–526–8462—Headband, PASGT, XS/S
8470–01–526–8463—Headband, Ground Troops and Parachutists Helmet, Foliage Green
8470–01–526–8464—Headband, PASGT, L/XL

Authorized Source of Supply: VisionCorps, Lancaster, PA,
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK,
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Service(s)

Service Type: Janitorial/Custodial
Mandatory For: US Army Reserve, William H. Seward AFRC, Mattydale, NY, 1099 East Molloy Road, Mattydale, NY
Authorized Source of Supply: Oswego Industries, Inc., Fulton, NY
Contracting Activity: DEPT OF DEFENSE, W6QK ACC-PICA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–17471 Filed 8–26–26; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; AmeriCorps Education Award Transfer Forms

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted an information collection request (ICR) for AmeriCorps education award transfer forms.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 28, 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: Copies of this ICR, with applicable supporting documentation, may be obtained by contacting Nahid Jarrett, Deputy Director, National Service Trust at 202–246–2770 or by email to *njarrett@americorps.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

A 60-day Notice requesting public comment on this information collection was published in the **Federal Register** on May 14, 2026 at 91 FR 27309. The comment period ended July 13, 2026. No public comments were received.

Title of Collection: AmeriCorps Education Award Transfer Forms.

OMB Control Number: 3045–0136.

Type of Review: Renewal.

Respondents/Affected Public: Individuals (AmeriCorps members with eligible education awards and qualified recipients).

Total Estimated Number of Annual Responses: 900

Total Estimated Number of Annual Burden Hours: 75.

Abstract: AmeriCorps members who have earned a Segal Education Award may offer to transfer all or part of their education awards to certain family members (qualified recipients). Those qualified recipients may accept the transfer or not and may later rescind acceptance. Likewise, the AmeriCorps member may revoke the transfer. In order for AmeriCorps members and recipients to meet the legal requirements of the award transfer process, each of these actions requires the individual to complete a form: Request to Transfer a Segal Education Award Amount, Accept/Decline Award Transfer Form, Request to Revoke Transfer of Education Award Form, and Rescind Acceptance of Award Transfer Form. These processes are implemented electronically where possible, but paper forms are available if necessary. AmeriCorps seeks to renew the current information collection. The currently approved information collection is due to expire on

August 31, 2026.

Jerry Prentice,

Director, National Service Trust.

[FR Doc. 2026–17436 Filed 8–26–26; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0232; OMB Control Number 0704–0477]

Information Collection Requirement; Organizational Conflicts of Interest in Major Defense Acquisition Programs

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 28, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald T. Lucas, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulations Supplement (DFARS) Part 209, Organizational Conflicts of Interest in Major Defense Acquisition Programs; OMB Control Number 0704–0477.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 20.

Responses per Respondent: 3.

Annual Responses: 60.

Average Burden per Response: 40 hours.

Annual Burden Hours: 2,400.

Needs and Uses: This information collection pertains to organizational conflicts of interest in major defense acquisition programs (MDAPs). This collection implements section 207 of the Weapon Systems Acquisition Reform Act of 2009, which requires DoD to tighten requirements for organizational conflicts of interest by contractors in major defense programs. This statutory requirement is implemented in the solicitation provision at DFARS 252.209–7008, Notice of Prohibition Relating to Organizational Conflict of Interest—Major Defense Acquisition Program, which requires offerors to submit a mitigation plan when there is an organizational conflict of interest that can be resolved through mitigation.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–17485 Filed 8–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Bonneville Power Administration (BPA), U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for revision under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its collection, titled BPA Realty, OMB Control Number 1910–5205. The revision will allow BPA to improve the information collection to better assess whether the applicants' proposed use of right-of-way interferes with BPA's land rights.

DATES: Comments regarding this collection must be received on or before September 28, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–9493.

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: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by phone at (503) 230–3881.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5205;

(2) *Information Collection Request Title:* BPA Realty;

(3) *Type of Request:* Revision;

(4) *Purpose:* This information collection is associated with BPA's management and oversight of applications for public use of BPA right-of way. This submittal is a revision of the form to ask questions to facilitate the review of these requests. The general public completes BPA F 4300.03e Application for Proposed Use of BPA Right-of-Way;

(5) *Annual Estimated Number of Respondents:* 400;

(6) *Annual Estimated Number of Total Responses:* 400;

(7) *Annual Estimated Number of Burden Hours:* 464;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $143,802.

Statutory Authority: 16 U.S.C. 832a *et seq.*

Signing Authority: This document of the Department of Energy was signed on August 24, 2026, by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on August 25, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–17496 Filed 8–26–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG26–296–000.
Applicants: Westminster Reliability Project LLC.
Description: Westminster Reliability Project LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 8/21/26.
Accession Number: 20260821–5213.
Comment Date: 5 p.m. ET 9/11/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER10–2480–015; ER10–3299–019; ER10–3286–019; ER10–2964–018; ER10–3115–013.
Applicants: Waterside Power, LLC, Selkirk Cogen Partners, L.P., Millennium Power Partners, L.P., New Athens Generating Company, LLC, Berkshire Power Company, LLC.
Description: Notice of Change in Status of Berkshire Power Company, LLC, et al.
Filed Date: 7/28/26.
Accession Number: 20260728–5136.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER22–967–007.
Applicants: Covanta Fairfax, LLC.
Description: Compliance filing: Reworld Fairfax, LLC submits tariff filing per 35: Compliance Filing to be effective 3/1/2022.
Filed Date: 8/21/26.
Accession Number: 20260821–5204.
Comment Date: 5 p.m. ET 9/11/26.

Docket Numbers: ER23–2979–005.
Applicants: CPV Maple Hill Solar, LLC.
Description: Compliance filing: Compliance Filing Regarding Effective Date to be effective 9/1/2024.
Filed Date: 8/24/26.
Accession Number: 20260824–5085.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER23–2979–006.
Applicants: CPV Maple Hill Solar, LLC.
Description: Compliance filing: Compliance Filing Regarding Effective Date to be effective 12/5/2023.
Filed Date: 8/24/26.
Accession Number: 20260824–5092.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–1888–001.
Applicants: Navajo Tribal Utility Authority.
Description: Amendment to March 20, 2026 Prospective Tariff Waiver of Navajo Tribal Utility Authority.
Filed Date: 8/14/26.
Accession Number: 20260814–5281.
Comment Date: 5 p.m. ET 9/4/26.

Docket Numbers: ER26–3033–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 1154R15 Associated Electric Cooperative NITSA and NOA to be effective 6/1/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5058.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3034–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 3055R5 Associated Electric Cooperative, Inc. NITSA NOA to be effective 6/1/2026.
Filed Date: 8/21/26.
Accession Number: 20260821–5200.
Comment Date: 5 p.m. ET 9/11/26.

Docket Numbers: ER26–3589–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Revisions to OATT Related to Participation in the EDAM to be effective 10/20/2026.
Filed Date: 8/21/26.
Accession Number: 20260821–5208.
Comment Date: 5 p.m. ET 9/11/26.

Docket Numbers: ER26–3590–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO-National Grid Joint 205: Second Amended SGIA Hawthorn Solar SA2756 to be effective 8/13/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5055.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3591–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Modify the CHILL Policy to Accommodate Planned Outages to be effective 12/31/9998.
Filed Date: 8/24/26.
Accession Number: 20260824–5076.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3592–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: DEA, SA No. 7998 between PJM and PPL Electric Utilities Corporation to be effective 7/29/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5081.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3593–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachment AE to Improve Co-Located Resource Functionality to be effective 12/31/9998.
Filed Date: 8/24/26.
Accession Number: 20260824–5088.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3594–000.
Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Establish EMT Study Requirements into the GI Process to be effective 10/24/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5090.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3595–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions for Affiliate Designation Registration Requirement to be effective 12/31/9998.
Filed Date: 8/24/26.
Accession Number: 20260824–5106.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3596–000.
Applicants: National Grid Generation LLC
Description: § 205(d) Rate Filing: Annual Reset of Pension and OPEB Expenses to be effective 1/1/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5110.
Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: ER26–3597–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 7123; AF2–192 re: withdrawn to be effective 10/24/2026.
Filed Date: 8/24/26.
Accession Number: 20260824–5112.
Comment Date: 5 p.m. ET 9/14/26.

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 24, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17474 Filed 8–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–77–000.
Applicants: Southern California Gas Company.
Description: § 284.123 Rate Filing: Offshore Delivery Service Rate Revision August 2026 to be effective 8/1/2026.
Filed Date: 8/21/26.
Accession Number: 20260821–5143.
Comment Date: 5 p.m. ET 9/11/26.

Docket Numbers: RP26–1068–000.
Applicants: Portland Natural Gas Transmission System.
Description: § 4(d) Rate Filing: PNGTS Negotiated Rate Agreement to be effective 5/1/2026.
Filed Date: 8/21/26.
Accession Number: 20260821–5097.
Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: RP26–1069–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Agreements Update (APS 2026) to be effective 9/1/2026.
Filed Date: 8/21/26.
Accession Number: 20260821–5232.
Comment Date: 5 p.m. ET 9/2/26.

Docket Numbers: RP26–1071–000.
Applicants: Kern River Gas Transmission Company.
Description: Compliance filing: 2026 NAESB Compliance Filing to be effective 1/1/2027.
Filed Date: 8/24/26.
Accession Number: 20260824–5047.
Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1072–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: Compliance filing: NAESB 4.0 Revisions Compliance to be effective 1/1/2027.
Filed Date: 8/24/26.
Accession Number: 20260824–5051.
Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1073–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: Compliance filing: NAESB 4.0 Revisions Compliance to be effective 1/1/2027.
Filed Date: 8/24/26.
Accession Number: 20260824–5052.
Comment Date: 5 p.m. ET 9/8/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 24, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17475 Filed 8–26–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0691; FRL–13602–01–OFA]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Standardized Permit for RCRA Hazardous Waste Management Facilities (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Standardized Permit for RCRA Hazardous Waste Management Facilities (EPA ICR No. 1935.08, OMB Control No. 2050–0182) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31,

2026. Public comments were previously requested via the **Federal Register** on January 9, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0691, to EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on January 9, 2026 during a 60-day comment period (91 FR 997). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Under the authority of sections 3004, 3005, 3008 and 3010 of the Resource Conservation and Recovery Act (RCRA) as amended, EPA revised the RCRA hazardous waste permitting program to allow a ''standardized permit.'' The standardized permit is available to facilities that generate hazardous waste and routinely manage the waste on-site in non-thermal units such as tanks, containers, and containment buildings. In addition, the standardized permit is available to facilities that receive hazardous waste generated off-site by a generator under the same ownership as the receiving facility and then store or non-thermally treat the hazardous waste in containers, tanks, or containment buildings. The RCRA standardized permit consists of two components: a uniform portion that is included in all cases, and a supplemental portion that the director of a regulatory agency includes at his or her discretion. The uniform portion consists of terms and conditions relevant to the unit(s) at the permitted facility and is established on a national basis. The supplemental portion imposes site-specific permit terms and conditions that the director determines necessary to institute corrective action under § 264.101 (or state equivalent), or otherwise necessary to protect human health and the environment. Owners and operators have to comply with the terms and conditions in the supplemental portion, in addition to those in the uniform portion.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private businesses or other for-profit enterprises.

Respondent's obligation to respond: Required to obtain or retain benefits (40 CFR 270.275).

Estimated number of respondents: 1.

Frequency of response: once every 10 years.

Total estimated burden: 22 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $185 (per year), includes $53 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 196 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to adjustments to the estimates.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17462 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2002–0059; FRL–13600–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Clean Water State Revolving Fund and Drinking Water State Revolving Fund Programs (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Clean Water State Revolving Fund and Drinking Water State Revolving Fund Programs (EPA ICR Number 1803.10 OMB Control Number 2040–0185) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. This notice allows for 30 days for public comments.

DATES: Comments must be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2002–0059, to EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Howard Rubin, Drinking Water Infrastructure Development Division, Office of Ground Water and Drinking Water, 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–2051; email address: *Rubin.HowardE@epa.gov.* or Mark Mylin, Water Infrastructure Division, Office of Wastewater Management, 4204M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–0607; email address: *Mylin.Mark@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on May 5, 2026, during a 60-day comment period (91 FR 24231). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The information collection activities will occur primarily at the program-level through the State Capitalization Grant Agreement/Intended Use Plan and Annual Report. The information on the Intended Use Plan (IUP) is needed annually to describe how the State intends to use available State Revolving Fund (SRF) funds for the year to meet the objectives of the Clean Water Act (CWA) or Safe Drinking Water Act (SDWA) and to further the goal of protecting public health. The Annual Report is needed to provide detailed information on how the State has met its goals and objectives of the previous one or two fiscal years as stated in the IUP and grant agreement. The CWA and SDWA require this information to ensure the national accountability, adequate public review and comment, fiscal integrity, and consistent management needed to achieve public health and CWA and SDWA compliance objectives. Additional information about the CWSRFs and DWSRFs are available at *http://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf* and *https://www.epa.gov/dwsrf/how-drinking-water-state-revolving-fund-works#tab-1,* respectively.

Form Numbers: None.

Respondents/affected entities: Entities affected by this action are States and local governments *Respondent's obligation to respond:* Mandatory, per the Clean Water Act Title VI and the Safe Drinking Water Act Section 1452.

Estimated number of respondents: 1,440 State and local Respondents (total).

Frequency of response: Varies by requirement (*i.e.,* quarterly, semi-annually, annually).

Total estimated burden: 93,553 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $12,892,005 (per year), which includes $100,000 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 14,966 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to the end of supplemental capitalization grants appropriated by the Infrastructure Investment and Jobs Act (IIJA) to both SRF programs after Fiscal Year 2026.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17456 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13580–01–AO]

National Environmental Education Advisory Council (NEEAC); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the next public meeting of the National Environmental Education Advisory Council (NEEAC) will be held virtually on September 15, 2026. The NEEAC was created by Congress to advise, consult with, and make recommendations to the EPA Administrator on matters related to activities, functions, and policies of EPA under the National Environmental Education Act of 1990.

DATES: The NEEAC will meet virtually on Tuesday, September 15, 2026, from 1 p.m. to 5 p.m. Eastern Time.

ADDRESSES: The meeting will be conducted virtually via Zoom. Registration will be required to participate in the meeting. For information on how to register see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Carissa Cyran, Designated Federal Officer (DFO), at *NEEAC@epa.gov* or (202) 566–1353. General information about the NEEAC, as well as any updates concerning the meeting announced in this document, can be found on the NEEAC website at *https://www.epa.gov/education/national-environmental-education-advisory-council-neeac.*

SUPPLEMENTARY INFORMATION: The meeting will be held virtually via Zoom. Members of the public who wish to participate, please visit the NEEAC website at *https://www.epa.gov/education/national-environmental-education-advisory-council-neeac.* Once available, the agenda and other meeting materials will be posted on the NEEAC website and will be emailed to all registered participants.

Carissa Cyran,

Designated Federal Officer, U.S. Environmental Protection Agency.

[FR Doc. 2026–17455 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2026–1387; FRL–13202–06–OCSPP]

Certain New Chemicals; Receipt and Status Information for March, May, and June 2026

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of new chemical submissions under the Toxic Substances Control Act (TSCA), including information about the receipt of a Premanufacture Notice (PMN), Significant New Use Notice (SNUN), Microbial Commercial Activity Notice (MCAN), and an amendment to a previously submitted notice; test information; a biotechnology exemption application; an application for a test marketing exemption (TME); and a notice of commencement of manufacture (defined by statute to include import) (NOC) for a new chemical substance. This document also provides a periodic status report on the

new chemical substances that are currently under EPA review or have recently concluded review. EPA is hereby providing notice of receipt of this information, as required by TSCA, and an opportunity to comment. This document covers new chemical submissions that have passed an initial screening and, for PMNs, SNUNs and MCANs, were determined to be complete during the period from June 1, 2026, to June 30, 2026, regardless of the initial submission date.

DATES: Comments must be received on or before September 28, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2026–1387 and the specific case number provided in this document for the chemical substance related to your comment, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting on and visiting the docket, along with more information about dockets generally, are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Jim Rahai, Office of Chemical Safety and Pollution Prevention (OCSPP–OMCO–RISD), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What is the Agency's authority for taking this action?

EPA is publishing this document in the **Federal Register** as required by sections 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* and corresponding EPA regulations.

Under TSCA, a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance, see *https://www.epa.gov/chemicals-under-tsca.* Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' See TSCA section 3(2) and (11). For more information about the TSCA Inventory, see *https://www.epa.gov/inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the new chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture a new chemical substance, or manufacture or process a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substances will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME.

Premanufacture notification procedures for reviewing certain new microbial products of biotechnology are established in 40 CFR part 725. These pertain to MCANs and biotechnology exemptions, including TSCA experimental release applications (TERAs), TMEs for microorganisms, and Tier I and Tier II exemptions.

C. What action is the Agency taking?

This document provides notice of receipt and status reports for the covered period and certain submissions under TSCA section 5 and provides an opportunity to comment on this information. The Agency is providing information about the receipt of PMNs, SNUNs, MCANs, and amendments to a previously submitted notice; test information; biotechnology exemption applications under 40 CFR part 725; TME applications; NOCs for new chemical substances; and a periodic status report on chemical substances that are currently under EPA review or have recently concluded review.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Background

A. What information is being provided in this document?

The tables in this document provide the following information on the TSCA section 5 submissions received by EPA during this period and determined to be completely consistent with 40 CFR 720.70(a).

- *Case number.* The EPA number assigned to the TSCA section 5 submissions. Please note that a case number may be listed more than once in the table when the submission involves a subsequent amendment.
- *Chemical substance.* Name of the chemical substance, or generic name if the specific name is claimed as CBI.
- *Manufacturer.* Name of the submitting manufacturer, to the extent that such information is not subject to a CBI claim. The term ''manufacturer'' is defined by statute to include importer.
- *Use(s).* Potential uses identified by the manufacturer.
- *Received.* Date the submission was received by EPA.
- *Commencement.* Date of commencement provided by the submitter in the NOC.
- *Test information.* For test information received, the type of test information submitted to EPA is based on the attachment type and subtype data selected by the submitter.

B. What do the acronyms mean that are used in the tables?

As used in each of the tables, the following explanations apply:

- (S) indicates that the information in the table is the specific information provided by the submitter.
- (G) indicates that the information in the table is generic information because

the specific information provided by the submitter was claimed as CBI.

C. How can I access other information about TSCA section 5 submissions?

EPA provides information on its website about cases reviewed under TSCA section 5, including the PMNs, SNUNs, MCANs, and exemption applications received; the date of receipt; the final EPA determination on the submission; and the effective date of EPA's determination. See *https://www.epa.gov/new-chemicals-under-toxic-substances-control-act-tsca/pre-manufacture-notices.* In addition, information EPA receives about chemical substances under TSCA, including non-CBI new chemical submissions, can be accessed in ChemView at *https://chemview.epa.gov/chemview.*

III. Receipt Reports

Table 1 provides non-CBI information for the PMNs, SNUNs and MCANs received by EPA that have passed an initial screening and determined to be completely consistent with 40 CFR 720.70(a) during this period.

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW

Case No.	Received date	Manufacturer	Use	Chemical substance
J–26–0003	03/09/2026	Greenlight Biosciences, Inc	(G) Used to produce DNA for use in internal manufacturing.	(G) Strain of Escherichia coli modified with genetically stable, plasmid-borne DNA for the production of plasmid-borne DNA.
P–20–0181	05/29/2026	Guardian Industries Corp	(S) Additive to influence melting temperature of raw material and physical characteristics of the final product during the manufacture of flat glass.	(S) Flue dust, glass-manufg. desulfurization, calcium hydroxide-treated.
P–24–0007	06/05/2026	CBI	(S) Use as a dispersant for powders, adhesion promoter in adhesives and sealants, all forms KR PTOA, CAPOW KR PTOA.	(S) Titanium branched and linear C16–18 and C18-unsatd. Fatty acids iso-Pr alc. complexes.
P–24–0171	06/02/2026	CBI	(G) Making air pollutants control parts in automobiles.	(G) Metal and rare earth metal zirconium oxide.
P–24–0172	06/02/2026	CBI	(G) Manufacturing of air pollutants control parts	(G) Metal and rare earth metal zirconium oxide.
P–24–0179	06/04/2026	CBI	(G) Component in batteries	(G) Aluminum- and metal-doped cobalt metal nickel oxide.
P–24–0180	06/04/2026	CBI	(G) Component in batteries	(G) Aluminum- and metal- and metal-doped cobalt metal nickel oxide.
P–24–0181	06/04/2026	CBI	(G) Component in batteries	(G) Metal- and metal-doped cobalt metal metal nickel oxide.
P–25–0024	06/03/2026	Momentive Performance Materials.	(S) Intermediate	(S) Silane, chlorodimethyl (2,4, trimethylpentyl)-.
P–25–0037	06/03/2026	Momentive Performance Materials.	(S) Intermediate	(S) Silane, dimethyl(2,4,4-trimethylpentyl)-.
P–25–0103	06/18/2026	CBI	(G) Component of photoresist	(G) Alkanedioic acid, polyhalo, carbomonocycle [alkyl-substituted alkenyl) substituted] alkyl] ester, homopolymer.
P–25–0131	06/09/2026	Osmo Labs, PBC	(S) Non-Spray Personal Care Products. Categories include fine fragrances, shower gel, shampoo, hair styling products, body lotion, face cream, hand cream, liquid foundation and non-spray deodorant.	(G) Aryl ether aldehyde.
P–25–0143	06/23/2026	DAY–GLO Color Corp	(S) The polymer functions as a carrier for dyes and pigments. It is subsequently compounded with other polymers to impart color in finished products. Non-spray household products. Categories include laundry (fabric softeners, powdered and liquid detergents, dryer sheets, scent boosters), surface and general household cleaning (all-purpose cleaners, cleaning wipes, toilet bowl cleaners, powdered cleaners, floor cleaners), air and odor control (liquid electrical fresheners, gel air fresheners, scented candles, trash can deodorizers, carpet deodorizers), other (scented draw liners, pet product deodorizers).	(G) Zinc, cycloaliphatic diamine-isophthalic acid-2-methyl-1,3-propanediol polymer-phthalic anhydride reaction products complexes.
P–25–0157	06/02/2026	Quino Energy	(S) Active material (electrolyte) in redox flow batteries, serving as the battery's negolyte (also referred to as the anolyte) for electrical energy storage applications.	(S) 2,6-Anthracenediacetic acid, 9,10-dihydro-1,5-dihydroxy-9,10-dioxo-, potassium sodium salt (1:?:?).
P–26–0012	06/29/2026	Nabors Energy Transition Solutions—Tomball.	(G) Additive to enhance material characteristics and performance.	(G) Mixture of carbon nanomaterials—Type A.
P–26–0013	06/29/2026	Nabors Energy Transition Solutions—Tomball.	(G) Additive to enhance material characteristics and performance.	(G) Mixture of carbon nanomaterials—Type B.
P–26–0022	06/04/2026	CBI	(G) Component in batteries	(G) Cobalt metal metal nickel oxide, metal- and metal- and metal-doped.
P–26–0025	05/28/2026	CBI	(G) Plastic Article Additive	(G) Arylpolycarboxamide, [[[(polyalkylalkyl)cycloalkyl] carbonyl] amino]-poly[(alkylalkyl)cycloalkyl]-.
P–26–0038	06/08/2026	Mojia, Inc	(G) Industrial reactant	(G) Aliphatic diisocyanate.
P–26–0063	06/16/2026	CBI	(G) Heat transfer fluid	(G) Alkene, halo-substituted, oligomer.

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use	Chemical substance
P–26–0081	06/08/2026	CBI	(S) Barrier, anti-corrosion, antifouling, drag-reducing, and durability-enhancing additive for industrial and military coating systems. Carbon-based conductive, reinforcement, and barrier additive for thermoplastic compounding and masterbatch formulations, additive for energy storage electrode and related cell component formulations, additive for energy storage electrode and related cell component formulations, and friction-reducing, anti-wear, and thermal-management additive for industrial lubricant and coolant formulations..	(S) G3 Graphene.
P–26–0088	06/02/2026	CBI	(S) Cathode active material (CAM) used in battery manufacturing.	(G) Cobalt lithium manganese nickel oxide, metals.
P–26–0091	06/08/2026	Captura Corp	(S) Polymer used to cast membranes for electrodialysis systems.	(G) Polysulfone, (halomethyl)-substituted, quaternary ammonium halide.
P–26–0091	06/24/2026	Captura Corp	(S) Polymer used to cast membranes for electrodialysis systems.	(G) Quaternized aromatic polyether sulfone polymer, chlorides.
P–26–0091	06/24/2026	Captura Corp	(S) Polymer used to cast membranes for electrodialysis systems.	(G) Quaternized aromatic polyether sulfone polymer, chlorides.
P–26–0092	06/08/2026	Captura Corp	(S) The polymer is used to prepare NAFF (Non-Aging-Florine-Free) anion exchange membrane films for electrodialysis and other electrochemical device applications.	(G) Poly (carbopolycycle-alkyl heteromonocycle), alkylammonium halide.
P–26–0093	06/08/2026	Captura Corp	(S) The polymer is used to prepare cation exchange membrane (CEM) films for electro dialysis and other electrochemical device applications.	(G) Polysulfone, sulfonate, alkali metal salt.
P–26–0093	06/18/2026	Captura Corp	(S) The polymer is used to prepare cation exchange membrane (CEM) films for electrodialysis and other electrochemical device applications.	(G) Sulfonated aromatic polyether sulfone polymer, alkali metal salts.
P–26–0096	06/11/2026	CBI	(S) Acrylate component for use in additive manufacturing (industrial 3D printing), in industrial UV/EB curable inks and/or coatings, adhesives and in industrial UV/EB curable adhesives and composites.	(G) Hydroxyalkyl alkylacrylates, reaction products with aliphatic diisocyanates.
P–26–0097	06/08/2026	Honeycomb Techno Research USA, Inc.	(G) Encapsulation	(G) Substitutedcarbomonocycle, (alkylalkylidene)bis-, polymer with (halosubstitutedalkyl)oxirane, reaction products with alkyl-alkyl-heteromonocycle and disubstitutedalkyl carbomonocycle, hydrolyzed.
SN–25–0003	06/02/2026	CBI	(S) Cathode Active Material in Batteries	(S) Phosphoric acid, iron (2+) lithium salt (1:1:1).
SN–26–0005	05/29/2026	CBI	(G) Storage of electrical energy, additive for cooling water, engine oil additive, paint coating.	(S) Graphene platelets.
SN–26–0006	06/25/2026	CBI	(G) Use consistent with SNUR at 40 C.F.R. 721.11776.	(S) 5H–1,2-Oxathiole, 2,2-dioxide.

Table 2 provides non-CBI information on the NOCs received by EPA that have passed an initial screening during this period.

TABLE 2—NOCS RECEIVED AND UNDER REVIEW

Case No.	Received date	Commencement date	Chemical substance
P–18–0338	06/22/2026	06/15/2026	(G) Sulfonium, triaryl-, salt with polyhalo-4-sulfoalkyl carbopolycyclic alkane-1-carboxylate (1:1).
P–24–0136	06/23/2026	06/22/2026	(S) Siloxanes and Silicones, di-Me, polymers with silicic acid, [(ethenyldimethylsilyl)oxyl]-terminated, reaction productswith 1,1,3,3-tetramethyl-1-[1-(trimethoxysilyl) ethyl] disiloxane and 1,1,3,3-tetramethyl-1-[2-trimethoxysilyl) ethyl] disiloxane.

Table 3 provides non-CBI information on the test information that has been received by EPA that has passed an initial screening during this period.

TABLE 3—TEST INFORMATION RECEIVED

Case No.	Received date	Type of test information	Chemical substance
L–26–0135	06/08/2026	Daphnia sp. Acute Immobilization Test (OECD Test Guideline 202)	(G) Substituted heteromonocyle, reaction products with alkoxy alkanol and [alkoxysilane)alkoxy] alkyl] heteromonocycle.
L–26–0135	06/16/2026	Bacterial Reverse Mutation Test (OECD Test Guideline 471)	(G) Substituted heteromonocyle, reaction products with alkoxy alkanol and [alkoxysilane)alkoxy] alkyl] heteromonocycle.

TABLE 3—TEST INFORMATION RECEIVED—Continued

Case No.	Received date	Type of test information	Chemical substance
P–10–0470	05/29/2026	Analytical Data	(G) Fluoro modified, polyether modified and alkyl modified polymethylsiloxane.
P–10–0471	05/29/2026	Analytical Data	(G) Fluoro modified, polyether modified polyacrylate.
P–10–0472	05/29/2026	Analytical Data	(G) Fluoro modified, polyether modified polyacrylate.
P–14–0712	06/18/2026	Notice of Transfer	(S) Waste plastics, pyrolyzed, C5–55 fraction.
P–14–0712	06/30/2026	Analytical Report	(S) Waste plastics, pyrolyzed, C5–55 fraction.
P–16–0543	06/04/2026	Monitoring Report	(G) Halogenophosphoric acid metal salt.
P–24–0044	05/29/2026	Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201).	(G) Oxirane, 2-methyl-, polymer with oxirane, ether with N-[4-[[4-[bis(2-hydroxyethyl) amino] phenyl] (2-substitutedphenyl) methylene]-2,5-cyclohexadien-1-ylidene]-2-hydroxy-N-(2-hydroxyethyl) ethanaminium inner salt (4:1).
P–26–0063	06/16/2026	Process flow diagram and Clean Harbors incineration booklet	(G) Alkene, halo-substituted, oligomer.
P–26–0071	06/22/2026	Reproduction/Developmental Toxicity Screening Test (OECD Test Guideline 421); Subchronic Inhalation Toxicity: 90-day Study (OECD Test Guideline 413); Defined Approaches on Skin Sensitization (OECD Test Guideline 497); Mammalian Erythrocyte Micronucleus Test (OECD Test Guideline 474); Reconstructed human Cornea-like Epithelium (RhCE) test method for identifying chemicals not requiring classification and labelling for eye irritation or serious eye damage (OECD Test Guideline 492); Daphnia sp. Acute Immobilization Test (OECD Test Guideline 202).	(S) 3-Hexene, 1,1,1,2,2,5,5,6,6,6-decafluoro-, (3E).

IV. Status Reports

Information about the TSCA section 5 PMNs, SNUNs, MCANs, and exemption applications received, including the date of receipt, the status of EPA's review, the final EPA determination, and the effective date of EPA's determination, is available online at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/pre-manufacture-notices.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 17, 2026.

Jan Krysa,

Acting Director, Information Technology and Security Division, Office of Mission Critical Operations.

[FR Doc. 2026–17482 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2004–0006; FRL–13601–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting (EPA ICR Number 1352.19, OMB Control Number 2050–0072) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on April 9, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments must be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2004–0006, to EPA online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Jennifer Barre, Office of Resource Conservation and Recovery, Mail Code 5303T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (240) 644–4559; email address: *Barre.Jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on April 9, 2026 during a 60-day comment period (91 FR 17966). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The authority for these requirements is sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. 11011, 11012). EPCRA section 311 requires owners and operators of facilities subject to the Occupational Safety and Health

Administration (OSHA) Hazard Communication Standard (HCS) to submit a list of chemicals or Material Safety Data Sheets (MSDSs) (for those chemicals that exceed thresholds, specified in 40 CFR part 370) to the State Emergency Response Commission (SERC) or Tribal Emergency Response Commission (TERC), Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning Committee (TEPC), and the local fire department (LFD) with jurisdiction over their facility. This is a one-time requirement unless a facility becomes subject to the regulations or has updated information on the hazardous chemicals that were already submitted by the facility. EPCRA section 312 requires owners and operators of facilities subject to the OSHA HCS to submit an inventory form (for those chemicals that exceed the thresholds, specified in 40 CFR part 370) to the SERC (or TERC), LEPC (or TEPC), and LFD with jurisdiction over their facility. This inventory form, the Tier II Emergency and Hazardous Chemical Inventory Form, is to be submitted on or before March 1 of each year and must include the inventory of hazardous chemicals present at the facility in the previous calendar year. Currently, all states require facilities to submit the Federal Tier II form or the state-equivalent, including electronic submission.

Form Numbers: Tier II Emergency and Hazardous Chemical Inventory Form, EPA Form No. 8700–30.

Respondents/affected entities: Entities potentially affected by this ICR are manufacturers and non-manufacturers required to have available a Safety Data Sheet (SDS) under the OSHA HCS.

Respondent's obligation to respond: Mandatory (sections 311 and 312 of EPCRA).

Estimated number of respondents: 465,692 facilities (total). This figure includes 3,052 LEPCs and SERCs.

Frequency of response: Annual.

Total estimated burden: 6,963,271 hours (per year, including LEPCs and SERCs). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $524,449,374 per year, which includes $2,007,713 annualized operation & maintenance costs.

Changes in Estimates: There is an increase in the annual respondent labor cost of $205,291,540 compared to the previous ICR. This includes an increase of $203,794,731 for facilities and $1,496,809 for state and local governments. The increase in labor cost compared to the previous ICR is due to updates to the associated labor rates to 2025 values. Similarly, this ICR renewal results in an increase in estimated O&M costs of $292,618 ($289,239 for facilities and $3,379 for state and local governments) due to updating the previous estimates to 2025 dollars. EPA's estimated respondent burden—6,963,271 hours annually—is unchanged compared to the previous ICR renewal.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17459 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0465; FRL–13477–01–OCSPP]

trans-1,2-Dichloroethylene 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 *trans*-1,2-dichloroethylene. 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 *trans*-1,2-dichloroethylene.

DATES: Comments must be received on or before October 26, 2026.

ADDRESSES: To submit comments on the *trans*-1,2-dichloroethylene draft risk evaluation, submit your comments, identified by docket ID number EPA–HQ–OPPT–2018–0465, 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 trans-1,2-dichloroethylene: Daniel Whitby, 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) 564–0598; email address: *trans-1.2-Dichloroethylene.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 *trans*-1,2-dichloroethylene, 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 these risk evaluations 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 *trans*-1,2-dichloroethylene. EPA used the best available science to prepare the draft risk evaluation and preliminarily determined, based on the weight of scientific evidence, that *trans*-1,2-dichloroethylene 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 trans-1,2-Dichloroethylene

A. What is trans-1,2-dichloroethylene?

Trans-1,2-dichloroethylene is primarily used in a solvent, reaction product, cleaning agent (degreaser), surface modifier, and processing aid. Workers and occupational non-users (ONUs) may be exposed to *trans*-1,2-dichloroethylene through the inhalation route and workers through the dermal route associated with manufacturing, processing, use, or disposal of *trans*-1,2-dichloroethylene. Consumers may be exposed to *trans*-1,2-dichloroethylene through the dermal and inhalation routes during intended product use as a cleaner, degreaser, or propellant. Environmental releases to air, water, and land occur from industrial and waste handling facilities. *Trans*-1,2-dichloroethylene is expected to be persistent in air and water but is not expected to sorb to soil.

B. The Risk Evaluation of trans-1,2-Dichloroethylene

In December 2019, EPA announced its designation of *trans*-1,2-dichloroethylene (Docket ID: EPA–HQ–OPPT–2018–0465) 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 *trans*-1,2-dichloroethylene 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 risk to workers (including ONUs), consumers, and the general population, including fenceline communities and potentially exposed susceptible subpopulations (PESS), exposed to environmental releases of *trans*-1,2-dichloroethylene. Specifically, EPA evaluated acute, intermediate, and chronic non-cancer risks to workers and ONUs; acute and intermediate non-cancer risks to consumers; and acute, intermediate, and chronic non-cancer to the general population (including fenceline communities and 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 *trans*-1,2-dichloroethylene, a copy of 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 that may inform exposure assumptions for occupational exposure scenarios (OESs) (*e.g.,* whether and how exposure controls and PPE are used for each of the COUs, the frequency of occupational task[s] per shift), especially related to the use of *trans*-1,2-dichloroethylene as a blowing agent;
- information on the number of facilities involved in the vapor degreasing;
- information to inform and refine the occupational exposure assessment of the Manufacturing as a Byproduct OES, including monitoring data;
- information on the frequency of batch manufacturing within a facility to inform the occupational exposure assessment;
- *additional information on PPE use for the two COUs:* (1) Processing—Incorporation into a formulation, mixture, or reaction product—Solvents (which become part of product formulation or mixture) and (2) Incorporation into a formulation, mixture, or reaction product—Solvents (for semiconductor manufacturing); and
- other information on any relevant studies or other data sources that were not identified by EPA.

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 final risk evaluation of *trans*-1,2-dichloroethylene. 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 24, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–17478 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0547; FRL–13607–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Performance Evaluation Studies on Wastewater Laboratories (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR),

Performance Evaluation Studies on Wastewater Laboratories (EPA ICR Number 0234.15, OMB Control Number 2080–0021) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on May 21, 2026 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0547, to EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Gregory Savitske, Compliance, Inspector, and Training Division, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2601; email address: *Savitske.Gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on May 21, 2026 during a 60-day comment period (91 FR 29954). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Discharge Monitoring Report-Quality Assurance (DMR–QA) study program participation is mandatory for Major and selected Minor National Pollutant Discharge Elimination System (NPDES) permit holders in accordance with Clean Water Act Section 308. The DMR–QA study program is designed to evaluate the analytic ability of laboratories that perform chemical, microbiological and whole effluent toxicity (WET) analyses required in NPDES permits for reporting results in the Discharge Monitoring Reports (DMR). Under DMR–QA, the permit holder is responsible for having their in-house and/or contract laboratories analyze proficiency test samples and submit results to proficiency testing (PT) providers for grading. Graded results are transmitted by either the permit holder or PT provider to the appropriate federal or state NPDES permitting authority. Permit holders are responsible for submitting corrective action reports to the appropriate permitting authority.

Form Numbers: 6400–01.

Respondents/affected entities: Major and selected Minor permit holders under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES).

Respondent's obligation to respond: Mandatory under Clean Water Act Section 308(a).

Estimated number of respondents: 5,500 (total).

Frequency of response: Major permit holders must participate annually. Minor permit holders must participate if selected by the state or EPA DMR–QA coordinator.

Total estimated burden: 36,300 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $6,632,670 (per year), which includes $4,219,985 annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. Labor and non-labor costs for obtaining performance evaluation samples increased to account for changes in employee benefit and compensation as well as inflation. Agency costs have been revised to reflect efficiencies with electronically distributing DMR–QA study booklets to over 90 percent of the respondent universe.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17504 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–OPP–2021–0288; FRL–13604–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Certification of Pesticide Applicators (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Certification of Pesticide Applicators (EPA ICR Number 0155.17, OMB Control Number 2070–0029) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on November 18, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2021–0288, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Office of Program Support, (Mail Code 7602M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1205; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on November 18, 2025 during a 60-day comment period (90 FR 51748). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA administers certification programs for pesticide applicators under section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA allows EPA to classify a pesticide as ''restricted use'' if the pesticide meets certain toxicity or risk criteria. The regulations in 40 CFR part 171 include procedures for certification programs for States, Federal agencies, Indian tribes, or U.S. territories who wish to develop and implement their own certification plans and programs, after obtaining EPA approval. This ICR addresses the paperwork activities performed by respondents to comply with training and certification requirements associated with applicators of restricted use pesticides (RUPs). Due to the potential of improperly applied RUPs to harm human health or the environment, pesticides under this classification may be purchased and applied only by ''certified applicators'' or by persons under the direct supervision of certified applicators. Currently all 50 states, the District of Columbia, 6 territories, 4 tribes and 5 federal agencies are authorized to run their own certification programs within their jurisdictions, but each agency's certification plan must be approved by EPA before it can be implemented. Agencies authorized by EPA to administer a certification program are collectively referred to as ''authorized agencies.'' In areas where no authorized agency has jurisdiction, EPA may administer a certification program directly, (*e.g.,* Federal program). Federal programs require RUP dealers to maintain records of RUP sales and to report and update their names and addresses with the pesticide regulatory agency for enforcement purposes. This ICR also addresses how registrants of certain pesticide products are expected to perform specific, special paperwork activities, to comply with the terms and conditions of the pesticide registration (*e.g.,* registrants of anthrax-related pesticide products).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Numbers: 8500–17 and PFN–3400–5.

Respondents/affected entities: Entities potentially affected by this ICR include agricultural establishments, pest control officials, pesticide registrants, pesticide dealers, and administrators of environmental protection programs, governmental pest control programs, pesticide applicator certification programs (*e.g.,* authorized agencies), and RUP dealers (only for EPA administrated programs). North American Industrial Classification System (NAICS) codes are identified in question 12 of the ICR supporting statement.

Respondent's obligation to respond: Mandatory, FIFRA sections 3 and 11, and 40 CFR part 171.

Estimated number of respondents: 2,722,243 (total).

Frequency of response: On occasion.

Total estimated burden: 3,350,305 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $165,574,064 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is decrease of 309,989 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to updated burden estimates. Respondents are now familiar with the regulations and certifying authorities have moved from the intensive 2017 update process into the easier implementation phase of updating their certification programs. During this phase, certifying authorities may experience some paperwork burden if modifications to approved plans are needed, though these changes would only occur on an as-needed basis and are more limited in scale compared to the previous burden estimates. These changes are adjustments.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17466 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–EPA–HQ–OPPT–2025–3955; FRL–13606–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Confidential Business Information Claims under the Toxic Substances Control Act (TSCA) (EPA ICR Number 2706.03, OMB Control Number 2070–0223) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on April 27, 2026 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2025–3955, to EPA online using *www.regulations.gov* (our preferred method or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Katherine Sleasman, Office of Mission Critical Operations (Mail Code 7602M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on February 25, 2026 during a 60-day comment period (91 FR 19250). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA is renewing the information collection concerning the assertion and maintenance of claims of business confidentiality (also known as Confidential Business Information or ''CBI'') under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601, *et seq.* The Frank R. Lautenberg Chemical Safety for the 21st Century Act, Pub. L. 114–182 referred to in this Notice as ''Lautenberg''), made significant amendments to TSCA including new provisions governing the assertion of CBI claims and requirements concerning Agency review and treatment of confidentiality claims. Among the changes to TSCA are new provisions on EPA review, submitter maintenance, time limitations for CBI claims, and an option to extend confidentiality claims for up to 10 additional years. 40 CFR 703 specifies Agency procedures for reviewing and communicating with TSCA submitters about confidentiality claims, including requirements for submitters to maintain contact information, procedures EPA will use to provide notices to submitters concerning their claims, and the manner in which EPA will notify submitters concerning the impending expiration of certain claims.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Numbers: PFN–7710–56; 6300–017; 7710–25; 7710–56; 9600–010; 9600–030; 9600–031; 9600–032; 9600–034; 9600–035; 9600–036; 9600–049; and 9600–060.

Respondents/affected entities: Entities potentially affected by this ICR include Entities potentially affected by this ICR include North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory. 15 U.S.C. 2713 and 40 CFR 703.

Estimated number of respondents: 1,504 (total).

Frequency of response: On occasion.

Total estimated burden: 623 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $53,050 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 709 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This change, which is discussed in more detail in the ICR, reflects EPA's successful implementation of the Lautenberg provisions governing the assertion of CBI claims through the finalization of the Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA) rule published on June 7, 2023 (88 FR 37155) which amended and reorganized requirements concerning Agency review and treatment of confidentiality claims. This information collection also accounts for provisions that allow submitters the opportunity to request an extension of CBI claims and for EPA to review time limitations for CBI claims and extension of confidentiality claims for up to 10 additional years. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17506 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP2021–0749; FRL–13603–01–OFA]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Foreign Purchaser Acknowledgement Statement of Unregistered Pesticides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Foreign Purchaser Acknowledgement Statement of Unregistered Pesticides (EPA ICR Number 0161.17, OMB Control Number 2070–0027) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on December 15, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2021–0749, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1204; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on December 15, 2025 during a 60-day comment period (90 FR 57999). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR addresses the information collection activities associated with the requirement that the EPA receive notice when unregistered pesticides are exported from the United States to foreign purchasers. This statement is to ascertain the purchasers' understanding that the pesticide product cannot be sold in the United States. Section 17(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires an exporter of any pesticide not registered under FIFRA Section 3 or sold under FIFRA Section 6(a)(1) to obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in, and cannot be sold in, the United States. A copy of this statement, which is known as the Foreign Purchaser Acknowledgement Statement (FPAS) must be transmitted by EPA to the designated national authority or appropriate official of the government in the importing country. This information is submitted via mail or electronically in annual or per-shipment statements to EPA, which maintains original records and transmits copies, along with an explanatory letter, via email to appropriate government officials of the countries that are importing the pesticide. This ICR also includes burden estimates for the FPAS requirement for unregistered pesticides, as well as the labeling requirement for all exported pesticides, both registered and unregistered as per 40 CFR 158. These burdens were consolidated into this ICR since the implementation of the 1993 pesticide export policy governing the export of pesticides, devices, and active ingredients used in producing pesticides.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Number: 9600–026.

Respondents/affected entities: Entities potentially affected by this ICR include individuals or entities engaged that either manufacture and export pesticides or that reformulate or repackage. and export pesticides.

Respondent's obligation to respond: Mandatory. FIFRA section 17(a)(2).

Estimated number of respondents: 100 (total).

Frequency of response: On occasion.

Total estimated burden: 14,065 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,028,658 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 2,595 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects EPA's adjustment of the estimated total annual number of responses to reflect the actual number of FPAS received by the Agency in recent years (2022 to 2024). This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17467 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13591–01–OA]

Public Meetings of the Clean Air Scientific Advisory Committee (CASAC) on Oxides of Nitrogen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Branch is announcing two public meetings of the Clean Air Scientific Advisory Committee (CASAC). A virtual meeting will be held to receive public comments for the CASAC to consider in their peer review of EPA's *Draft Integrated Science Assessment (ISA) for Oxides of Nitrogen (NO_X)—Health Criteria.* A face-to-face meeting will be held to conduct the peer review of the NO_X ISA.

DATES: The public virtual meeting will be held on Wednesday, September 9, 2026, from 1 p.m. to 4 p.m. Eastern Time. The public face-to-face meeting will be held on Wednesday, September 16, 2026, from 9 a.m. to 5 p.m. Eastern Time and Thursday, September 17, 2026, from 8:30 a.m. to 2 p.m. Eastern Time.

ADDRESSES: The meeting on September 9, 2026 will be conducted virtually only. Registration will be required to participate in the meeting. To register, please visit the CASAC website: *https://casac.epa.gov* and click on the September 9, 2026, meeting or visit: *https://usepa.zoomgov.com/webinar/register/WN_cGm2ObD5Rja-WqUcetsUGQ.*

The September 16–17, 2026, meeting will be held in person at the Raleigh Marriott Crabtree Valley Hotel, 4500 Marriott Dr., Raleigh, NC 27612. The meeting will also be streamed online, and registration will be required to watch. To register, please visit the CASAC website: *https://casac.epa.gov* and select the September 16–17, 2026, meeting or visit: *https://usepa.zoomgov.com/webinar/register/WN_CTPZS7-VRK2RG4mCPx8Gkw.*

FOR FURTHER INFORMATION CONTACT: For further information concerning this Notice, please contact Aaron Yeow, Designated Federal Officer (DFO), via telephone at (202) 564–2050, or email at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the meeting announced in this document, can be found on the CASAC website at *https://casac.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen.

The CASAC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C. chapter 10, and conducts business in accordance with FACA and related regulations. The CASAC will comply with the provisions of FACA and all appropriate SAB Branch procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC will hold two public meetings to receive public comments and to peer review the NO_X ISA.

Availability of meeting materials: All meeting materials, including the agenda, will be available on the CASAC web page at *https://casac.epa.gov.*

Procedures for providing public input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for the CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comments should follow the instructions below to submit comments.

Oral statements: In general, individuals or groups requesting an oral presentation virtually will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral statements should contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; preferably via email, by September 2, 2026, to be placed on the list of registered speakers.

Written statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be submitted to the DFO by September 2, 2026. Written statements should be supplied by email to the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section. Submitters are requested to provide an unsigned version of each document because the SAB Branch does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; at least ten business days before the meetings, to give the EPA as much time as possible to process your request.

V. Khanna Johnston,

Chief, Science Advisory Board Branch.

[FR Doc. 2026–17453 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0631; FRL–13605–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Residential Lead-Based Paint Hazards Disclosure Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Residential Lead-Based Paint Hazards Disclosure Requirements (EPA ICR Number 1710.10 OMB Control Number 2070–0151) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. Public comments were previously requested via the **Federal Register** on November 26, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before September 28, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2017–0631, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1205; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. 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.

Public comments were previously requested via the **Federal Register** on November 26, 2025 during a 60-day comment period (90 FR 54325). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR covers the information collection activities associated with the reporting and recordkeeping requirements for sellers', lessors', and their agents' disclosure activities in target housing including the allowance of up to ten days for an optional risk assessment or inspection before being obligated under purchase or lease contract.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Numbers: EPA Forms 9600–040 and 9600–041.

Respondents/affected entities: Entities potentially affected by this ICR include lessors of real estate and real estate agents North American Industrial Classification System (NAICS) codes 5311 and 5312.

Respondent's obligation to respond: Mandatory. 40 CFR 475.

Estimated number of respondents: 39,979,082 (total).

Frequency of response: On occasion.

Total estimated burden: 4,456,371 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $130,820,508 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is decrease of 1,024,698 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease, which is discussed in more detail in the ICR, reflects EPA's updating of burden estimates for this collection based on recent data on the number of home sales and new rental agreements over the past few years, as well as the number of real estate agents assisting buyers, sellers, and lessors of properties. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–17468 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 363687]

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) tenth Communications Security, Reliability, and Interoperability Council (CSRIC X) will hold its second meeting on September 23, 2026, at 1:00 p.m. EDT.

DATES: September 23, 2026.

ADDRESSES: The second meeting will be held at 45 L Street NE, Washington, DC, and via conference call. The meeting is open to the public and is also available at *https://www.fcc.gov/live* and on the FCC's YouTube channel.

FOR FURTHER INFORMATION CONTACT: Suzon Cameron, Designated Federal Officer (DFO), CSRIC X, FCC, at (202) 418–1916 or email: *CSRIC@fcc.gov;* Kurian Jacob, CSRIC X Deputy DFO, (202) 418–2040; or George Weber, CSRIC X Deputy DFO, (202) 418–1095.

SUPPLEMENTARY INFORMATION: The meeting will be held on September 23, 2026, at 1:00 p.m. EDT, in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While the CSRIC X meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *https://www.fcc.gov/visit.*

The CSRIC is a Federal Advisory Committee that will provide recommendations to the Commission to improve the security, reliability, and interoperability of communications systems. On March 26, 2026, the Commission, pursuant to the Federal Advisory Committee Act, renewed the charter for CSRIC X for a period of two years through March 25, 2028. The meeting on September 23, 2026, will be the second meeting of CSRIC X under the current charter. The FCC will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at *https://www.fcc.gov/live* and on the FCC's YouTube channel. The public may submit written comments before the meeting to Suzon Cameron, DFO, CSRIC IX, via email to *CSRIC@fcc.gov.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the Commission can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–17509 Filed 8–26–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1250; FR ID 363583]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize

the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before October 26, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1250.

Title: Section 74.851(k), 600 MHz Service Band Wireless Microphones and Video Assist Devices Labeling.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, Business or other for-profit, and Not-for-profit institutions.

Number of Respondents and Responses: 6 respondents; 150 responses.

Estimated Time per Response: 0.25 hours.

Frequency of Response: Third party disclosure requirement (labeling requirement).

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i), 154(j), 301, 302a, 303(f), 303(g), and 303(r).

Total Annual Burden: 38 hours.

Total Annual Cost: $225.

Needs and Uses: The Commission will submit this information collection as a revision to the Office of Management and Budget (OMB) after this 60-day comment period to obtain the full three-year clearance from them. The FCC updates the title from ''Section 15.37(k), and 74.851(k)(l), Consumer Disclosure and Labeling'' to read as follows: Section 74.851(k), 600 MHz Service Band Wireless Microphones and Video Assist Devices Labeling. Additionally, the removal of §§ 15.37(k) and 74.851(l) are no longer associated or active with the Code of Federal Regulations due to E.O. 14192 (titled ''*Unleashing Prosperity Through Deregulation*'') and E.O. 14219 (titled ''*Ensuring Lawful Governance and Implementing the President's Department of Government Efficiency Deregulatory Initiative*'').

The labeling requirement is applicable to persons who manufacture, sell, lease, or offer for sale or lease, wireless microphone or video assist devices *to the extent that these devices are capable of operating on the specific frequencies associated with the 600 MHz service band (617–652 MHz/663–698 MHz).* The Commission recognized that a requirement for consumer disclosure at the point of sale or lease that was previously part of this information collection no longer affects any party since wireless microphone users must have ceased any wireless microphone operations in the 600 MHz service band.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–17516 Filed 8–26–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institution effective as of the Date Closed as indicated in the listing.

SUPPLEMENTARY INFORMATION: This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992, issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions that have been placed in liquidation, please visit the Corporation website at *www.fdic.gov/bank/individual/failed/banklist.html,* or contact the Chief, Receivership Oversight at *RO@fdic.gov* or at Division of Resolutions and Receiverships, FDIC, 600 North Pearl Street, Suite 700, Dallas, TX 75201.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10554	Tioga-Franklin Savings Bank	Philadelphia	PA	08/21/2026

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 25, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–17505 Filed 8–26–26; 8:45 am]

BILLING CODE 6714–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0310; Docket No. 2026–0364; Sequence No.1]

Information Collection; Nondiscrimination in Federal Financial Assistance Programs, GSA Forms 3702 and 3702R

AGENCY: Office of Civil Rights, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a revision to an existing information collection requirement regarding OMB Control No. 3090–0310; Nondiscrimination in Federal Financial Assistance Programs, GSA Forms 3702 and 3702R. This information is needed to facilitate nondiscrimination in GSA's Federal financial assistance programs, consistent with Federal civil rights laws and regulations that apply to recipients of Federal financial assistance.

DATES: Submit comments on or before: October 26, 2026.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, via *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0310, Nondiscrimination in Federal Financial Assistance Programs, GSA 3702 and 3702R''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0310, Nondiscrimination in Federal Financial Assistance Programs, GSA 3702 and 3702R'' on your attached document. If your comment cannot be submitted using *http://www.regulations.gov*, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite Information Collection 3090–0310, Nondiscrimination in Federal Financial Assistance Programs, GSA 3702 and 3702R, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Lisa Lee Anderson, Branch Chief, External Programs Branch, Office of Civil Rights, at telephone 202–501–0767 or via email to *civilrights@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has mission responsibilities related to monitoring and enforcing compliance with Federal civil rights laws and regulations that apply to Federal financial assistance programs administered by GSA. Specifically, those laws provide that no person on the ground of race, color, national origin, disability, sex or age shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program in connection with which Federal financial assistance is extended under laws administered in whole, or in part, by GSA.

These mission responsibilities generate the requirement to request and obtain certain data from recipients of Federal surplus property for the purpose of determining compliance, such as whether the recipients provide disability access in compliance with applicable laws and standards; whether there has been complaints or lawsuits filed against the recipient based on prohibited discrimination; whether there has been any findings of discrimination; and whether the recipient's facilities are accessible to qualified individuals with disabilities.

B. Annual Reporting Burden

Respondents: 425.

Responses per Respondent: 1.

Total Responses: 425.

Hours Per Response: 2.

Total Burden Hours: 850.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division at *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0310, Nondiscrimination in Federal Financial Assistance Programs, GSA 3702 and 3702R, in all correspondence.

Richard Speidel,

Deputy Chief Data Officer, General Services Administration.

[FR Doc. 2026–17433 Filed 8–26–26; 8:45 am]

BILLING CODE 6820–UD–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single Source Cooperative Agreement To Fund Elizabeth Glaser Pediatric AIDS Foundation

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 $750,000 for Federal Fiscal Year 2026 funding to Elizabeth Glaser Pediatric AIDS Foundation (EGPAF), subject to the availability of funds. The award supports activities to improve HIV care and treatment for children and eliminate mother-to-child HIV transmission faster, working with faith-based organizations (FBOs), faith-affiliated health facilities, and community-based organizations (CBOs), which are trusted providers in many high-burden communities. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: 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 single source award supports activities to improve HIV care and treatment for children and eliminate mother-to-child HIV transmission faster, working with faith-based organizations (FBOs), faith-affiliated health facilities, and community-based organizations (CBOs), which are trusted providers in many high-burden communities.

Elizabeth Glaser Pediatric AIDS Foundation (EGPAF) is in a unique position to conduct this work, as it is a leading organization dedicated to ending pediatric HIV/AIDS in the global space and has demonstrated substantial and significant expertise and proven ability to scale pediatric HIV prevention, treatment, and care programs globally.

Summary of the Award

Recipient: Elizabeth Glaser Pediatric AIDS Foundation (EGPAF).

Purpose of the award: The purpose of this award is to create and enhance local and sustainable approaches that address the gap in pediatric HIV care by leveraging FBOs and CBOs to identify and treat children living with HIV more quickly and prevent mother-to-child transmission.

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 Section 307 of the Public Health Service Act (42 U.S.C. 242l).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–17449 Filed 8–26–26; 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 Vietnam Administration of Medical Services, National Institute of Medical Research, and ASEAN-Plus Field Epidemiology Training Network Foundation

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 three separate awards to fund Vietnam Administration of Medical Services (VAMS), National Institute of Medical Research (NIMR), and ASEAN+3 FETN Foundation. For Vietnam Administration of Medical Services (VAMS), the award is approximately $2,000,000 for Federal Fiscal Year (FFY) 2026, with an expected total funding of approximately $10,000,000. For National Institute of Medical Research (NIMR), the award is approximately $2,000,000 for FFY 2026, with an expected total funding of approximately $10,000,000. For ASEAN+3 FETN Foundation, the award is approximately $500,000 in FFY 2026, with an expected total funding of approximately $2,500,000. The total 5-year period amount for the three recipients is $22,500,000, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation. The awards will support activities to protect Americans and people worldwide from public health threats by building capacity within their respective countries to strengthen public health preparedness; advancing early pathogen detection to mitigate the impact of global disease outbreaks and public health; and bolstering rapid response to global health emergencies.

DATES: The period for these awards will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: Broderick Yoerg, Division of Global Health Protection, Global Health Center, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Telephone: 404–234–0666, email: *DGHPNOFOs@cdc.gov.*

SUPPLEMENTARY INFORMATION: The sole source award supports disease surveillance and outbreak response activities, including establishing routine surveillance and developing information technology tools and systems. Broad areas of support include, but are not limited to: emergency management, ensuring countries have the knowledge and resources they need, including emergency operations centers that can mount a fast, coordinated response when outbreaks happen; safe laboratory systems and diagnostics, building the capacity to identify disease threats close to the source and inform decision-making; and developing the workforce, training frontline responders, laboratorians, disease detectives, emergency managers, and other health professionals who are responsible for leading public health emergency preparedness and response efforts.

VAMS and NIMR are the only entities that can carry out this work, as they are in a unique position to conduct this work as organizations under the host government ministries of health in Vietnam and Tanzania. They have the authority to support health service delivery through capacity building and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

ASEAN+3 FETN Foundation is uniquely positioned to lead the regional work because it is a recognized organization by the Association of Southeast Asian Nations (ASEAN) established by the governments of Southeast Asia to strengthen field epidemiology. Governments from the ASEAN member states and the three partner countries appoint representatives to guide the Field Epidemiology Training Network (FETN), making it a trusted platform that connects ministries of health, national Field Epidemiology Training Programs (FETPs), and technical partners across the Southeast and East Asia region. ASEAN+3 FETN is the only authority designated to coordinate cross-border collaboration, support joint outbreak investigations, facilitate rapid data sharing, and deliver sustainable peer-to-peer learning. Because it is recognized by the ASEAN Secretariat and member governments as the regional coordinator for field epidemiology capacity building, the ASEAN+3 FETN Foundation has both the authority and expertise to strengthen national systems and improve regional responses to public health threats.

Summary of the Award

Recipient: Vietnam Administration of Medical Services (VAMS), National Institute of Medical Research (NIMR), and ASEAN-Plus Field Epidemiology Training Network Foundation (ASEAN+3 FETN).

Purpose of the award: The purpose of these awards is to support activities for disease surveillance and outbreak response, field epidemiology, emergency management, safe laboratory systems and diagnostics and developing the public health workforce in Vietnam, Tanzania, and Southeast and East Asia.

Authority: This program is authorized under Section 307 of the Public Health Service Act [42 U.S.C. 242*l*] and Section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act.

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–17450 Filed 8–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10971]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by October 26, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. By *regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: __/OMB Control Number: __, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Acute Hospital Care at Home (AHCAH) Quantity, Intensity, and Mix of Services (QIMS) Data Collection Tool; *Use:* This is a new information collection request. The Consolidated Appropriations Act (CAA) of 2026 Section 6210(c) requires CMS to evaluate care provided to patients served through the Acute Hospital Care at Home (AHCAH) initiative, including the quantity, intensity, and mix of services (QIMS) furnished. This includes, but not limited to, the number of clinician visits, food services, and pharmacy services provided to patients while on the hospital-at-home service.

To participate in the AHCAH initiative hospitals are granted individual waivers at the CMS Certification Number (CCN) level. The AHCAH initiative waives specific Hospital Conditions of Participation (CoPs), 42 CFR 483, which require nursing services to be provided on premises 24 hours a day, 7 days a week and the immediate availability of a registered nurse for care of any patient.

In-patient healthcare services are provided to patients served under the AHCAH initiative. CMS has developed a tool to quantify the mix and intensity of the services for the purposes of analysis as required by CAA 2026. CMS is seeking OMB approval for information collection via this tool.

CMS will use this information to describe the quantity, mix, and intensity of services (QIMS) provided to patients in the AHCAH initiative. This includes patients admitted from an emergency department (ED) and patients transferred from an inpatient hospital unit. CMS will use this data to report to Congress. *Form Number:* CMS–10971 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and Households; Private Sector—Not-for-profit institutions and Business or other for-profits; Federal Government and State, Local or Tribal Governments; *Number of Respondents:* 365; *Total Annual Responses:* 13,000; *Total Annual Hours:* 13,000. (For policy questions regarding this collection contact Cheryl Lehane at (617) 461–4888.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–17484 Filed 8–26–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1998–P–0083 (formerly 76N–0377); DESI 7661]

Drugs for Human Use; Drug Efficacy Study Implementation: Estrogen-Androgen Fixed-Combination Drug Products; Second Extension of Effective Date of Final Resolution of Drug Efficacy Study Implementation 7661

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice; second extension of effective date.

SUMMARY: The Food and Drug Administration (FDA or Agency) is extending the effective date of the notice published in the **Federal Register** on

May 27, 2026, entitled ''Drugs for Human Use; Drug Efficacy Study Implementation: Estrogen-Androgen Fixed-Combination Drug Products; Syntest D.S. and Syntest H.S. Tablets; Withdrawal of Hearing Requests; Final Resolution of Drug Efficacy Study Implementation 7661'' (91 FR 31462) (the ''May 2026 Notice''), as previously extended by the notice published in the **Federal Register** on June 26, 2026 (91 FR 38717) (the ''June 2026 Notice''), by an additional 41 days. The effective date of the May 2026 Notice, which was previously extended to September 24, 2026, is hereby further extended to November 4, 2026. This further extension is necessary to allow FDA sufficient time to consider issues raised by interested parties.

DATES: The effective date of the May 27, 2026, notice (91 FR 31462), as previously extended, is further extended to November 4, 2026.

ADDRESSES: 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 between 9 a.m. and 4 p.m., Monday through Friday. Publicly available submissions may be seen in the docket.

The most relevant background documents regarding this matter are available in the docket. However, additional background documents are available upon request (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Amber McKinley, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5171, Silver Spring, MD 20993–0002, 301–796–0061, *Amber.McKinley@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 27, 2026, FDA published a notice in the **Federal Register** (91 FR 31462) announcing the final resolution of Drug Efficacy Study Implementation (DESI) 7661 for estrogen-androgen fixed-combination drug products. The May 2026 Notice concluded that all outstanding hearing requests for estrogen-androgen fixed-combination drug products under Docket FDA–1998–P–0083 had been withdrawn, and that such products lack substantial evidence of effectiveness for the treatment of moderate to severe vasomotor symptoms associated with menopause in patients not improved by estrogen alone. The May 2026 Notice stated that shipment in interstate commerce of any drug product identified in the docket, or any identical, related, or similar product, that is not the subject of an approved new drug application or abbreviated new drug application would be unlawful as of June 26, 2026.

On June 26, 2026, FDA published a notice in the **Federal Register** (91 FR 38717) extending the effective date of the May 2026 Notice by 90 days, from June 26, 2026, to September 24, 2026, to allow FDA sufficient time to consider issues raised by interested parties following publication of the May 2026 Notice.

II. Second Extension of Effective Date

FDA has determined that additional time is needed in order to fully consider the issues raised by interested parties. Accordingly, FDA is extending the effective date of the May 2026 Notice by an additional 41 days, from September 24, 2026, to November 4, 2026.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–17498 Filed 8–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, RFA–DC–27–004: Theories, Models and Methods for Analysis of Complex Data from the Brain September 17, 2026, 09:30 a.m. to September 17, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on August 05, 2026, FR Doc. 2026–15910, 91 FR 50556.

This meeting is being amended to change the Panel Name from RFA–DC–27–004: Theories, Models and Methods for Analysis of Complex Data from the Brain to RFA: ''Exploratory Research Opportunities Using Invasive Neural Recording and Stimulating Technologies in the Human Brain. The meeting is closed to the public.

Dated: August 24, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17451 Filed 8–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Risk Factors for Neurodegeneration.

Date: September 28–29, 2026.

Time: 9:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ashley Marie Kopec, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–9293, *kopecam@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: September 29–30, 2026.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Irina V. Nesmelova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6496, *irina.nesmelova@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Neuroscience and Technology.

Date: September 29, 2026.

Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, RM 1011–G, National Institutes of Health, Bethesda, MD 20892, (301) 594–6593, *Soyoun.cho@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 24, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17438 Filed 8–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Translational Cancer Research SPORE P50.
Date: September 23–24, 2026.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Amr M. Ghaleb, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812, Bethesda, MD 20892, (301) 443–5851, *amr.ghaleb@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Physical Activity, Caregiving, and Chronic Disease Management.
Date: September 23–24, 2026.
Time: 9:30 a.m. to 9:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Lisa-marie Tisdale Rowell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007G, Bethesda, MD 20892, (301) 496–0825, *rowelllm@nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.
Date: October 15–16, 2026.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Christopher Ryan Mahone, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 710F, Bethesda, MD 20892, (240) 338–9679, *mahonecr@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cellular Immunotherapy of Cancer Study Section.
Date: October 15–16, 2026.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Shahana Majid, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–2259, *majids2@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–24–281: NLM Information Resource Grants To Reduce Health Disparities and Promote Health for All G08.
Date: October 22, 2026.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Yoon-Young Jang, MD., Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 201–9155, *yoon-young.jang@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neuronal Communications Study Section.
Date: October 29–30, 2026.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Wenyan Han, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 1010D, Bethesda, MD 20892, (301) 443–2535, *wenyan.han@nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.
Date: October 29–30, 2026.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Beverly Ann Doran, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–0817, *beverly.doran@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.
Date: October 29–30, 2026.
Time: 9:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Advancing Therapeutics A Study Section.
Date: October 29–30, 2026.
Time: 9:30 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4097, *maureen.shuh@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Services Research for Alzheimers Disease and Related Dementias.
Date: October 29–30, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sandhya Sanghi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–2879, *sandhya.sanghi@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immune Oncology Research (R21).

Date: October 29–30, 2026.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–930, *zouzhiq@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Training Research Career Development.

Date: October 29–30, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4173, *salvucco@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 24, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17452 Filed 8–26–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Translational Cancer Research SPORE P50.

Date: September 30, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Amr M. Ghaleb, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812, Bethesda, MD 20892, (301) 443–5851, *amr.ghaleb@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Lung and Sleep.

Date: October 1–2, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Melissa H. Nagelin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5135, *nagelinmh2@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Therapeutics (R21).

Date: October 7–8, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shree Ram Singh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672–6175, *singhshr@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Rehabilitation Sciences Study Section.

Date: October 7–8, 2026.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Richard Michael Lovering, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 867–5309, *loveringrm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement and Excellence Awards (R15/R16) in Biotechnology, Computational Biology and Modeling.

Date: October 8, 2026.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rebecca Catherine Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8034, *rebecca.burgess@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 25, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17535 Filed 8–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0501]

Consideration for Acceptance of One or More Viability Testing Methods for Type Approval of Ballast Water Management Systems; Withdrawal

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent for intent to prepare a Programmatic Environmental Impact Statement; notice of virtual scoping meetings; and request for comments; withdrawal.

SUMMARY: The U.S. Coast Guard is issuing this notice to advise Federal, State, and local governmental agencies and the public that the Coast Guard is withdrawing the Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for the Consideration for Acceptance of One or More Viability Testing Methods for Type Approval of Ballast Water Management Systems, which was published in the **Federal Register** on August 21, 2024.

DATES: The NOI to prepare a PEIS published in the **Federal Register** on

August 21, 2024 (89 FR 67646), is withdrawn as of August 27, 2026.

ADDRESSES: Related information on the notice of intent is available in docket number USCG–2025–0501 at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Commander Brad Peifer, Coast Guard; telephone 571–608–7869; email *CG-OES@uscg.mil.*

SUPPLEMENTARY INFORMATION: We previously published an NOI to prepare a PEIS in the **Federal Register** on August 21, 2024 (89 FR 67646). That notice asked for public participation and request for comments on proposed acceptance of viability testing methods. Following the publication of the NOI, the Coast Guard held three virtual scoping meetings on September 5, 10, and 11, 2024. The Coast Guard received 9 comments on the NOI that reflected the following main themes:

- Coast Guard should promote maximum protection against aquatic invasive species;
- Coast Guard should align with IMO, including using MPN + Motility;
- Coast Guard should acknowledge current weaknesses in type approval and conduct more rigorous research to support compliance.

However, since publication of the NOI, the Coast Guard has re-evaluated the purpose and need for the proposed action and determined we have insufficient information available to evaluate the NOI's proposed viability test methods in accordance with our process laid out in CG–OES Policy Letter 02–22. As such, this type of National Environmental Policy Act (NEPA) review is not practicable at this time. Therefore, the Coast Guard is terminating this NEPA review process by withdrawing its NOI to prepare a PEIS. The Coast Guard will conduct a NEPA review of viability testing methods submitted in the future only, as necessary, and according to current Coast Guard policy CG–OES Policy Letter 02–22. That policy letter is available on *Regulations.gov* by searching for docket number USCG–2019–0477.

This notice is issued under authority of 5 U.S.C. 552.

Dated: August 24, 2026.

R.C. Compher,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2026–17479 Filed 8–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–2026–0100; GX25GG009950000]

Public Meeting of Scientific Earthquake Studies Advisory Committee

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA) of 1972, the U.S. Geological Survey (USGS) is hereby giving notice that the Scientific Earthquake Studies Advisory Committee (SESAC) will meet as noted below.

DATES: The meeting will be held on Wednesday, September 9, 2026, from 9 a.m. to 5 p.m. Eastern Daylight Time (EDT); and on Thursday, September 10, 2026, from 9 a.m. to 1 p.m. EDT.

ADDRESSES: The meeting will be held in the North Penthouse of the Stewart Lee Udall Department of the Interior Building, 1849 C Street NW, Washington, DC. Members of the public may attend the meeting in person or can attend via webinar. Webinar/conference line instructions will be provided to registered attendees prior to the meeting. Please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to register for the meeting no later than September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Dr. Gavin Hayes, USGS, by email at *ghayes@usgs.gov* or by telephone at 303–374–4449.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The meeting is being held under the provisions of the FACA of 1972 (5 U.S.C. Ch. 10), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR part 102–3. The meeting will be open to the public.

Purpose of the Meeting: The SESAC will review the current activities of the USGS Earthquake Hazards Program (EHP) and discuss future priorities. Agenda topics will include an EHP update, administration priorities and interactions, budget opportunities, the balance of activities supported by the EHP, external grants, the National Earthquake Hazards Reduction Program, the National Seismic Hazards Model, the Advanced National Seismic System, ShakeAlert, reports from SESAC subcommittees, the annual SESAC report to the USGS Director, and EHP responses to committee recommendations. Additional information about the SESAC is available at: *https://www.usgs.gov/programs/earthquake-hazards/scientific-earthquake-studies-advisory-committee-sesac.*

Meeting Accessibility/Special Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Members of the public wishing to participate in the meeting should contact Dr. Gavin Hayes (see **FOR FURTHER INFORMATION CONTACT**) at least (3) business days prior to the meeting. Webinar/conference line instructions and any updates to the agenda will be provided via email to registered participants.

Time will be allowed at the public meeting for any individual or organization wishing to make formal oral comments. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited.

Written comments for the SESAC may be sent electronically in advance of the scheduled meeting to Dr. Gavin Hayes (see **FOR FURTHER INFORMATION CONTACT**) at least three (3) business days prior to the meeting. Any written comments received will be provided to the SESAC members.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

(Authority: 5 U.S.C. Ch. 10.)

Brian D Kimbrell,

Federal Register Liaison, US Geological Survey.

[FR Doc. 2026–17526 Filed 8–26–26; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKP300000/ A0A501010.000000; OMB Control Number 1076–0122]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Data Elements for Bureau-Funded Schools

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments. To be considered, your comments must be received on or before September 28, 2026.

ADDRESSES: Send your written comments and recommendations for the proposed information collection request (ICR) to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202512-1076-003* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0122.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 3, 2026 (91 FR 10410). We received one comment, available at *https://www.regulations.gov/comment/BIA-2022-0005-0028* with pertinent summary below.

Comment 1: The National Indian Education Association (NIEA) recommends establishing mechanisms for tribal data ownership and governance; incorporating tribally defined indicators of success, including language and cultural measures; ensuring meaningful consultation in system design and renewal; increasing transparency in how data informs funding decisions; strengthening safeguards for sensitive information; and reducing unnecessary administrative burden on Tribal schools.

Agency Response to Comment 1: Under 25 CFR 43, BIE maintains the security and confidentiality of student records with appropriate administrative, technical and physical safeguards. The Native American Student Information System (NASIS) is a centralized system for supporting school administrators, teachers, staff, students, parents/guardians, and Central Office staff. NASIS access resources may be found at *https://www.bie.edu/CAO/NASISTraining* and *https://www.bie.edu/events-and-consultation/nasis-virtual-trainings.*

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Secretary of the Interior, through the Bureau of Indian Education (BIE), is required by the Snyder Act (25 U.S.C. 13), Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301), Education Amendments of 1978 (25 U.S.C. 2001), Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 6301 *et seq.*), and Every Student Succeeds Act (20 U.S.C. 6301) to provide educational services to federally recognized Indians and Alaska Natives. In addition, 25 CFR 43, Maintenance and Control of Student Records in Bureau Schools, contain regulations governing the maintenance, control, and accessibility of student records.

BIE's Student Enrollment Application is utilized by schools operated or funded by BIE. The information is collected by school registrars to determine the student's eligibility for enrollment in a bureau-operated school, and if eligible, is shared with appropriate school officials to identify the student's base and supplemental educational and/or residential program needs. The information is compiled into a national database by the Bureau of Indian Education to facilitate budget requests and the allocation of congressionally appropriated funds.

Revision to Information Collection

The Behavioral Health and Wellness Program (BHWP) has concluded its services. No additional information will be collected. The BHWP was focused on providing indigenous focused, evidence-based, and trauma-informed behavioral health and wellness services/resources for students and staff at all Bureau-funded programs, departments, and institutions including Bureau operated schools, Tribally controlled schools, post-secondary institutions, and Tribal colleges and universities.

Title of Collection: Data Elements for Bureau-Funded Schools.

OMB Control Number: 1076–0122.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals, Contract and Grant schools, and Bureau-funded schools.

Total Estimated Number of Annual Respondents: 48,000 per year, on average.

Total Estimated Number of Annual Responses: 48,000 per year, on average.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 12,000 hours.

Frequency of Collection: Occasionally, required to obtain a benefit.

Total Estimated Annual Nonhour Burden Cost: $0.

Authority

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2026–17521 Filed 8–26–26; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Powered Rocker-Recliner and Glider-Recliner Mechanisms and Seating Units Containing Same, DN 3933;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Ultra-Mek, Incorporated; Leggett & Platt, Incorporated; and L & P Property Management Company on August 24, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain powered rocker-recliner and glider-recliner mechanisms and seating units containing same. The complaint names as a respondent: Jiangsu Carya Smart Home Hardware Co., Ltd. of China; Living Style Group Ltd. of Hong Kong; True Innovations & Design (USA) LLC of Irvine, CA; Living Style (Singapore) Pte. Ltd. of Singapore; Living Style (Vietnam) Ltd. of Vietnam; Henglin Home Furnishings Co., Ltd. of China; Nanjing Hengning Home Furnishings Co., Ltd. of China; Zhejiang Hengjian Home Furnishing Co. Ltd. of China; Colamy, Inc. of Fontana, CA; Aurora Maison, Inc. of Arvada, CO; and Aerisnexus Innovations, Inc. of Oklahoma City, OK. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337 1337(e)(1) and (f)(1).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3933'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–17434 Filed 8–26–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1519]

Certain Melanoma Predictive and Prognostic Tests 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 10, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Castle Biosciences, Inc. of Friendswood, Texas. The complaint alleges violations of section 337 based upon the importation into the United States or in the sale of certain melanoma predictive and prognostic tests and components thereof by reason of unfair competition and unfair acts through false and misleading advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States. 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 25, 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 unfair competition through false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(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 ''melanoma predictive and prognostic CP–GEP tests and related components used in connection with such tests'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) 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:

Castle Biosciences, Inc., 1500 West Parkwood Ave., Suite 400, Friendswood, TX 77546

(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:

SkylineDx Holding B.V., Lichtenauerlaan 40, 3062 ME Rotterdam, Netherlands

SkylineDx USA, Inc., 3030 Bunker Hill St., Suite #230, San Diego, CA 92109

Qiagen GmbH, Qiagen Str. 1, D–40724 Hilden, Germany

QIAGEN LLC, 19300 Germantown Rd., Germantown MD 20874

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) 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 25, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–17528 Filed 8–26–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Report Under Public Law 119–38

AGENCY: Department of Justice.

ACTION: Notice of report.

SUMMARY: The Department of Justice is publishing a report submitted to Congress concerning records released and withheld pursuant to Public Law 119–38.

FOR FURTHER INFORMATION CONTACT: The Office of the Associate Attorney General, 202–514–9500.

SUPPLEMENTARY INFORMATION: The Epstein Files Transparency Act (''the Act''), Public Law 119–38, 139 STAT. 656, requires the Department of Justice to publish a justification for redactions and classification of records related to its review and release of records, documents, communications and investigative materials that relate to various categories of materials. Through this Notice, pursuant to Section 2 of the Act, the Department is publishing a report submitted to the House and Senate Committees on the Judiciary describing all categories of records released and withheld; a summary of the redactions made, including the legal basis; and a list of all government officials and politically exposed persons named or referenced in the reviewed materials. The report is set forth below in the Appendix to this Notice.

Dated: August 21, 2026.

Stanley E. Woodward, Jr.,

Associate Attorney General.

Appendix

BILLING CODE 4410–21–P

U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

February 14, 2026

Chairman Chuck Grassley
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Chairman Jim Jordan
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Ranking Member Dick Durbin
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Jamie Raskin
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Re: Epstein Files Transparency Act – Section 3 Report to Congress

Section 3 of the Epstein Files Transparency Act ("the Act") requires the Department of Justice, within 15 days of completing the release required under the Act, to submit to the House and Senate Committees on the Judiciary a report listing: "(1) All categories of records released and withheld; (2) a summary of redactions made, including legal basis; and (3) a list of all government officials and politically exposed persons named or referenced in the released materials." *See* Sec. 3 (cleaned up).

Consistent with Section 3 of the Act, the Department provides the following information.

Categories of Records Released and Withheld

Categories of Records Released. In accordance with the requirements of the Act, and as described in various Department submissions to the courts of the Southern District of New York assigned to the Epstein and Maxwell prosecutions and related orders,[1] the Department released all "records, documents, communications and investigative materials in the possession of the Department" that "relate to" any of nine different categories:

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[1] *See United States v. Epstein, 19* Cr. 490 (RMD) (S.D.N.Y.) Dkts, 85, 86, 87, 88, 90, 91, 92, 93, 94, 97, 98, 99, 100; *United States v. Maxwell,* 20 Cr. 330 (PAE) (S.D.N.Y.) Dkts. 810, 811, 813, 819, 820, 823, 826, 839,845,846,847,848,849.

> (1) Jeffrey Epstein, including all investigations, prosecutions, or custodial matters; (2) Ghislaine Maxwell; (3) flight logs or travel records, including but not limited to manifests, itineraries, pilot records, and customs or immigration documentation, for any aircraft, vessel, or vehicle owned, operated, or used by Jeffrey Epstein or any related entity; (4) individuals, including government officials, named or referenced in connection with Epstein's criminal activities, civil settlements, immunity or plea agreements, or investigatory proceedings; (5) entities (corporate, nonprofit, academic, or governmental) with known or alleged ties to Epstein's trafficking or financial networks; (6) any immunity deals, non-prosecution agreements, plea bargains, or sealed agreements involving Epstein or his associates; (7) internal DOJ communications, including emails, memos, meeting notes, concerning decisions to charge, not charge, investigate, or decline to investigate Epstein or his associates; (8) all communications, memoranda, directives, logs, or metadata concerning the destruction, deletion, alteration, misplacement, or concealment of documents, recordings, or electronic data related to Epstein, his associates, his detention and death, or any investigative files; and (9) documentation of Epstein's detention or death, including incident reports, witness interviews, medical examiner files, autopsy reports, and written records detailing the circumstances and cause of death.

Sec. 2(a) (cleaned up).

Categories of Records Withheld. The only category of records withheld were those records where permitted withholdings under Section 2(c) and privileged materials were not segregable from material responsive under Section 2(a). As discussed in the Department's December 19, 2025, and January 29, 2026, letters to Congress (the Prior EFTA Letters), the privileges that applied to the withheld records were deliberative-process privilege, work-product privilege, and attorney-client privilege.

No records were withheld or redacted "on the basis of embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignitary." Sec. 2(b)(1).

Summary of Redactions Made and Legal Basis

Consistent with the Act, the Department, in consultation with victim counsel and victims directly, engaged in an extensive process to identify and redact "segregable portions of records that (A) contain personally identifiable information of victim or victims' personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (B) depict or contain child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256 and prohibited under 18 U.S.C. 2252-2252A; (C) would jeopardize an active federal investigation or ongoing prosecution, provided that such withholding is narrowly tailored and temporary; and (D) depict or contain images of death, physical abuse, or injury of any person." *See* Sec. 2(c).

Although permitted by the Act, no materials were redacted or withheld on that basis that a record "contain[ed] information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order." *See* Sec. 2(c)(l)(E).

As described in detail in the SDNY-EFTA Orders and Submissions and the Prior EFTA Letters, the Department, as permitted by the Act, undertook an extensive process to redact victim names and victim personally identifiable information, including extensive engagement with victims and their counsel. This engagement is ongoing, and the Department remains steadfast in its commitment to protecting victims. The Department notes, and as discussed in the SDNY-EFTA Orders and Submissions, unredacted versions of these materials are available for inspection at the Department by members of Congress, and certain members of Congress have come to the Department to inspect unredacted materials.

As discussed above and in the Prior EFTA Letters, the Department redacted a limited amount of information covered by various privileges, including deliberative-process privilege, work-product privilege, and attorney-client privilege. The legal basis for these redactions and withholding is that these privileges are long-recognized and based in common law. *See* Fed. R. Evid. 501; *Trammel v. United States,* 445 U.S. 40, 47 (1980) ("In . . . enacting Rule 501, Congress manifested an affirmative intention not to freeze the law of privilege."). Given the presumption against repeal of common-law principles, the Supreme Court has recognized that such "privilege[s] should not be held to have been abrogated or limited unless Congress has at least used clear statutory language." *FBI* v. *Fazaga,* 595 U.S. 344, 355 (2022); *see Bassett v. United States,* 137 U.S. 496, 505–06 (1890) ("[B]efore any departure from the rule affirmed through the ages of the common law—a rule having its solid foundation in the best interests of society—can be adjudged, the language declaring the legislative will should be so clear as to prevent doubt as to its intent and limit."); *see also Oklahoma v. Castro-Huerta,* 597 U.S. 629, 642 (2022) ("Congress expresses its intentions through statutory text passed by both Houses and signed by the President.").

List of All Government Officials and Politically Exposed Persons

Below is a list of all government officials and "politically exposed persons" named or referenced in the released materials. The term "politically exposed persons" was not defined in the Act, but consistent with Section 3 of the Act, Department reviewers were directed to notate "all government officials and politically exposed persons named or referenced" in any document, including videos and images, reviewed during this process.

This list includes (as directed by the Act) all persons where (1) they are or were a government official or politically exposed person and (2) their name appears in the files released under the Act at least once. Names appear in the files released under the Act in a wide variety of contexts. For example, some individuals had extensive direct email contact with Epstein or

Maxwell while other individuals are mentioned only in a portion of a document (including press reporting) that on its face is unrelated to the Epstein and Maxwell matters.[2]

Acosta, Alexander	Adelson, Miriam	Allen, Woody
Allred, Gloria	Andrew Mountbatten-Windsor	Arthur Edward Rory Guinness
Assange, Julian	Audrey, Strauss	Avakian, Stephanie
Babino, Vincent	Baldwin, Alec	Band, Doug
Bannon, Steve	Barak, Ehud	Barr, William
Becerra, Xavier	Belohlavek, Lanna	Berman, Geoffrey
Beyonce	Bezos, Jeff	Biden, Ashley
Biden, Hunter	Biden, Jill	Biden, Joe
Birger, Laura	Bistricer, David	Bistricer, Marc
Black, Leon	Blair, Tony	Blanche, Todd
Blinken, Antony	Boies, David	Bolton, John
Bondi, Pam	Bongino, Dan	Bono
Book, Lauren	Booker, Cory	Bowdich, David
Boyd, Stephen E.	Bradshaw, Ric	Branson, Richard
Brennan, John	Brockman, John	Brunel, Jean Luc
Buckley, Sean	Bull, Gerald	Bush Jr., George
Bush, George W.	Bush, Jeb	Byrne, Patrick
Calk, Stephen	Capone, Russell	Carlson, Tucker
Carper, Tom	Castro, Fidel	Cheney, Dick
Cher	Chomsky, Noam	Clayton, Jay
Clinton, Bill	Clinton, Chelsea	Clinton, Hillary
Clooney, George	Cobain, Kurt	Cohen, Michael
Colleran, Brian	Collins, Linda	Comey, James
Comey, Maureen	Conway, George	Copperfield, David
Cosby, Bill	Daza, Omar	De Niro, Robert
Dershowitz, Alan	Desantis, Ron	Diana, Princess of Wales
Diller, Barry	Donahue, Phil	Donaleski, Rebekah
Dupont, Kathleen	Economou, George	Egauger, Michael
Eisenberg, John	Elizabeth II	Ellison, Keith
Emmanuel, Rahm	Epstein, Jeffrey	Erben, Germann
Feinberg, Stephen	Ferguson, Sarah	Filip, Mark
Flynn, Michael	Foley, Mark	Fortelni, Marius
Friedland, Edward	Frost, Phillip	Garland, Merrick
Gates, Bill	Gates, Melinda	Geithner, Timothy
Giuliani, Rudy	Goldman, Dan	Graham, Lindsey
Haley, Nikki	Harris, Kamala	Harrish, Joshua
Hatch, Orin	Hawk, Rony	Heiss, Howard
Higgins, Tony	Ho, Stanley	Hoffman, Reid
Holder, Eric	Horowitz, Andreesen	Horowitz, Michael
Hosenball, Mark	Hoyer, Steny	Huckabee, Mike
Huckabee, Sarah	Hutner, Florence	Inge Rokke, Kjell
Iveagh, Clare	Jackson, Michael	Jagger, Mick
Jarecki, Henry	Jay Z	Jayapal, Pramila

[2] Any omissions from the list are unintentional and, as explained in the previous letters to Congress, a result of the volume and speed with which the Department complied with the Act. Individuals whose names were redacted for law-enforcement sensitive purposes are not included.

Jeffries, Hakeem	Johnson, Hank	Jones, Alex
Joplin, Janis	Kasich, John	Kendall Rowlands, John
Kennedy Jr., Robert F.	Kerry, John	Khanna, Ro
Kline, Carl	Krisher, Barry	Kudlow, Larry
Kushner, Jared	Kyl, Jon	Lady Victoria Hervey
Lefkowitz, Jay	Lefroy, Jeremy	Leo, Leonard
Lew, Jack	Lewinsky, Monica	Lieu, Ted
Lofgren, Zoe	Lonergan, Jessica	Lorber, Howard
Lord Robert May	Lutnick, Howard	Lynch, Loretta
Mace, Nancy	Mandelson, Peter	Mao, Coreen
Margolin, James	Markey, Ed	Markle, Meghan
Massie, Thomas	Maxwell, Ghislaine	Maxwell, Robert
May, Theresa	McCain, John	McFarland, Nicole
Meadows, Mark	Menendez, Robert	Milano, Alyssa
Milikowski, Nathan	Milken, Michael	Mnuchin, Steve
Moe, Alison	Monaco, Lisa	Monroe, Marilyn
Mook, William	Moskowitz, Jared	Mueller III, Robert s.
Mulvaney, Mick	Murdoch, Rupert	Musk, Elon
Nadler, Jerry	Napolitano, Janet	Nassar, Larry
Netanyahu, Benjamin	Newsom, Gavin	Obama, Barack
Obama, Michelle	Ocasio Cortez, Alexandria	O'Donnell, Rosie
Oz, Mehmet	Papapetru, Sophia	Parker, Daniel
Patel, Kash	Paul, Ron	Pecorino, Joseph
Pelosi, Nancy	Pence, Mike	Pestana, Diego
Phelan, John	Plaskett, Stacey	Plourde, Lee
Podesta, Tony	Pomerantz, Lara	Pompeo, Mike
Pope John Paul II	Pope, Susan	Power, Samantha
Presley, Elvis	Presley, Lisa Marie	Prince Harry, Duke of Sussex
Prince Philip	Pritzker, JB	Pritzker, Thomas
Quayle, Dan	Raskin, Jamie	Ratcliffe, John
Ratner, Brett	Readler, Chad	Reagan, Ronald
Recarey, Joseph	Reiter, Michael	Reno, Janet
Reynolds, Tom	Rice, Susan	Richardson, Bill
Rod-Larsen, Terje	Rogers, Matthew	Rohrbach, Andrew
Romney, Mitt	Roos, Nicolas	Rosen, Jeffrey
Rosenstein, Rod	Ross, Diana	Rossmiller, Alexander
Roth, John	Routch, Timothy	Rove, Karl
Rowan, Marc	Rubenstein, Howard	Rubio, Marco
Ruemmler, Kathy	Ryan, Paul	Salinger, Pierre
Sasse, Ben	Scanlon, Mary Gay	Scarola, John
Schenberg, Janis	Schiff, Adam	Schlaff, Martin
Schumer, Amy	Schumer, Chuck	Schwarzman, Stephen
Scott, Tim	Sekulow, Jay	Senatore, Adrienne
Sessions, Jeff	Shamir, Yitzhak	Shapiro, Ben
Shappert, Gretchen	Shea, Timothy	Siad, Daniel
Snowden, Edward	Soros, Alex	Soros, George
Spacey, Kevin	Spitzer, Eliot	Springsteen, Bruce
Stabenow, Debbie	Staley, Jes	Starmer, Keir
Starr, Kenneth	Stoltenberg, Jens	Stordalen, Gunhild
Stordalen, Petter	Straub, Glenn	Streisand, Barbara
Sultan Ahmed bin Sulayem	Summers, Larry	Swalwell, Eric

Sweeney Jr., William	Taylor Green, Marjorie	Thatcher, Margaret
Thiel, Peter	Thomas-Jacob, Carol	Trump, Donald
Trump, Ivanka	Trump, Melania	Tucker, Chris
Vance, JD	Villafana, Marie	Walker, Richard
Warsh, Kevin	Wexner, Abigail	Wexner, Les
Williams, Damian	Wolff, Michael	Woodward, Stanley
Wyden, Ron	Yung, Mark	Zampolli, Paolo
Zucker, Jeff	Zuckerberg, Mark	

Sincerely,

PAMELA J. BONDI
United States Attorney General

TODD BLANCHE
Deputy United States Attorney General
United States Department of Justice

Page **6** of **6**

[FR Doc. 2026–17533 Filed 8–26–26; 8:45 am]

BILLING CODE 4410–21–C

DEPARTMENT OF JUSTICE

[Docket No. [ ]

Granting of Relief; Federal Firearms Privileges

AGENCY: Department of Justice.

ACTION: Notice of granting of restoration of Federal firearms privileges.

SUMMARY: The Attorney General has granted relief from disabilities imposed by Federal laws with respect to certain individuals regarding the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

SUPPLEMENTARY INFORMATION: The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. Section 922(g) of title 18 of the United States Code prohibits certain persons from shipping or transporting ''in interstate or foreign commerce, or possess[ing] in or affecting commerce, any firearm or ammunition; or [from] receiv[ing] any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.'' Section 925(c) of title 18 provides that a person who is prohibited under section 922(g) may make application to the Attorney General to remove the firearms disabilities if it is established to [the Attorney General's] satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Section 925(c) also provides that whenever the Attorney General grants relief to any person pursuant to this section, he ''shall promptly publish in the **Federal Register** notice of such action, together with the reasons therefor.''

Attorney General Todd Blanche has reviewed all the relevant facts for each individual listed below, including the materials that each individual submitted seeking either a pardon or relief from Federal firearms disabilities, and it is established to his satisfaction that each individual will not be likely to act in a manner dangerous to public safety and that the granting of the relief to each individual would not be contrary to the public interest. Accordingly, on May 18, 2026, then Acting Attorney General Blanche granted relief from Federal firearms disabilities to these individuals pursuant to section 925(c):

Patrick Atkinson
Thomas Leon Brooks
Truman James Cox
Dennis L. Haynes
Joshua Ryan Huffman
Dennis William Richardson
Nicholas Robert Sylvester
Jeffrey Alan Wines

Further, on August 5, 2026, then Acting Attorney General Blanche granted relief from Federal firearms disabilities to this individual pursuant to section 925(c):

Edmund Arthur Martricardi, III

Dated: August 24, 2026.

Trent McCotter,

Acting Deputy Attorney General.

[FR Doc. 2026–17527 Filed 8–26–26; 8:45 am]

BILLING CODE 4410–29–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280, 50–281, 72–2, 72–55, 50–338, 50–339, 72–16, 72–56, 50–395, 72–1038, 50–245, 50–336, 50–423, 72–47, 52–017, and 52–008–ESP; NRC–2026–4060]

NextEra Energy, Inc.; Dominion Energy, Inc.; Virginia Electric and Power Company; Dominion Energy Nuclear Connecticut; Dominion Energy South Carolina, Inc.; Surry Power Station, Unit Nos. 1 and 2; North Anna Power Station, Unit Nos. 1 and 2; Virgil C. Summer Nuclear Station, Unit 1; Millstone Power Station, Units 1, 2, & 3; North Anna Unit 3; North Anna Early Site Permit; and the Associated Independent Spent Fuel Storage Installations; Consideration of Approval of Transfer of Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for indirect transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by NextEra Energy, Inc. (NextEra Energy), Dominion Energy, Inc. (Dominion Energy), Virginia Electric and Power Company (VEPCO), Dominion Energy Nuclear Connecticut (DENC), and Dominion Energy South Carolina, Inc. (DESC) (collectively the Applicants) on July 15, 2026. The application seeks NRC approval of the indirect transfer of the facility operating licenses, materials licenses, and general licenses for Surry Power Station, Unit Nos. 1 and 2 (Surry); North Anna Power Station, Unit Nos. 1 and 2 (North Anna); Virgil C. Summer Nuclear Station, Unit 1 (V.C. Summer); and Millstone Power Station, Units 1, 2, & 3 (Millstone); as well as the combined license for North Anna Unit 3; and the North Anna Early Site Permit. The application contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Submit comments by September 28, 2026. A request for a hearing must be filed by September 16, 2026. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must follow the instructions in Section VI of the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4060. 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.
- *Email comments to: Hearing.Docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time (ET) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: G. Edward Miller, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: (301) 415–2481; email: *Ed.Miller@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–4060 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4060.
- *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 application for the order consenting to indirect transfer of control of licenses is available in ADAMS under Accession No. ML26196A362.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–4060 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the indirect transfer of control of Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 for Surry, Unit Nos. 1 and 2, respectively; Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 for North Anna, Unit Nos. 1 and 2, respectively; Facility Operating License No DPR–21 for Millstone, Unit 1; Renewed Facility Operating Licenses Nos. DPR–65 and NPF–49 for Millstone, Units 2 and 3, respectively; Subsequent Renewed Facility Operating License NPF–12 for V.C. Summer, Unit 1; Renewed Materials License Nos. SNM–2501 and SNM–2507 for Surry and North Anna Independent Spent Fuel Storage Installations (ISFSIs), respectively, and the general licenses for the ISFSIs at the other sites; Combined License No. NPF–103 for North Anna Unit 3; and Early Site Permit No. 003 for North Anna.

According to the application, the indirect transfer arises from an Agreement and Plan of Merger by and among NextEra Energy, Dominion Energy, WG Development Corp. (Merger Sub Corp), and CS Holdco, LLC (Merger Sub LLC) (the Merger). The application states that upon consummation of the Merger, Merger Sub LLC will become a wholly owned subsidiary of NextEra Energy. Thus, NextEra Energy will become the ultimate parent holding company for VEPCO, DENC, and DESC, as Merger Sub LLC subsidiaries. At the closing of the Merger, VEPCO and DESC will continue to operate their nuclear reactors as regulated electric utilities in Virginia and South Carolina, respectively, and DENC will continue to operate its nuclear reactors as a competitive electricity generator in Connecticut. The application states that there will be no indirect change of control of plants or licenses held by NextEra Energy entities resulting from the Merger. Additionally, no physical changes or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 and 72.50 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 20 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 20 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/*

site-help/electronic-sub-ref-mat.html). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://ehd.nrc.gov*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated July 15, 2026 (ADAMS Accession No. ML26196A362).

VI. Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Any person who desires access to proprietary, confidential commercial information that has been redacted from the application should contact the applicant by telephoning Shayan Sinha (804) 273–4687 for the purpose of negotiating a confidentiality agreement or a proposed protective order with the applicant. If no agreement can be reached, persons who desire access to this information may file a motion with the Secretary and addressed to the Commission that requests the issuance of a protective order.

Authority: 42 U.S.C. 2011 *et seq.*

For the Nuclear Regulatory Commission.

Dated: August 25, 2026.

Glenn Miller,

Senior Project Manager, Operating Reactor Licensing Branch 2, Division of Licensing Projects I, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–17529 Filed 8–26–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Week of August 24, 2026.

PLACE: Via Teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Week of August 24, 2026

Wednesday, August 26, 2026.

8:30 a.m. Affirmation Session (Public Meeting) (Tentative)

Order for Global Laser Enrichment, LLC, Paducah Laser Enrichment Facility (Tentative)

(Contact: Wesley Held: 301–287–3591)

Additional Information: By a vote of 5–0 on August 24 and August 25, 2026, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 that this item be affirmed with less than one week notice to the public. This item will be affirmed in the meeting being held on August 26, 2026. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode can be found at *https://www.nrc.gov/pmns/mtg.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_Accommodations.Resource@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 25, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator Office of the Secretary.

[FR Doc. 2026–17514 Filed 8–25–26; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2026–356; Order No. 9698]

International Direct Sacks—Airmail M-Bags

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing of making material changes to the description of International Direct Sacks—Airmail M-Bags, along with related proposed changes to the *Mail Classification Schedule* (MCS), to be effective January 17, 2027. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 8, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://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

On August 21, 2026, pursuant to 39 CFR 3040.180–3040.181, the Postal Service filed a request to make material changes to the description of International Direct Sacks—Airmail M-Bags (M-Bags) in the *Mail Classification Schedule* (MCS) section 2330 by removing outbound M-Bags, and to make accompanying changes to MCS sections 2320, 2615.1, and the Notes in Part D Country Price Lists for International Mail.[1]

II. Contents of Filing

The Postal Service states that it proposes these material changes to the MCS so that its offerings will align with certain amendments to the Universal Postal Union (UPU) Universal Postal Convention (Convention) that are related to M-Bags. Request at 1. The Postal Service states that the 2023 UPU Riyadh Extraordinary Congress amended the Convention to remove M-Bags as a basic service and instead add it as an optional supplementary service, effective January 1, 2025.[2] The Postal Service states that the postal operators of 53 countries subsequently decided that they would no longer accept inbound M-Bags.[3] The Postal Service states that the decision of these countries to leave the M-Bags network as well as the overall reduction in demand for printed matter distribution led to a significant decline in M-Bags volume. *Id.*

Therefore, the Postal Service requests, effective January 17, 2027, to remove the outbound M-Bags from MCS section 2330 and to make the following accompanying changes to: (1) MCS section 2320, to provide additional information about International Priority Airmail M-Bags; (2) MCS section 2615.1, to remove the combination of International Certificate of Mailing with M-Bags; and (3) Notes in Part D Country Price Lists for International Mail. *Id.*

The Postal Service includes a copy of Governors' Decision No. 26–4 supporting the Request in Attachment 1, and a copy of the applicable sections of the MCS and the proposed changes in legislative format in Attachment 2. *Id.* at 1–2; *id.* Attachments 1–2. The Postal Service provides supporting justification for the proposed material changes to the MCS, including a description of and rationale for the proposed changes, why the proposed changes will not result in the violation of any of the standards of 39 U.S.C. 3633 and 39 CFR part 3035, and the likely impact that the proposed changes will have on users of the product and on competitors. *See id.* at 4–8.

[1] Request of the United States Postal Service for Classification Changes Concerning International Direct Sacks—Airmail M-Bags, August 21, 2026, at 1 (Request).

[2] *Id.* at 2 (citing Decisions of the 2021 Abidjan Congress, Universal Postal Convention, Article 17.2.4 (listing M-Bags as one of the basic services) (page 55 of the PDF), *https://www.upu.int/UPU/media/upu/files/aboutUpu/acts/08-actsAndOtherDecisionsPreviousCongresses/actsAndOtherDecisions2021AbidjanCongressEn.pdf;* Decisions of the 2023 Riyadh Extraordinary Congress, First Additional Protocol to the Universal Postal Convention, Article I (Article 17 amended), paragraph 2.4 (deleting M-Bags from basic services) (page 27 of the PDF), and Article II (Article 18 amended), paragraph 2.9 (adding M-Bags as an optional supplemental service) (page 28 of the PDF), *https://www.upu.int/UPU/media/upu/files/aboutUpu/acts/08-actsAndOtherDecisionsPreviousCongresses/CNG-ACTS%e2%94%80Doc-0-(5).pdf*).

[3] *Id.* at 3 (citing International Mail Manual, Exhibit 261.3, Countries for Which M-Bag Service Is Not Available, *https://pe.usps.com/text/imm/immc2_027.htm*).

III. Commission Action

The Commission establishes Docket No. MC2026–356 for consideration of matters raised by the Request. The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3633 and 39 CFR 3040.180 and 3040.181. Comments are due September 8, 2026. The public portions of the filings can be accessed via the Commission's website (*https://www.prc.gov*).

The Commission appoints Samuel Robinson to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 CFR 3010.101(q)(3). 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.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2026–356 for consideration of matters raised by the Postal Service's Request.

2. Pursuant to 39 CFR 3010.101(q)(3), Samuel Robinson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due September 8, 2026.

4. This Order, or an abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Parvaneh Higareda,

Senior Paralegal Specialist.

[FR Doc. 2026–17444 Filed 8–26–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2026–355; Order No. 9697]

Mail Classification Schedule

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal

Service request to make changes to the product description of International Proof of Delivery in the Mail Classification Schedule. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 8, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On August 21, 2026, pursuant to 39 CFR 3040.180–3040.181, the Postal Service filed a request to make material changes to the description of International Proof of Delivery in the *Mail Classification Schedule* (MCS) section 2615.3 by adding outbound International Proof of Delivery, and to make accompanying changes to MCS sections 2315, 2510.3.5, 2510.6.5, 2510.7.5, and 2510.8.5 in which outbound International Proof of Delivery is listed as an optional feature for various products, and to make accompanying changes to MCS section 2600.2 in which ''International Proof of Delivery (2615.3)'' is included as part of ''International Ancillary Services (2615).'' [1]

II. Contents of Filing

The Postal Service states that it proposes these material changes to the MCS so that its offerings will align with certain amendments to the Universal Postal Union (UPU) Universal Postal Convention (Convention) that are related to proof of delivery for parcels. Request at 2. The Postal Service states that the 2025 UPU Dubai Congress amended the Convention to require designated operators of member countries to offer mandatory proof of delivery service for inbound parcels, effective January 1, 2027.[2] The Postal Service states that proof of delivery service for outbound parcels, however, is optional. *Id.*

The Postal Service states that it has decided to offer outbound proof of delivery service for its Outbound Priority Mail International (PMI) product. *Id.* Therefore, it proposes to add outbound International Proof of Delivery to MCS section 2615.3 International Proof of Delivery (which currently includes only inbound International Proof of Delivery),[3] and add outbound International Proof of Delivery as an optional feature for PMI and relevant international negotiated service agreements. *Id.* at 3. The Postal Service states the proposed MCS changes are intended to take effect with its next Competitive published price changes. *Id.*

The Postal Service includes a copy of Governors' Decision No. 26–6 supporting the Request in Attachment 1, and a copy of the applicable sections of the MCS and the proposed changes in legislative format in Attachment 2. *Id.; id.* Attachments 1–2. The Postal Service provides supporting justification for the proposed material changes to the MCS, including a description of and rationale for the proposed changes, why the proposed changes will not result in the violation of any of the standards of 39 U.S.C. 3633 and 39 CFR part 3035, and the likely impact that the proposed changes will have on users of the product and on competitors. *See id.* at 4–7.

III. Commission Action

The Commission establishes Docket No. MC2026–355 for consideration of matters raised by the Request. The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3633 and 39 CFR 3040.180 and 3040.181. Comments are due September 8, 2026. The public portions of the filings can be accessed via the Commission's website (*https://www.prc.gov*).

The Commission appoints Samuel Robinson to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 CFR 3010.101(q)(3). 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.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2026–355 for consideration of matters raised by the Postal Service's Request.

2. Pursuant to 39 CFR 3010.101(q)(3), Samuel Robinson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the public in this proceeding.

3. Comments are due September 8, 2026.

4. This Order, or an abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Sarah Wessel,

Senior Paralegal Specialist.

[FR Doc. 2026–17443 Filed 8–26–26; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service for Classification Changes Concerning International Proof of Delivery, August 21, 2026, at 1, 1 n.1 (Request).

[2] *Id.* (citing Decisions of the 2025 Dubai Congress, Second Additional Protocol to the Universal Postal Convention, Article VIII (Article 18 amended), paragraph 3.4 (page 40 of the PDF), *https://www.upu.int/UPU/media/upu/files/aboutUpu/acts/07-actsAndOtherDecisions2025DubaiCongress/2025DubaiCongressDecisionsEn.pdf*).

[3] The Commission approved the addition of MCS section 2615.3 International Proof of Delivery (including only inbound International Proof of Delivery) to the MCS in Order No. 9549. Docket Nos. CP2026–6 and MC2026–211, Order Approving Rates for Inbound Parcel Post (at UPU Rates) and Inbound International Proof of Delivery, and Minor Classification Changes, April 28, 2026 (Order No. 9549).

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–357 and K2026–348; MC2026–358 and K2026–349; MC2026–359 and K2026–350; MC2026–360 and K2026–351]

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:* September 1, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

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).:* MC2026–357 and K2026–348; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 122 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 24, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* September 1, 2026.

2. *Docket No(s).:* MC2026–360 and K2026–351; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1508 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 24, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* September 1, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–358 and K2026–349; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1075, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 24, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–359 and K2026–350; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1076, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 24, 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.

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[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106176; File No. SR–NasdaqTX–2026–036]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Introduce Intra-Day Snapshots to NTX Options Trade Outline

August 24, 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 11, 2026, Nasdaq Texas, LLC (''Nasdaq Texas'' or ''Exchange'') filed with ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce Intra-Day Snapshots to NTX Options Trade Outline, a product enhancement designed to provide aggregated updates of market sentiment information.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaqtx/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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to enhance NTX Options Trade Outline (''Trade Outline'') with Intra-Day Snapshots, a new optional delivery mechanism which will provide customers with the option of viewing changes in market sentiment information as they occur. The proposal is designed to provide the customer with the same market sentiment information available on Trade Outline today, but with the possibility of more frequent updates that will provide the customer with information on changes in market sentiment as they occur, as well as facilitate ingestion of information by providing it in smaller amounts at a time.

Intra-Day Snapshots will disseminate the aggregated information described below whenever two or more trades involving three or more origin types (Customers, Broker-Dealers, NTX Options Market Makers, Firms, and Professionals) occur within an options series during a regular 1-minute period beginning at 9:30 a.m.; any activity that does not meet these criteria will be reported at the end of the 1-minute interval.

Intra-Day Snapshots will offer Exchange customers more choice in the frequency of their ingestion of market sentiment information. Currently, customers may consume market sentiment information at 10-minute intervals, in End of Day Information, and through Historical Information in either Intra-Day or End of Day formats. Intra-Day Snapshots will allow customers to observe changes in market sentiment as they occur.

This product enhancement is being offered to meet the demand of market participants for more frequent updates of investor sentiment over the course of the trading day. A competitor exchange recently introduced 1-minute updates to meet this demand, increasing the frequency of its updates by 10-fold, from the 10-minute intervals that have become standard for the industry to 1-minute intervals.[3] The Exchange believes that Intra-Day Snapshots will be more effective than just 1-minute updates in meeting this demand by aggregating information, allowing customers to understand market sentiment more efficiently as actions by multiple market participants signal that the market is changing in the interval between regular updates. Intra-Day Snapshots post whenever the aggregation criteria (two or more trades in an options series involving three or more origin types in a 1-minute interval) as described in detail below are met.

Understanding options market sentiment can help an investor understand other financial markets. For example, it can be used for trading equities because options sentiment also reflects sentiment in the underlying equity securities. It can be useful for understanding commodities markets by analyzing trends in commodity-based ETFs. It can be useful for futures markets by helping investors discern sentiment concerning future prices.

Associated with this broad interest, customers have requested more timely reporting of changes in market sentiment. As noted previously, some of the Exchange's competitors have responded to this demand by offering updates at 1-minute intervals. With Intra-Day Snapshots, the Exchange is proposing a more efficient solution by posting information whenever there is a shift in underlying sentiment as reflected in the actions of multiple market participants. This is distinct from the 1-minute updates offered by Cboe and MIAX exchanges that simply post at predetermined intervals without regard to market activity.

Intra-Day Snapshots differ from pure 1-minute updates in that they report a change in market sentiment when there are multiple trades involving multiple market participants. Both of these solutions protect the anonymity of the market participants. Intra-Day Snapshots are programmed to report when there are multiple trades and participants, and also only provide general information about a participant's market capacity, without further information specific to that participant. As such, underlying trades cannot be singled out and identified. While 1-minute updates may report single trades when there is only one trade during the designated interval, participant information is still limited to market capacity, preserving participant anonymity. As such, both solutions protect trade-specific information.

The Exchange will offer Intra-Day Snapshots in addition to the 10-minute Intra-Day reports currently offered with Trade Outline. Investors will be able to choose whichever methodology meets their needs. They may also choose to purchase both, or neither, as market sentiment products are not required to execute trades.

The implementation date of the proposed rule change will be announced in a public notice to be published no later than 30 days after the operative date of this rule filing.

NTX Options Trade Outline

NTX Trade Outline provides market sentiment information on an end of day, intra-day, and historical basis.[4] It includes proprietary Exchange trading data and does not include any intraday trading data from any other exchange.[5] The information provided, both in End of Day and Intraday formats, is not a real-time data feed. It is a completely voluntary product in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase it only if they voluntarily choose to do so.

NTX Trade Outline assists in the creation of trading models useful in both options and equities markets and generally to help customers understand market sentiment. Products similar to Trade Outline are well established, and are offered by Nasdaq-affiliated exchanges[6] (Nasdaq PHLX, LLC (''Phlx''),[7] Nasdaq ISE, LLC (''ISE''),[8]

[3] *See* Securities Exchange Act Release No. 103323 (June 25, 2025), 90 FR 27884 (June 30, 2025) (SR–CBOE–2025–042) (establishing 1-minute reporting intervals for the Cboe Intraday Open-Close Report). As discussed in Section 7 below, the Cboe change became effective pursuant to Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(f)(6) thereunder. *See also* Securities Exchange Act Release No. 103321 (June 25, 2025), 90 FR 27894 (June 30, 2025) (SR–CboeEDGX–2025–047); Securities Exchange Act Release No. 103905 (September 8, 2025), 90 FR 44113 (September 11, 2025) (SR–SAPPHIRE–2025–33); Securities Exchange Act Release No. 103907 (September 8, 2025), 90 FR 44120 (September 11, 2025) (SR–PEARL–2025–40); Securities Exchange Act Release No. 103908 (September 8, 2025), 90 FR 44123 (September 11, 2025) (SR–MIAX–2025–39).

[4] Historical files are provided based on specific request. Market participants generally use historical files for model testing and research, and the period of time required by a particular customer will depend on its unique testing and research needs. Some customers, for example, may request years of data, while others only months, or even a single month.

[5] The End of Day report includes a field that presents Total Industry Volume for the Series.

[6] The underlying information for NTX Options Trade Outline is the same as the other trade outline products offered by the Nasdaq exchanges. Presentation differs, however, in that data is not subdivided into categories. For example, the trade outline products offered by PHLX, ISE, GEMX and NOM subdivide the aggregate volume traded for each reported series into categories according to the quantity of contracts (less than 100, 100–199, and greater than 200). NTX Options Trade Outline does not separate this information into quantitative categories, but rather provides the same aggregate volume information as PHOTO and the other Nasdaq exchanges without separating the information into categories according to the quantity of contracts.

[7] *See* PHLX Rules, Options 7, Section 10.

[8] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

Nasdaq GEMX, LLC (''GEMX''),[9] the Nasdaq Stock Market LLC (''Nasdaq Options Market'' or ''NOM''),[10] and competitor exchanges such as Cboe,[11] NYSE American,[12] NYSE Arca,[13] BOX,[14] and MIAX PEARL.[15]

Trade Outline provides aggregate quantity and volume information for trades on the Exchange for all series during a trading session. Information includes:

(i) total exchange volume for Intra-Day information and total exchange and industry volume for End of Day information for each reported series;[16]

(ii) open interest for the series;

(iii) aggregate quantity of trades and aggregate trade volume effected to open a position,[17] characterized by origin type (Customers,[18] Broker-Dealers, NTX Options Market Makers, Firms, and Professionals[19]); and

(iv) aggregate quantity of trades and aggregate trade volume effected to close a position,[20] characterized by origin type (Customers, Broker-Dealers, NTX Options Market Makers, Firms, and Professionals).

Intra-Day information is currently released at scheduled 10-minute intervals over the course of the trading day for all options series, even those exhibiting no activity.[21]

The End of Day file is updated during an overnight process and is available the following morning, providing aggregate data for the entire trading session.

Intra-Day Snapshots

Intra-Day Snapshots will disseminate aggregated information whenever two or more trades involving three or more origin types (Customers, Broker-Dealers, NTX Options Market Makers, Firms, and Professionals) occur within an options series during a regular 1-minute period; any activity that does not meet these criteria will be reported at the end of the 1-minute interval.

Intra-Day Snapshots will provide the customer with: (i) total exchange volume for each reported series; (ii) open interest for the series; (iii) aggregate quantity of trades and aggregate trade volume effected to open a position, characterized by origin type (Customers, Broker-Dealers, NTX Options Market Makers, Firms, and Professionals); and (iv) aggregate quantity of trades and aggregate trade volume effected to close a position, characterized by origin type (Customers, Broker-Dealers, NTX Options Market Makers, Firms, and Professionals). This information will be available both in Intra-Day Snapshots (when the criteria for disseminating a Snapshot are met), and at regular 1-minute intervals for any information that does not meet that criteria.

The criteria for disseminating Intra-Day Snapshots are based on the number and type of transactions, and are not contingent on volume (although the associated volume is reported if an update is triggered). Intra-Day snapshots will not disseminate the actual number of trades or any other identifying details.

Intra-Day Snapshots are designed to alert market participants to short-term changes in market sentiment for particular series, particularly in liquid names. They will not be customizable by the purchaser; each purchaser will receive the same updates using the same criteria outlined above and in the same categories of information currently provided through Trade Outline at 10-minute intervals, which will remain available for purchase.

Intra-Day Snapshots will provide only aggregated information; activity that does not meet the aggregation criteria will be reported at the end of the 1-minute interval. This is an approach to market sentiment that differs from competitor products that only offer updates at 1-minute intervals[22] in that it is designed to react more efficiently in response to changes in aggregated market sentiment, while still providing regular aggregated updates at a shorter interval than the current 10-minute Trade Outline offering.

Intra-Day Snapshots facilitate data processing by substituting ''bursts'' of information at set intervals with more frequent updates, thereby ''smoothing'' the processing and understanding of market sentiment over the course of the trading. The total amount of market sentiment information reported to the customer over the course of the trading day will not change.

Each customer will be able to choose how to optimize its ingestion of information based on the unique characteristics of its information systems and how it uses the information. Customers not interested in Intra-Day Snapshots may elect to purchase updates at the current 10-minute intervals or End of Day or

[9] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[10] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[11] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price, and transaction type).

[12] *See, e.g.,* Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume, and transaction type).

[13] *See, e.g.,* Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume, and transaction type).

[14] *See, e.g.,* Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria).

[15] *See, e.g.,* Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR–PEARL–2021–24) (introducing the Open-Close Report).

[16] Every options series trades as a distinct symbol. ''Series'' and ''symbol'' are therefore synonyms.

[17] This would include the aggregate number of ''opening purchase transactions,'' defined as a TSX Options Transaction that creates or increases a long position in an options contract, *see* Options 1, Section 1(a)(35), and the aggregate number of ''opening writing transactions,'' defined as a TSX Options Transaction that creates or increases a short position in an options contract. *See* Options 1, Section 1(a)(36).

[18] ''Customer'' is defined as a Public Customer or a broker-dealer. *See* Options 1, Section1(a)(22).

[19] ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1, Section1(a)(48).

[20] This would include the aggregate number of ''closing purchase transactions'' in the affected series, defined as a TSX Options Transaction that reduces or eliminates a short position in an options contract, *see* Options 1, Section 1(a)(19), and the aggregate number of ''closing writing transactions,'' defined as a TSX Options Transaction that reduces or eliminates a long position in an options contract. *See* Options 1, Section 1(a)(20).

[21] Subscribers receive the first regularly scheduled snapshot at 9:40 a.m. ET, representing data captured from 9:30 a.m. to 9:39 a.m., and the second calculation at 9:50 a.m., representing data from both the most recent snapshot and previous snapshots, and continuing over the course of the trading day. The final intra-day snapshot is distributed at 4:15 p.m.

[22] *See* Securities Exchange Act Release No. 103323 (June 25, 2025), 90 FR 27884 (June 30, 2025) (SR–CBOE–2025–042) (establishing 1-minute reporting intervals for the Cboe Intraday Open-Close Report); Securities Exchange Act Release No. 103321 (June 25, 2025), 90 FR 27894 (June 30, 2025) (SR–CboeEDGX–2025–047) (establishing 1-minute reporting intervals for the Cboe EDGX Intraday Open-Close Report); Securities Exchange Act Release No. 103905 (September 8, 2025), 90 FR 44113 (September 11, 2025) (SR–SAPPHIRE–2025–33) (establishing 1-minute reporting intervals for the MIAX Sapphire One-Minute Interval Intra-Day Open-Close Report); Securities Exchange Act Release No. 103907 (September 8, 2025), 90 FR 44120 (September 11, 2025) (SR–PEARL–2025–40) (establishing 1-minute reporting intervals for the MIAX Pearl One-Minute Interval Intra-Day Open-Close Report); Securities Exchange Act Release No. 103908 (September 8, 2025), 90 FR 44123 (September 11, 2025) (SR–MIAX–2025–39) (establishing 1-minute reporting intervals for the MIAX One-Minute Interval Intra-Day Open-Close Report).

historical information, or not purchase Trade Outline data at all, as they see fit.[23]

To illustrate how Intra-Day Snapshots will work, we will examine a series of hypothetical trades in a 1-minute interval between 9:30 and 9:31 a.m. In our example, an NTX Options Market Maker purchases 12 contracts in Series X from a Customer at 9:30:14 a.m. This does not meet the criteria of two or more trades involving three or more categories of market participants because there is one trade involving two market participants.

At 9:30:29 a.m., a Broker-Dealer buys 9 contracts of Series X from an NTX Options Market Maker. An Intra-Day Snapshot is generated because there are two trades involving three categories of market participants: an NTX Options Market Maker, a Customer, and a Broker-Dealer.

At 9:30:42 a.m., a Broker-Dealer buys 20 round lots of Series X from an NTX Options Market Maker. This is not reported because the criteria reset after the report generated by the 9:30:29 a.m. trade and this trade alone does not meet the criteria of two or more trades involving three or more origin types because there was only one trade and two categories of market participant.

There are no more trades reported between 9:30:42 a.m. and 9:31:00 a.m. As such, the unreported volume from the transaction at 9:30:42 a.m. is reported at 9:31:00 a.m., and the aggregation criteria are reset for the next one-minute interval.[24]

An Intra-Day Snapshot is a sentiment indicator, not a trade reporting system. A sentiment indicator differs from a trade reporting system in that the former alerts the market participant of activity by multiple market participants involving multiple trades in a single security, while the latter reports trades that may or may not reflect market sentiment with respect to that security. The key to understanding sentiment is broad interest by multiple categories of market participants; sentiment is not evident from a single trade.

Intra-Day Snapshots are an important next step in the evolution of Trade Outline. The quantity of options data has increased exponentially over time, including the number of options series available, the number of trade executions, and the frequency of trading. This has increased the amount of information processed during regularly scheduled updates, resulting in purchasers of the product processing more information at each update than when Trade Outline was first introduced over a decade ago.[25] Intra-Day Snapshots will facilitate the ingestion of market sentiment information through more frequent updates of smaller quantities of information.

As explained above, Intra-Day Snapshots differ from Cboe's and MIAX's 1-minute updates in that they report a change in market sentiment when there are multiple trades involving multiple market participants in addition to regular status updates; 1-minute updates, like all timed updates, disseminate information whenever there is information to report, even just a single trade. Both of these solutions protect the anonymity of the market participants, albeit via somewhat different mechanisms. Intra-Day Snapshots are programmed to report only when there are multiple trades and participants, and also only provide general information about a participant's market capacity, without further information specific to that participant. As such, underlying trades cannot be singled out and identified. While 1-minute updates may report single trades if there is only one trade during the applicable time interval, the participant information provided is still limited to market capacity, preserving participant anonymity. As such, both solutions protect trade-specific information, and the proposed Intra-Day Snapshots product combines the two to protect any identifying details of the trades while still disseminating market sentiment in a responsive timeframe, building upon the existing 1-minute updates available from other exchanges.

Trade Outline is purchased by investment banks, market makers, proprietary trading firms, asset managers, and other buy-side investors. Within each of these categories, there are firms that purchase all trade outline products, only a single category, or some combination, based on their individual determination of what would be most useful.

The utility of Intra-Day Snapshots will depend on the use case of a particular customer. Some investment banks, market makers, proprietary trading firms, asset managers, and other buy-side investors will be interested in Intra-Day Snapshots, but not all. The decision will be based on the customer's specific trading strategy and modeling needs.

Although Trade Outline is generally used to create trading models and understand market sentiment, usage is unique to the customer. Some customers may use the information for options trading, but others may not. It can be used for equity trading, for example, because options sentiment also provides useful information about underlying equities. The Exchange does not have insight into the types of models or trading strategy employed by any given customer, or category of customer.

Products similar to Trade Outline have been available on multiple exchanges for many years and are well-established in the market. PHLX Options Trade Outline (''PHOTO'') has been available for well over a decade.[26] Similar products available on other Nasdaq exchanges include ISE Trade Profile,[27] GEMX Trade Profile,[28] and Nasdaq Options Trade Outline [29] and comparable products are also offered by competitor exchanges such a Cboe,[30] NYSE American,[31] NYSE Arca,[32] BOX,[33] and MIAX PEARL.[34]

[23] The Exchange intends to offer Intra-Day Snapshots separately from 10-minute Intra-Day updates and End-of-Day or historical information.

[24] Information that has previously been disseminated in an Intra-Day Snapshot would not be reported again in the 9:31:00 a.m. update, which would only include previously unreported information.

[25] *See, e.g.,* Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[26] *See* Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[27] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

[28] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[29] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[30] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price, and transaction type).

[31] *See, e.g.,* Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume, and transaction type).

[32] *See, e.g.,* Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume, and transaction type).

[33] *See, e.g.,* Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria).

[34] *See, e.g.,* Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021)

Continued

Fees for Intra-Day Snapshots will be proposed in a separate filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[35] in general, and furthers the objectives of Section 6(b)(5) of the Act,[36] 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.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that Intra-Day Snapshots will provide investors with a greater understanding of market sentiment and enhance the transparency of the Exchange's options market in a manner that is consistent with the principles of Regulation NMS.

The introduction of Intra-Day Snapshots is in the public interest, and in particular will remove impediments to and perfect the mechanism of a free and open market, because it will facilitate the ability of investors to ingest information about market sentiment, without revealing identifying details about the underlying trades. As explained above, the number of options series available, the number of trade executions, and the speed of trading have all increased since the introduction of the first Trade Outline product, PHOTO, over a decade and a half ago.[37] These changes together require customers to process more information at each regularly scheduled update than was required when trade outline products were first introduced. Intra-Day Snapshots address this problem by substituting ''bursts'' of information at 10-minute increments with more frequent updates with a smaller amount of information, thereby ''smoothing'' the processing and understanding of information over the course of the trading day.

The need for more frequent updates is well recognized. Indeed, a competitor exchange introduced a 1-minute market sentiment product last year to purportedly address this specific issue.[38] Intra-Day Snapshots is a better solution to this problem because it provides updates precisely when they are needed by the market—when market sentiment is changing—in an aggregated format that provides information about multiple trades and market participants in each report.[39]

This proposal will promote better informed trading, improving the ability of investors to analyze changes in intra-day market sentiment and create and test trading models and analytical strategies.[40] As noted, this product is in direct response to customer feedback.

The proposal will also expand customer choice. Investors currently consume Intra-Day Trade Outline in 10-minute increments, and may continue to do so, in addition to Intra-Day Snapshots, if they wish. Intra-Day Snapshots will offer all of the same information available in Intra-Day Updates over the course of the trading day whenever the stated criteria are met, and also in regular 1-minute updates for any information that does not meet the Intra-Day Snapshot criteria. The proposal is therefore both a response to competition and a catalyst for further competition. The Exchange believes this is the type of innovation and competition that Regulation NMS sought to create.

Intra-Day Snapshots will protect the anonymity of market participants. Snapshots will report only when there are multiple trades and participants, and only provide general information about a participant's market capacity, without further information specific to that participant. Because the information is aggregated, underlying trades—or even the number of underlying trades—cannot be singled out and identified. This is similar to the manner in which Cboe's and MIAX's 1-minute updates protect anonymity, in which single trades may be reported if there is only one trade during the applicable time interval, but anonymity is preserved because the participant information provided is limited to market capacity and the number of trades underlying the report, and thus any identifiable details about them, is not reported.

As noted above, the information provided is not a real-time data feed. The proposed product is completely voluntary in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase it only if they voluntarily choose to do so. If Intra-Day Snapshots are not beneficial, customers will not purchase the product, or they can discontinue their use of the product at any time, and for any reason.

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.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because all exchanges are free to propose the introduction of products that replicate any or all of the features of Intra-Day Snapshots. PHLX, ISE, GEMX, NOM, Cboe, NYSE American, NYSE Arca, BOX, and MIAX PEARL all offer market sentiment products and can propose rule changes to provide Intra-Day Snapshots or which can serve as substitutes in their static form. Intra-Day Snapshots will create more customer choice and will spur innovation by challenging other exchanges to respond, thereby increasing competition and improving efficiency overall.

Nothing in the proposal burdens intra-market competition (the competition among consumers of exchange data) because Intra-Day Snapshots will be available to any market participant, including both members and non-members, on a non-discriminatory basis.

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.

(SR–PEARL–2021–24) (introducing the Open-Close Report).

[35] 15 U.S.C. 78f(b).

[36] 15 U.S.C. 78f(b)(5).

[37] *See* Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[38] *See* Securities Exchange Act Release No. 103323 (June 25, 2025), 90 FR 27884 (June 30, 2025) (SR–CBOE–2025–042) (establishing 1-minute reporting intervals for the Cboe Intraday Open-Close Report).

[39] As noted, at least one competitor has attempted to address this problem with market sentiment updates at 1-minute intervals combined with trade-by-trade information after the end of the trading day. Securities Exchange Act Release No. 103323 (June 25, 2025), 90 FR 27884 (June 30, 2025) (SR–CBOE–2025–042); Securities Exchange Act Release No. 104415 (December 16, 2025), 90 FR 59603 (December 19, 2025) (CR–CBOE–2025–088), (providing a trade-by-trade market sentiment report on a T+1 basis). The Exchange believes that the dissemination of aggregate information in real time will provide the market sentiment information that investors need without undue delay.

[40] While Intra-Day Snapshots will provide a valuable tool to gain comprehensive insight into the trading activity in a particular series, such data is not necessary for trading.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [41] and subparagraph (f)(6) of Rule 19b–4 thereunder.[42]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NasdaqTX–2026–036 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–NasdaqTX–2026–036. 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 also 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–NasdaqTX–2026–036 and should be submitted on or before September 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17463 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

[41] 15 U.S.C. 78s(b)(3)(A)(iii).

[42] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0553]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 19b–7 and Form 19b–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

The Exchange Act provides a framework for self-regulation under which various entities involved in the securities business, including national securities exchanges and national securities associations (collectively, self-regulatory organizations or "SROs"), have primary responsibility for regulating their members or participants. The role of the Commission in this framework is primarily one of oversight; the Exchange Act charges the Commission with supervising the SROs and assuring that each complies with and advances the policies of the Exchange Act.

The Exchange Act was amended by the Commodity Futures Modernization Act of 2000 ("CFMA"). Prior to the CFMA, federal law did not allow the trading of futures on individual stocks or on narrow-based stock indexes (collectively, "security futures products"). The CFMA removed this restriction and provided that trading in security futures products would be regulated jointly by the Commission and the Commodity Futures Trading Commission ("CFTC").

The Exchange Act requires all SROs to submit to the SEC any proposals to amend, add, or delete any of their rules. Certain entities (Security Futures Product Exchanges) would be notice-registered national securities exchanges only because they trade security futures products. Similarly, certain entities (Limited Purpose National Securities Associations) would be limited-purpose national securities associations only because their members trade security futures products. The Exchange Act, as amended by the CFMA, established a procedure for Security Futures Product Exchanges and Limited Purpose National Securities Associations to provide notice of proposed rule changes relating to certain matters.[1] Rule 19b–7 and Form 19b–7 implemented this procedure. Effective April 28, 2008, the SEC amended Rule 19b–7 and Form 19b–7 to require that Form 19b–7 be submitted electronically.[2]

The collection of information is designed to provide the Commission with the information necessary to determine, as required by the Exchange Act, whether the proposed rule change is consistent with the Exchange Act and the rules thereunder. The information is used to determine if the proposed rule change should remain in effect or be abrogated.

The respondents to the collection of information are SROs.[3] The estimated total industry burden per year for rule changes, updating and posting rule changes and updating the online rulebook is 102 burden hours.[4] In the

[1] These matters are higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products; sales practices for security futures products for persons who effect transactions in security futures products; or rules effectuating the obligation of Security Futures Product Exchanges and Limited Purpose National Securities Associations to enforce the securities laws. *See* 15 U.S.C. 78s(b)(7)(A).

[2] *See* Securities Exchange Act Release No. 57526 (March 19, 2008), 73 FR 16179 (March 27, 2008).

[3] There are currently two Security Futures Product Exchanges and one Limited Purpose National Securities Association, the National Futures Association. Therefore, there are currently three respondents to Form 19b–7.

[4] This estimate is the sum of the total industry (3 respondents) burden hours for rule filings (75

Continued

proposed extension, there is no change to the burden hour estimate per respondent. However, there is an increase in the total burden hours because the Commission now estimates that there are three respondents instead of two respondents in 2023 (an increase of one respondent). Thus, the net change in estimated total aggregate burden hours increased from 68 to 102 (increase of 34 burden hours).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view background documentation for this information collection at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202606-3235-007* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by September 28, 2026.

Dated: August 24, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17461 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

hours), updating and posting rule changes (3 hours) and updating rules (24 hours).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106181; File No. SR–TXSE–2026–021]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Warrant Performance Incentive Program To Add ETPs to the Definition of Liquidity Improvement Symbols and High-Volume Symbols

August 24, 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 14, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Exchange's warrant performance incentive program (the ''Rodeo Program'' or the ''Program'') [3] to add ETPs [4] to the definition of Liquidity Improvement Symbols and High-Volume Symbols.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Rodeo Program to add ETPs to the definition of Liquidity Improvement Symbols and High-Volume Symbols. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://www.txse.com/regulations/rules-filings*), 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 parts 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 add exchange traded funds to the definition of Liquidity Improvement Symbols [5] and High-Volume Symbols [6] for purposes of calculating the Enhanced Liquidity Symbol Multiplier as part of the Program.

The Exchange previously adopted the Rodeo Program to provide Members [7] of the Exchange that submit an initial prepayment fee (the ''Prepayment Fee'') with a ticket redeemable for warrants that provide the right to purchase equity in the Exchange's parent holding company, TXSE Group Inc. (''TXSE Group''). As described in the Rodeo Program Release, such warrants vest upon the achievement of certain liquidity volume thresholds on the Exchange. The Rodeo Program commences on September 1, 2026, and runs for one year, concluding at the end of the business day on August 31, 2027 (the ''Rodeo Period''), subject to Exchange notice.[8]

Each Member of the Exchange was eligible to become a Participant on a first-come first-served basis by submitting all required documentation for participation by May 1, 2026 and paying a $250,000 Prepayment Fee by May 15, 2026.[9] In order to be a Participant, a Member was required to: (i) be an approved Member of the Exchange in good standing; [10] (ii) be a registered broker-dealer pursuant to Section 15 of the Exchange Act; (iii) qualify as an ''accredited investor'' as that term is defined in Regulation D under the Securities Act of 1933; (iv) have executed all required documentation for participation in the Rodeo Program by May 1, 2026, *i.e.,* the warrant agreement and confidentiality agreement; and (v) have tendered the Prepayment Fee no later than May 15, 2026. A Participant is issued a ''ticket,'' which is redeemable in exchange for warrants representing 100,000 shares of TXSE Group Voting Common Stock (''TXSE Group Stock''),[11] a portion of which is eligible to vest at the end of

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 105090 (March 26, 2026), 91 FR 16044 (March 31, 2026) (SR–TXSE–2026–003) (the ''Rodeo Program Release'').

[4] For purposes of this proposal, the term ETP shall mean any security described in Chapter 17 of the Exchange's rulebook.

[5] As provided in the Rodeo Program Release, Liquidity Improvement Symbols are symbols that the Exchange believes could benefit from tighter spreads and price improvement opportunities and deeper liquidity.

[6] As provided in the Rodeo Program Release, High-Volume Symbols are generally high-volume symbols that have an average spread of greater than $0.01 and/or trade on away markets more intraday than on their primary listing market.

[7] As defined in TXSE Rule 1.005(q), the term ''Member'' means any registered broker or dealer that has been admitted to membership in the Exchange. A Member has the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.

[8] As provided in the Rodeo Program Release, the Exchange may, in its sole discretion, delay the beginning of the Rodeo Period by issuing a circular to Participants notifying them of such delay at least two weeks in advance of September 1, 2026. Any such delay would push back the dates of the beginning and end of each of the Measurement Periods by the amount of the delay. Each Measurement Period would continue to be a three-month period and the Rodeo Period would remain a one-year period. The Exchange will not delay the beginning of the Rodeo Period by more than six months. *See* Rodeo Program Release at 16045.

[9] The Exchange subsequently submitted a proposal to re-open the application window for the Program and to make the Program available to Sponsored Participants. *See* Securities Exchange Act Release No. 106044 (August 6, 2026), 91 FR 51756 (August 11, 2026) (SR–TXSE–2026–018) (the ''Rodeo Re-Opening Release'').

[10] For purposes of the Program, the term ''good standing'' means that a Member is not delinquent with respect to Exchange fees or other charges and is not suspended or barred from being a Member.

[11] Shares are subject to the Eighth Amended and Restated Stockholders' Agreement of TXSE Group Inc. as amended and of the Certificate of Formation of TXSE Group Inc.

each three-month period during the Rodeo Period (each, a ''Measurement Period'') based on the Participant's achievement of a specified percentage of Total Consolidated Volume [12] (''TCV'') on the Exchange (the ''Target Performance''). As provided in the Rodeo Program Release, the vesting requirements are as follows: [13]

Measurement period	Target performance	Shares available for vesting
1 (9/1/26–11/30/26)	0.025% TCV	10,000
2 (12/1/26–2/26/27)	0.05% TCV	20,000
3 (3/1/27–5/31/27)	0.075% TCV	30,000
4 (6/1/27–8/31/27)	0.125% TCV	40,000

The warrants of Participants that achieve Target Performance for a Measurement Period will be assigned an exercise price through the Exercise Price Competition which is based on the Participant's Multiplier Adjusted Volume during the Measurement Period.[14] Participants that do not achieve the Target Performance but achieve at least 50% of the Target Performance are eligible for partial vesting, as described in the Rodeo Program Release.[15] The total number of tickets available under the Program was originally between three and 20 among all Participants and each Participant may receive up to three tickets, in each case subject to the Exchange's discretion to allocate tickets as described in the Rodeo Program Release.[16] As provided in the Rodeo Re-Opening Release, there are currently up to four tickets available for both Members and Sponsored Participants that meet all necessary requirements.

For each Measurement Period, all Participants that meet the Target Performance for a ticket (''Fully Vesting Participants'') will also be assigned the exercise price of their warrants based on the Participant's ranking in total adjusted volume (''Multiplier Adjusted Volume''), calculated as total shares traded on the Exchange with certain types of transactions being subject to volume multipliers and thus counted as a multiple of the shares actually traded, as applicable, among other Fully Vesting Participants during that Measurement Period. The higher the rank of a Fully Vesting Participant's Multiplier Adjusted Volume, the lower their exercise price will be. Fully Vesting Participants will be assigned an exercise price for their warrants based on the Fully Vesting Participant's ranking in the Multiplier Adjusted Volume among all Fully Vesting Participants during a Measurement Period. Multiplier Adjusted Volume applies only to exercise price assignment and does not have any impact on vesting or the Target Performance for any Measurement Period.

Multiplier Adjusted Volume

In calculating each Fully Vesting Participant's Multiplier Adjusted Volume,[17] the volume multipliers are:

(i) Intraspread Multiplier: transactions for which the adding order added non-displayed liquidity and the execution occurs within the NBBO [18] are subject to a 2x multiplier;

(ii) Auction Multiplier: transactions in Opening Auctions [19] and Closing Auctions [20] for which the order is an Eligible Auction Order [21] in securities for which TXSE is the primary listing market are subject to a 10x multiplier;

(iii) Add Displayed Volume Multiplier: transactions for which the order adds displayed liquidity to the Exchange are subject to a 1.2x multiplier; and

(iv) Enhanced Liquidity Symbol (''ELS'') Multiplier: transactions in securities that are included in a list of securities which the Exchange believes could benefit from enhanced liquidity are subject to a 2x multiplier, including Liquidity Improvement Symbols and High-Volume Symbols (collectively ''ELSM Securities''),[22] both defined below. The Exchange will apply several objective factors related to each security's trading characteristics and designate the securities that meet certain thresholds with respect to these factors as Liquidity Improvement Symbols [23] or High-Volume Symbols.[24]

Currently, to be considered as Liquidity Improvement Symbols or High-Volume Symbols, a security must satisfy TXSE's initial listing standards under Rule 16.310, which relate to the Exchange's listing requirements for common stock of domestic companies.[25] Similarly, the Rodeo Program Release provides that all TXSE-listed corporate securities will also be ELSM Securities

[12] As described in the Rodeo Program Release, ''Total Consolidated Volume'' or ''TCV'' is calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan during the applicable Measurement Period, subject to certain exclusions. *See* Rodeo Program Release at 16046.

[13] *See* Rodeo Program Release at 16047.

[14] *See* Rodeo Program Release at 16047–16048.

[15] *See* Rodeo Program Release at 16045.

[16] *Id.*

[17] Multiplier Adjusted Volume is calculated as follows: ((number of shares in transactions that do not qualify for a multiplier) + (number of shares in transactions that qualify for Intraspread Multiplier × 2) + (number of shares in transactions eligible for the Auction Multiplier × 10) + (number of shares in transactions that qualify for the Add Displayed Volume Multiplier × 1.2) + (number of shares in transactions that qualify for the ELS Multiplier × 2))/(number of tickets issued to the Fully Vesting Participant). Transactions may qualify for more than one multiplier except that a transaction that is eligible for the Auction Multiplier is not eligible for other multipliers. For example, a transaction that would qualify for the ELS Multiplier and the Intraspread Multiplier will receive both the ELS Multiplier of 2x and the Intraspread Multiplier of 2x, as further explained in the example below.

[18] As provided in Rule 1.005(r), the term ''NBBO'' means the national best bid or offer.

[19] Opening Auction functionality is described in Rule 11.022(b).

[20] Closing Auction functionality is described in Rule 11.022(c).

[21] As provided in Rule 11.022(a)(8), the term ''Eligible Auction Order'' means any MOO, LOO, LLOO, MOC, LOC or LLOC order (each as defined below) that is entered in compliance with its respective cutoff for an Opening Auction (as defined below) or Closing Auction (as defined below), any RHO order prior to the Opening Auction, any limit or market order not designated to exclusively participate in the Closing Auction entered during the Quote-Only Period (as defined below) of an IPO Auction subject to the below restrictions, and any limit or market order not designated to exclusively participate in the Opening Auction or Closing Auction entered during the Quote-Only Period of a Halt Auction (as defined below).

[22] The Exchange will publish the list of ELSM Securities on its website at least 15 calendar days prior to the start of the Rodeo Program Period. The Exchange will also publish the list of ELSM Securities for a new Measurement Period on its website at least 15 calendar days prior to the beginning of the Measurement Period. The Exchange does not generally expect to change the list of ELSM Securities within a Measurement Period, but where it does make changes within a Measurement Period (*e.g.* new listings on TXSE), it will post notice of any changes to its website along with an updated list of ELSM Securities at least one day prior to such changes going into effect.

[23] The factors for Liquidity Improvement Symbols are average daily volume, off-exchange volume, auction dislocation, quoted and effective spreads, and whether a symbol trades on away markets more intraday than on their primary listing market.

[24] The factors for determining High-Volume Symbols include trading volume, average spread, and whether a symbol trades on away markets more intraday than on their primary listing market.

[25] *See* Rule 16.310.

(including both primary and dual-listings) in addition to the universe of securities selected as Liquidity Improvement Symbols and High-Volume Symbols.

Proposed Changes

The Exchange is proposing to expand the definition of Liquidity Improvement Symbols and High-Volume Symbols to include ETPs and to provide that all TXSE-listed securities, including ETPs listed on TXSE, will be considered ELSM Securities. Specifically, the Exchange is proposing: (i) that all Liquidity Improvement Symbols and High-Volume Symbols must either meet the initial listing requirements for common stock of domestic companies under Rule 16.310 or be an ETP; and (ii) that all TXSE-listed corporate securities and ETPs will also be ELSM Securities, including both primary and dual-listings in addition to the Liquidity Improvement Symbols and High-Volume Symbols. The Exchange is not proposing to make any additional changes to the Program and all calculations related to the Program will otherwise remain the same as described in the Rodeo Program Release.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5) of the Act,[27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the requirement in Section 6(b)(5) of the Act [28] that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[29] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that including ETPs as ELSM Securities for purposes of the Exercise Price Competition, both by adding ETPs to the definition of Liquidity Improvement Symbols and High-Volume Symbols and providing that all TXSE-listed corporate securities and ETPs will also be ELSM Securities, is consistent with the Act for the same reasons that including securities meeting the requirements of Rule 16.310 is consistent with the Act as provided in the Rodeo Program Release. The proposed change would provide Participants an additional incentive to provide liquidity in ETPs on the Exchange, which the Exchange believes may promote tighter spreads, price improvement opportunities, and execution quality for investors. The proposed change would also create additional competition among Participants to provide qualifying liquidity in ETPs during each Measurement Period. By applying the ELS Multiplier to qualifying ETP transactions, the Exchange seeks to encourage trading behavior that may improve market quality in ETPs without changing the Program's Target Performance requirements or the vesting criteria for any Participant. The Exchange believes that the benefits associated with increased liquidity in eligible corporate securities, including improved quoting and execution opportunities, would similarly accrue to ETPs. Further, by adding TXSE-listed ETPs to the definition of ELSM Securities, the Exchange believes that the proposal will further enhance liquidity in ETPs listed on the Exchange to the benefit of its ETP listing program. Accordingly, the Exchange believes that expanding ELSM Securities to include ETPs would benefit investors, the Exchange, and the broader market.

As such, the Exchange believes that the Program, as amended by the proposed rule change, would promote the long-term interests of the Exchange by providing incentives designed to encourage market participants to contribute to the growth and success of the Exchange by actively providing liquidity on the Exchange in both corporate securities and ETPs.

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 Exchange Act. The proposed rule change would expand the universe of securities eligible for the Enhanced Liquidity Symbol Multiplier to include ETPs, thereby permitting Participants to receive multiplier credit for qualifying transactions in ETPs in the same manner as qualifying transactions in eligible corporate securities.

The Exchange believes that the proposed rule change would enhance intramarket competition by providing Participants an additional incentive to compete to provide liquidity in ETPs on the Exchange. Any resulting increase in liquidity, tighter spreads, and price-improvement opportunities in ETPs would benefit market participants trading on the Exchange. The proposed rule change would apply uniformly to all Participants in the Rodeo Program and would not alter the Target Performance requirements or the manner in which Multiplier Adjusted Volume is used to assign exercise prices.

The Exchange also believes that the proposed rule change may enhance intermarket competition by enabling the Exchange to compete more effectively for ETP order flow. As a new exchange, the Exchange seeks to encourage liquidity provision and improve market quality through the Rodeo Program. The proposed rule change provides an additional incentive for Participants to direct qualifying ETP order flow to the Exchange, while leaving market participants free to execute orders on other trading venues. Accordingly, the Exchange does not believe that the proposed rule change will impose any significant burden on competition.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [30] and Rule 19b–4(f)(2) [31] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78f(b)(4).

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(2).

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 proposal 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 No. SR–TXSE–2026–021 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 No. SR–TXSE–2026–021. 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–TXSE–2026–021 and should be submitted on or before September 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17464 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106178; File No. SR–MIAX–2026–36]

Self-Regulatory Organizations: Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 404, Series of Option Contracts Open for Trading, To Amend the Short Term Option Series Program With Respect to Qualifying Securities

August 24, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 2026, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Short Term Option Series Program with respect to Qualifying Securities.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings* and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Options Series Program in Interpretation and Policy .02 to Exchange Rule 404. Specifically, the Exchange proposes to amend the Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on certain Exchange Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new criteria. The Exchange also proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.'' This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3] The Exchange notes that Exchange Rule 404 as proposed to be amended by this filing, is incorporated by reference into the MIAX Emerald, LLC (''MIAX Emerald'') rulebook, and is thus a MIAX Emerald rule applicable to MIAX Emerald members.

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] the Exchange may open

[3] *See* Securities Exchange Act Release No. 106100 (August 12, 2026) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change to Amend the Short Term Option Series Program Related to Qualifying Securities) (SR–ISE–2026–34).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if

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for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Friday Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates (''Short Term Option Weekly Expirations''). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Interpretation and Policy .02 to Exchange Rule 404 that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Short Term Option Daily Expirations'').[5] For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

Further, the Exchange may open for trading series of options on the symbols provided in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 that expire on the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Qualifying Securities''). For those symbols listed in Table 2, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday and Wednesday Expirations, at one time. Qualifying Securities may be eligible individual stocks or Exchange-Traded Fund Shares that meet the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,[6] *or*

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded Fund Share based on net asset value (''NAV'');

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and Exchange-Traded Fund Shares to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for Exchange-Traded Fund Shares shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings Announcement that takes place after market close.[9] Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries beginning on the second day of the following quarter.

Proposal

At this time, the Exchange proposes to amend the listing and trading of Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on certain Exchange-Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria. As noted above, the Exchange proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.''

Expansion of Exchange-Traded Fund Shares Qualifying Securities

In January 2026, the Exchange filed to permit the listing of Qualifying Securities, and the filing was noticed for immediate effectiveness.[10] The Exchange began listing Qualifying Securities on January 26, 2026 on Tesla, Inc. (TSLA); NVIDIA Corporation (NVDA); Apple Inc. (AAPL); iShares Bitcoin Trust ETF (IBIT); *Amazon.com*,

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a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays.

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[8] The Exchange makes this information available on its website.

[9] With respect to individual stock options, the Exchange does not list an expiry on a day when there will be an Earnings Announcement that takes place after market close with respect to individual stock to avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement. Pursuant to Interpretation and Policy .02 to Exchange Rule 404, an Earnings Announcement shall include official public quarterly or yearly earnings filed with the Securities and Exchange Commission.

[10] *See* Securities Exchange Act Release No. 104658 (January 22, 2026), 91 FR 3581 (January 27, 2026) (SR–MIAX–2026–03) (Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program).

Inc. (AMZN); Meta Platforms, Inc. (META); Broadcom Inc. (AVGO); Alphabet, Inc. (GOOGL); and Microsoft Corporation (MSFT).[11] These securities continue to trade in the second calendar quarter of 2026.[12] Based on the required review, the Exchange changed the list by removing IBIT, and adding Advanced Micro Devices, Inc.(AMD), Intel Corporation (INTC), Micron Technology, Inc. (MU), VanEck Semiconductor ETF (SMH), and Financial Select Sector SPDR Fund (XLF) to the list of securities qualifying for the program in the third calendar quarter of 2026.[13]

Tier 1 Expansion

At this time, the Exchange proposes to permit the listing and trading of Qualifying Securities on Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 to list up to two Tuesday and Thursday Expirations in addition to the existing Monday and Wednesday Expirations and redesignate them as Tier 1 Qualifying Securities.

The proposed Tuesday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Tuesday Expirations in SPDR S&P 500 ETF Trust (''SPY''), Invesco QQQ Trust (''QQQ''), and iShares Russell 2000 ETF (''IWM'') in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Monday or Tuesday that is a business day series of options on the symbols provided in Table 1 and Table 2 that expire at the close of business on each of the next two Tuesdays that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Tuesday Short Term Option Expiration Date'').[14] In the event Tier 1 Qualifying Securities expire on a Tuesday and that Tuesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Tuesday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Thursday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Thursday SPY, QQQ, and IWM in Short Term Option Daily Expirations set forth Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Wednesday or Thursday that is a business day series of options on the symbols provided in Table 1 and Table 2 above that expire at the close of business on each of the next two Thursdays that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Thursday Short Term Option Expiration Date'').[15] In the event Tier 1 Qualifying Securities expire on a Thursday and that Thursday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Thursday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Tuesday and Thursday Expirations (among other symbols that may list a Tuesday or Thursday Expiration) in the Short Term Option Series Program.[16] Specifically, the Tuesday and Thursday Tier 1 Qualifying Securities Expirations will have a interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[17] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, Tuesday and Thursday Tier 1 Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Tuesday is not a business day, the series shall expire on the first business day immediately prior to that Tuesday, *e.g.,* Monday of that week if the Tuesday is not a business day. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, a Thursday expiration series shall expire on the first business day immediately prior to that Thursday, *e.g.,* Wednesday of that week if the Thursday is not a business day.

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[18] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[19] With the proposed changes, this thirty (30) series restriction would apply to Tuesday and Thursday Tier 1 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Tuesday and Thursday Tier 1 Qualifying Securities Expirations.

With this proposal, Tuesday and Thursday Tier 1 Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Tuesday or Thursday Expirations. With respect to standard expiration option series, Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[20] Not listing Tuesday and Thursday Tier 1 Qualifying Securities Expirations for one week every month because there

[11] *https://www.miaxglobal.com/alert/2026/01/20/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-0.*

[12] *https://www.miaxglobal.com/alert/2026/04/06/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-2.*

[13] *https://www.miaxglobal.com/alert/2026/07/01/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-1.*

[14] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[15] *Id.*

[16] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[17] *Id.*

[18] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[19] *See* Interpretation and Policy .02 to Exchange Rule 404.

[20] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Tuesday and Thursday Expirations, the Exchange would not permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[21] Therefore, all Tuesday and Thursday Tier 1 Qualifying Securities Expirations would expire at the close of business on each of the next two Tuesdays and Thursdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Tuesday and Thursday Tier 1 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols [22] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[23] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Tuesday and Thursday Tier 1 Qualifying Securities Expirations.

Tier 2 Expansion

The Exchange also proposes to permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria as Qualifying Securities. The Exchange proposes a different set of criteria for Qualifying Securities that are Exchange-Traded Funds that would only be permitted to trade up to two Monday and Wednesday Expirations as follows: an underlying security, as measured on the last day of the prior calendar quarter, must have: AUM greater than 25 billion dollars for an Exchange-Traded Fund Share based on NAV,[24] and monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options; a position limit of at least 250,000 contracts; [25] and participate in the Penny Interval Program (''Tier 2 Qualifying Securities'').

As with any Qualifying Security, each calendar quarter, the Exchange will apply the above criteria to the proposed new Tier 2 Qualifying Securities to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the AUM for Exchange-Traded Fund Shares that are Tier 2 Qualifying Securities shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. As is the case for all Qualifying Securities, the data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from OCC. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.[26] The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.[27]

Eligible Qualifying Securities for the proposed Tier 2 Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday Expirations at one time. Tier 2 Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday Expirations beginning on the second day of the following quarter.[28]

The proposed Monday Tier 2 Qualifying Securities Expirations will be similar to the Monday Expirations for the existing Qualifying Securities (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations set forth in in Interpretation and Policy .02 to Exchange Rule 404 such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (''Monday Qualifying Securities Expirations'').[29] In the event Tier 2 Qualifying Securities would expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Tier 2 Qualifying Securities expirations will be similar to the current Wednesday Expirations for the existing Qualifying Securities (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Wednesday Qualifying Securities Expirations'').[30] In the event Tier 2 Qualifying Securities would expire on a Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and

[21] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[22] *See supra* note 5.

[23] *Id.*

[24] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have an AUM greater than 50 billion dollars based on NAV.

[25] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have a monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options.

[26] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[27] The Exchange will continue to make this information available on its website.

[28] The Exchange has noted the additional expirations in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security for the proposed Tier 2 Qualifying Securities.

[29] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[30] *Id.*

instead list the following week; the two weeks of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday Expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations will be the same as those currently Monday and Wednesday Expirations in existing Qualifying Securities (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.[31] Specifically, the Monday and Wednesday Tier 2 Qualifying Securities Expirations for the proposed new Exchange-Traded Fund Shares will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[32] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Tier 2 Qualifying Securities Expirations series will be P.M.-settled.

As noted above, pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week if the Wednesday is not a business day.

As noted above, currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[33] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[34] With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Tier 2 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Tier 2 Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Tier 2 Qualifying Securities Expirations would be treated similar to existing Monday and Wednesday Qualifying Securities Expirations. With respect to standard expiration option series, Monday and Wednesday Tier 2 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[35] Not listing Monday and Wednesday Tier 2 Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with existing Monday and Wednesday Qualifying Security Expirations, the Exchange would not permit Monday and Wednesday Tier 2 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[36] Therefore, all Monday and Wednesday Tier 2 Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations for the proposed Tier 2 Qualifying Securities on the same day in which a standard expiration option series, Monthly Options Series, or a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Tier 2 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols[37] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[38] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[39] in general, and furthers the objectives of Section 6(b)(5) of the Act,[40] 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 proposal to permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations and Monday and Wednesday Tier 2 Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure.

The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities requires Exchange-Traded Fund Shares to be highly liquid. An AUM of 50 billion dollars for an Exchange-Trade Fund Share, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets aforementioned market capitalization and volume

[31] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[32] *Id.*

[33] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[34] *See* Interpretation and Policy .02 to Exchange Rule 404.

[35] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[36] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[37] *See supra* note 5.

[38] *Id.*

[39] 15 U.S.C. 78f(b).

[40] 15 U.S.C. 78f(b)(5).

requirements are highly liquid and could be viewed as stable securities.

Further, with respect to the Tier 2 Qualifying Securities, which have a lower AUM of 25 billion dollars and monthly options volume as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options for an Exchange-Traded Fund Share, the Exchange believes that despite the lower criteria, these Exchange-Traded Fund Shares represent highly liquid securities. This requirement also represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets the aforementioned market capitalization and volume requirements would also be highly liquid and could be viewed as a stable security.

The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) to qualify for the highest position limit.

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below $200.[41] The most actively traded options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The improvement in price transparency brought about by the existing Monday and Wednesday Qualifying Security Expirations offers Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid Exchange-Traded Fund Shares. The addition of Tuesday and Thursday Qualifying Security Expirations would further provide Market Makers and investors with volatility pricing clarity. Further, the expansion of the Qualifying Securities program for Tier 2 would engender the same benefits to a select few additional Exchange-Traded Fund Shares.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday, Tuesday, Wednesday, and Thursday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of additional Tuesday and Thursday Tier 1 Qualifying Security Expirations and new Monday and Wednesday Tier 2 Qualifying Securities and would continue to limit the addition of two Monday, Tuesday, Wednesday, and Thursday expirations beyond the current week. These additional Monday, Tuesday, Wednesday and Thursday Tier 1 and Tier 2 Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.[42] The Exchange believes that the proposal will allow Members to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM the additional Tuesday and Thursday Tier 1 Qualifying Securities, as well as the new Monday and Wednesday Expirations or Tier 2 Qualifying Securities, are consistent with the Act as they will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tier 1 and Tier 2 Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that the proposed Tier 1 and Tier 2 Qualifying Security Expirations (Monday, Tuesday, Wednesday and Thursday) should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Tuesday and Thursday Qualifying Security Expirations compared to the proposed Tuesday and Thursday Tier 1 Qualifying Security Expirations. Further, there are no material differences in the treatment of current Qualifying Securities that will qualify as Tier 1 Monday and Wednesday Expirations compared to the proposed Monday and Wednesday Tier 2 Qualifying Security Expirations.

Additionally, market participants that elect to utilize options receive a copy of the Options Disclosure Document which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.[43] Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.[44] Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday

[41] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar month from June 1 through November 30 for determination of the most actively traded option classes.

[42] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 604.

[43] *See* FINRA Rule 2111.

[44] *See https://www.finra.org/rules-guidance/notices/21-15.*

Expirations for options on certain individual stocks or Exchange-Traded Fund Shares is inconsistent with the Act.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Qualifying Security expirations. The Exchange also represents that it has the necessary system capacity to support the new expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Qualifying Security Expirations given that it will be limited to two expirations beyond the current week.

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.

While the proposal will expand the Short Term Options Expirations to allow Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds to be listed in addition to Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion for Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

Similar to SPY, QQQ and IWM Tuesday and Thursday Expirations, the introduction of Tuesday and Thursday Expirations for Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tuesday and Thursday Tier 1 Qualifying Security Expirations will allow market participants to purchase options on Exchange-Traded Fund Shares based on *COM007**COM007*their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Tuesday and Thursday Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra market competition, as all market participants will be treated in the same manner under this proposal. With respect to the proposed expansion of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares, in addition to the current Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly continue to apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares that are Tier 1 and Tier 2 Qualifying Securities. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

Similar to Monday and Wednesday Expirations for Qualifying Securities for Exchange Traded Funds, the introduction of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Expirations for Tier 2 Qualifying Securities will allow market participants to purchase options on Exchange-Traded Fund Shares that meet the criteria based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [45] and Rule 19b–4(f)(6) thereunder.[46]

A proposed rule change filed under Rule 19b–4(f)(6) [47] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[48] 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 proposal may become operative immediately upon filing. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[49] The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and

[45] 15 U.S.C. 78s(b)(3)(A)(iii).

[46] 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.

[47] *See id.*

[48] 17 CFR 240.19b–4(f)(6)(iii).

[49] *See supra* note 3.

designates the proposal operative upon filing.[50]

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–MIAX–2026–36 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MIAX–2026–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MIAX–2026–36 and should be submitted on or before September 17, 2026.

[50] 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).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17457 Filed 8–26–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106182; File No. SR–MEMX–2026–25]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing of a Proposal To Adopt Rules for the Listing and Trading of Securities Event Contracts on the Exchange

August 24, 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 11, 2026, MEMX LLC (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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to adopt new Chapter 30 of the Exchange Rules to provide for the listing and trading of securities event contracts on the Exchange's options platform (''MEMX Options''). The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[51] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

Prediction markets recently have experienced significant growth and increasing customer interest as platforms for obtaining exposure to, and hedging risks associated with, objectively determinable events. These markets generally have developed on exchanges regulated by the Commodity Futures Trading Commission (''CFTC'') as designated contract markets and have offered event contracts referencing a broad range of political, economic, commercial, and other outcomes. At the same time, the Exchange believes that similar products would be valuable to investors in the securities markets by: (1) providing more tailored investment and hedging opportunities for both retail and institutional investors; and (2) creating valuable data that can then be used by investors in the pricing of the underlying securities or other derivatives such as standardized options.

Against this backdrop, the Exchange's proposal responds to this growing market demand for event-based products by establishing a framework for the listing and trading of securities event contracts as standardized options on the Exchange. In doing so, the proposal would bring these securities products within the established regulatory infrastructure applicable to listed options, including exchange trading and surveillance, standardized disclosure, and centralized clearance and settlement through a registered clearing agency, as further described below. To implement this framework, the Exchange proposes to adopt new Chapter 30 of the Exchange Rules governing the listing and trading of securities event contracts on MEMX Options.

Securities event contracts are cash-settled, European-style binary options that are based on the outcome of an event question related to the financial performance of an issuer of an NMS stock. A securities event contract provides a fixed payout if the condition specified in the contract terms occurs in the manner specified in the contract terms and expires without a payout if that condition does not occur. The proposed rules are intended to support securities event contracts based on objective, verifiable events relating to the financial performance of the issuer of an underlying security. Under the proposal, the Exchange would initially list securities event contracts based on an underlying financial metric,[3] such as whether an issuer announces earnings, revenues, sales, or another key financial metric that is equal to or exceeds a specified threshold. At the same time, the proposed framework preserves flexibility for the Exchange to propose additional securities event contract types in the future, including contracts based on other events affecting the issuer's financial performance that may not involve an underlying financial metric, subject to a separate proposed rule change.

The proposal is designed to provide market participants with a more targeted means of obtaining exposure to, or hedging risks associated with, discrete issuer events that are material to the value of an underlying NMS stock. Existing listed options generally allow investors to express views or hedge risks based on movements in the market price of an underlying security or index. Certain investment or hedging views, however, may relate more directly to a particular issuer event or component of issuer performance—such as reported earnings, revenues, sales, or another objectively determinable financial metric or development affecting the issuer—than to the issuer's share price alone. Because the market price of an issuer's stock may be affected by numerous factors unrelated to a particular event, an investor may be correct about whether that event takes place but nevertheless receive an imperfect result from a trade based solely on the issuer's stock price.

Securities event contracts are intended to address that gap by allowing investors to trade standardized options that reference an issuer event that is material to the value of an underlying security, rather than the security's market price itself, and whose exercise value is determined by whether a specified event condition relating to the underlying security is satisfied, rather than by the magnitude of a price movement in that security. Unlike traditional listed calls and puts, the value of a securities event contract at expiration would be determined solely by whether the option is in-the-money, rather than the degree to which the option is in-the-money. As a result, payout at expiration would be all-or-nothing, providing market participants with a defined outcome and a fixed payout. Securities event contracts also would provide market participants with a known amount at risk at the time the position is entered. Additionally, securities event contracts would be cleared through a registered clearing agency, which would serve as the central counterparty to each transaction and facilitate risk mitigation through established clearing, settlement, contract adjustment, and other standardized operational processes.

The Exchange notes that Cboe Exchange, Inc. (''Cboe'') has filed a proposed rule change to permit the listing and trading of ''binary KPI options,'' which are binary options based on issuer-reported key performance indicators (''KPIs'').[4] Like the Cboe KPI Proposal, the Exchange's proposal is intended to permit market participants to obtain targeted exposure to specified issuer financial metrics through standardized, exchange-traded binary options that are resolved using objective issuer disclosures. The Exchange's proposal, however, establishes its own securities event contract framework and adopts different approaches in certain areas that the Exchange believes are more appropriately tailored to the characteristics of these products. Those differences are reflected in various aspects of the proposed Rule framework and are discussed in the relevant Rule-specific sections below.

Proposed Rule 30.1—Application of Securities Event Contract Rules

Proposed Rule 30.1 provides that Chapter 30 would apply only to securities event contracts traded on MEMX Options. The Exchange's Rules also would apply to securities event contracts unless those rules are specifically replaced or supplemented by Chapter 30 or the context otherwise requires. Accordingly, securities event contracts would trade within the Exchange's existing options regulatory framework, including applicable provisions governing access, trading conduct, surveillance, disciplinary authority, and other requirements designed to protect investors and the public interest.

The Exchange believes this approach is appropriate because the Exchange's proposed securities event contracts are options, but like other existing options products, such as index options, they have features that require targeted product-specific rules. Chapter 30 therefore would supplement the Exchange's existing options rules with provisions addressing product definitions, contract terms, contract designation, expiration, exercise price selection, order entry, contract adjustment, resolution, and position limits, each as further described below. Where the specialized provisions in Chapter 30 address a subject differently from the Exchange's generally applicable options rules, the Chapter 30 provisions would control with respect to securities event contracts.

Proposed Rule 30.2—Definitions

Proposed Rule 30.2 would define the key terms used throughout Chapter 30, which are noted below.

The term ''binary option'' would mean a European-style option contract having an exercise settlement amount that is fixed at the creation of the option.

The term ''Clearing Corporation'' would mean the registered clearing agency designated by the Exchange to clear securities event contracts.[5]

The term ''contract type'' would mean one of the types of securities event contracts enumerated in Rule 30.4(b).

The term ''definitive resolution source(s)'' would mean the source(s) of information used to determine the value of the underlying financial metric as specified in the contract terms.

The term ''event question'' would mean a binary yes-or-no question the outcome of which determines whether a securities event contract is considered in-the-money at expiration.

The term ''expiration date'' would mean the date on which the outcome of an event question is determined pursuant to Rule 30.5 and the Interpretations and Policies thereto.

[3] For purposes of this filing and the Rules proposed herein, references to a ''financial metric'' include both financial and operating metrics relating to an issuer. Although certain metrics may be characterized as operating metrics, such metrics generally reflect, influence, or otherwise relate to the issuer's financial performance and are therefore included within the broader concept of a financial metric as used herein. Similarly, references to an issuer's ''financial performance'' include the issuer's operating performance because operating performance generally reflects, influences, or is otherwise associated with the issuer's financial performance.

[4] *See* Securities Exchange Act Release No. 105877 (July 10, 2026), 91 FR 43418 (July 15, 2026) (SR–CBOE–2026–061) (Notice of Filing of a Proposed Rule Change to Amend its Rules to Permit the Listing of Binary Options Overlying Key Performance Indicators Reported by Certain Issuers of Stock) (the ''Cboe KPI Proposal'').

[5] The definition of Clearing Corporation reflects that the Exchange may designate the Options Clearing Corporation (''OCC'') or another registered clearing agency to clear securities event contracts. References in Chapter 30 and in this filing to the Clearing Corporation therefore are intended to be clearing agency-neutral. The proposed definition does not alter the requirement that clearing and settlement occur through a registered clearing agency subject to the applicable provisions of the Act and the rules and oversight applicable to that clearing agency.

The term ''exercise price'' would mean, where applicable, the value of the underlying financial metric to which the settlement value is compared to determine whether a securities event contract is considered in-the-money at expiration.

The term ''exercise settlement amount'' would mean the amount of cash that a holder will receive upon exercise of the contract.

The term ''no contract'' would mean a securities event contract that is considered in-the-money at expiration if the condition specified in the contract terms does not occur in the manner specified in the contract terms.

The term ''securities event contract'' would mean a binary option that is based on the outcome of an event question related to the financial performance of an issuer of an NMS stock.

The term ''settlement value'' would mean the value of the underlying financial metric on the expiration date as determined by an Official [6] pursuant to Rule 30.9.

The term ''underlying financial metric'' would mean the financial metric on which the event question is based as specified in the contract terms.

The term ''yes contract'' would mean a securities event contract that is considered in-the-money at expiration if the condition specified in the contract terms occurs in the manner specified in the contract terms.

Proposed Rule 30.3—Terms of Securities Event Contracts

Proposed Rule 30.3 describes the terms by which securities event contracts listed and traded on the Exchange are designated. Each securities event contract would be designated by expiration date, underlying security, contract type, event question, and, if applicable, exercise price. The rule would also require the Exchange to make available both yes contracts and no contracts for each securities event contract. The yes contract and no contract for an event question represent complementary outcomes, where a yes contract would be in-the-money if the specified condition occurs in the manner stated in the contract terms, while the associated no contract would be in-the-money if that condition does not occur in that manner. Because the two contracts reference the same event question and other material terms, they are directly linked and together create a single market for the two possible outcomes of that event question.

Proposed Interpretation and Policy .01 to Rule 30.3 would require the Exchange to publish the contract terms for securities event contracts in advance of listing and trading.

Proposed Interpretation and Policy .02 to Rule 30.3 provides that, unless otherwise specified, each securities event contract would have an exercise settlement amount of $1, and also provides that securities event contracts would not have a contract multiplier. Although the rules permit the Exchange to specify a different exercise settlement amount where appropriate, the Exchange intends for $1 to serve as the standard exercise settlement amount for securities event contracts, as a $1 exercise settlement amount provides a simple and intuitive framework for pricing the complementary contracts associated with a particular event question, enabling market participants to readily understand the relationship between a contract's price and its potential payout. The Exchange believes these default terms would make the product's economics straightforward and promote consistency and transparency across securities event contracts by establishing a standardized payout amount and avoiding the additional complexity associated with contract multipliers.

Proposed Rule 30.4—Designation of Securities Event Contracts

Proposed Rule 30.4(a) would permit the Exchange from time to time to approve for listing and trading securities event contracts based on two categories of eligible underlying securities selected by the Exchange. First, pursuant to proposed Rule 30.4(a)(1), the Exchange may select the NMS stocks of no more than 25 issuers, each of which, at the time of initial selection, is ranked in the top 25 of NMS stocks by market capitalization, equities volume, or options volume. Second, pursuant to proposed Rule 30.4(a)(2), the Exchange may select the NMS stock of any issuer for which securities event contracts or similar options are listed and traded on another national securities exchange pursuant to rules approved by the Commission. Proposed Rule 30.4(a)(3) provides that an issuer selected pursuant to paragraph (a)(2) would not count toward the limitation in paragraph (a)(1). The Exchange would identify eligible underlying securities through a notice distributed to Members and posted on the Exchange's website.

The objective eligibility criteria in proposed Rule 30.4(a)(1) confine the Exchange's initial selection authority to a limited universe of issuers that rank among the largest or most actively traded NMS stocks. Market capitalization, equities volume, and options volume are objective measures that reflect different, but relevant, aspects of public market interest and generally correlate with characteristics such as broad investor participation, significant liquidity, and robust public information and analyst coverage. A high market capitalization generally reflects issuer scale and broad investor ownership, while high equities or options volume reflects active participation, liquidity, and developed price discovery in markets related to the issuer. Allowing an issuer to qualify under any one of these criteria recognizes that issuer significance may be reflected in different ways and that market capitalization, equities volume, and options volume provide objective and relevant measures for identifying issuers that are most likely to be significant to market participants, while maintaining a bounded and transparent framework for issuer eligibility.

The limitation to no more than 25 issuers selected under proposed Rule 30.4(a)(1) is intended to provide the Exchange with sufficient flexibility to offer contracts on a meaningful range of issuers while maintaining a limited and manageable initial universe as the Exchange and its Members gain experience with trading in this new product. The proposed rule provides for assessing eligibility only at the time of initial selection and does not require that an issuer remain in the applicable top-25 ranking after selection. The Exchange may later determine to increase the number of issuers on which securities event contracts may be listed and, if it decides to do so, will file such change with the Commission as a proposed rule change.

Proposed Rule 30.4(b) provides that each securities event contract will specify the event question, the underlying financial metric, if applicable, and the definitive resolution source(s) that will be used to determine whether the event has or has not occurred. The rule would permit the Exchange to list four categories of contract types: Earnings Contracts, Revenue Contracts, Sales Contracts, and Other Key Financial Metric Contracts. Earnings Contracts would be based on whether an issuer announces earnings that are equal to or exceed a specified exercise price. Revenue Contracts would be based on whether an issuer announces revenues for the company, or a division, segment or product within the company, that are equal to or exceed a specified exercise price. Sales

[6] Proposed Rule 30.9(a) defines the term ''Official'' as an Officer of the Exchange or such other employee designee of the Exchange.

Contracts would be based on whether an issuer announces sales for the company, or a division, segment or product within the company, that are equal to or exceed a specified exercise price. Other Key Financial Metric Contracts would be based on whether an issuer announces a specified key financial metric other than earnings, revenues, or sales that is equal to or exceeds a specified exercise price, provided the metric is reported in the issuer's periodic reports filed with the Commission and is objectively determinable from those reports. Such metrics may include, for example, metrics relating to customers, users, subscribers, production, margins, cash flows, or other aspects of the issuer's financial performance.

The proposed contract types encompass earnings, revenues, sales, and other key financial metrics that are objective, quantifiable measures of an issuer's financial performance. Other Key Financial Metric Contracts would be limited to metrics reported by the issuer in its periodic reports filed with the Commission and objectively determinable from those reports. This category is directed to ''key'' financial metrics—measures used to describe significant aspects of the issuer's financial condition, results of operations, or business performance. In light of the nature of those measures and the disclosure framework through which they are reported, eligible metrics will bear a meaningful relationship to the issuer's business and financial performance and will be material to the value of the underlying NMS stock. The requirement that an eligible metric be reported in an applicable Commission report provides a reasonable and objective basis for identifying measures that are significant to investors' evaluation of the issuer. The Commission's disclosure framework is designed to provide investors with information relevant to evaluating an issuer's financial condition, results of operations, business performance, and securities. Consistent with that framework, Commission requirements and guidance direct issuers to focus on material information and key variables relevant to understanding its financial condition, results of operations, and business performance, including financial metrics that management uses to manage or monitor the business.[7]

Eligible metrics may include, for example, GAAP and non-GAAP financial measures, as well as operating measures relating to the issuer's business activities, products, customer base, production levels, or business segments. Because these metrics are publicly reported by the issuer in its Commission filings, they reflect information that is either required to be disclosed under the Commission's reporting framework or that the issuer has deemed sufficiently important to disclose to investors. Consequently, such metrics are commonly used by investors, analysts, and other market participants to evaluate issuer performance and the value of the underlying stock. Accordingly, this proposed category is limited to metrics that bear a meaningful relationship to the issuer's business, financial performance, and market valuation, and are therefore material to the value of the underlying NMS stock.

The proposed categories would permit contracts on consolidated company results as well as divisions, segments, products, or other components of the issuer's business where the applicable metric is reported in the issuer's periodic filings, thereby permitting market participants to obtain targeted exposure to the particular aspect of the issuer's financial performance relevant to their investment or hedging view.

Proposed Interpretation and Policy .01 to Rule 30.4 would require the contract terms for contracts listed pursuant to Rule 30.4(b) to identify the reporting period to which the underlying financial metric relates (for example, Q3 2027) and designate as the definitive resolution source the first periodic report (on Form 8–K, Form 10–Q or Form 10–K, as applicable) filed with the Commission that reports the applicable metric for that reporting period. This approach is intended to ensure that the contract terms identify with specificity both the financial period and the issuer disclosure that will resolve the event question and to anchor settlement to the issuer's initial public disclosure of the relevant metric through the Commission's reporting framework.

The Exchange intends for Chapter 30 to provide a flexible framework that can support other securities event contracts relating to an underlying security if the Exchange later determines that there is customer demand for additional contract types. Such contracts could be based on objective events that are not underlying financial metrics and therefore may not require an exercise price because the yes/no event question itself would determine whether the contract is in-the-money at expiration. In any case, the event question would be resolved by reference to the definitive resolution source(s) specified in the contract terms, which is intended to ensure that each contract can be settled by applying objective, pre-published criteria to public, verifiable information. The proposal does not permit the Exchange to list such additional contract types under the currently proposed rule. If the Exchange later seeks to add an additional contract type, it would file a proposed rule change with the Commission.

Proposed Rule 30.4(c) provides that securities event contracts listed and traded on the Exchange would constitute a separate class from other options overlying the same underlying NMS stock and constitute a separate class from other securities event contracts with different underlying financial metrics for the same issuer.

Proposed Rule 30.5—Expiration Date

Proposed Rule 30.5(a) would permit the Exchange, after approving a particular securities event contract class for listing and trading, to designate and open for trading series that expire from one day up to 12 months from the date they are listed. The Exchange believes it is appropriate to permit listing of securities event contracts that expire up to 12 months from the time they are listed to accommodate different issuer reporting periods (including semiannual reporting if the Commission approves recently proposed rules to permit such reporting), as well as to permit the Exchange to list expirations for consecutive calendar quarter periods or for one or more calendar quarters and an annual reporting period at the same time. Issuers disclose financial metrics in their periodic reports submitted to the Commission on periodic reporting cycles, and a 12-month outer limit would permit the Exchange to offer contracts corresponding to those cycles without providing the substantially longer-dated expirations available for certain traditional options.

[7] *See, e.g.,* Item 303(a) of Regulation S–K, 17 CFR 229.303(a) (stating that the objective of MD&A is to provide material information relevant to an assessment of financial condition and results of operations and that the discussion must address financial statements and other statistical data the registrant believes will enhance a reader's understanding); Rule 12b–20 under the Act, 17 CFR 240.12b–20 (requiring further material information necessary to make required statements, in light of the circumstances in which they are made, not misleading); Commission Guidance on Management's Discussion and Analysis of Financial Condition and Results of Operations, Securities Act Release No. 33–10751 and Exchange Act Release No. 34–88094 (Jan. 30, 2020), 85 FR 10568, 10569–70 (Feb. 25, 2020) (noting that companies should consider whether key variables management uses are material to investors and generally expecting disclosure of a metric to explain why it is useful to investors and how management uses it).

Proposed Rule 30.5(b) provides that securities event contracts based on an underlying financial metric would expire on the date the metric is first publicly announced in a definitive resolution source. That rule also provides that when listing a securities event contract, the Exchange would establish the expiration date by reference to the anticipated timing of the announcement of the relevant underlying financial metric, with the specific expiration date to be finalized when the issuer announces the date on which it will disclose the relevant metric for the applicable reporting period.

This proposed rule would permit the Exchange to list series that expire on the date the issuer announces its financial results for the applicable reporting period (such as a calendar quarter). The expiration date for a securities event contract would be the date on which an issuer discloses the applicable financial metric in its financial results (for example, the date on which it issues an earnings results press release) for the specified reporting period, with the specific expiration date to be finalized when an issuer announces the date on which it will disclose its financial results for that reporting period.[8]

While an expiration date for a securities event contract would be a specific date, as is the case for traditional options, the Exchange's proposed designation of expiration dates for securities event contracts would differ to reflect standard issuer disclosure practices. In some instances, an issuer might not establish the specific date on which it will announce its financial results for a reporting period until weeks prior to the release date. Consequently, unlike standard equity and index options that have an exact expiration date when series are first listed, a securities event contract would be listed for trading with a placeholder expiration date if the date the underlying financial metric will be released by the issuer is not publicly known. If a placeholder expiration date is required, it would be set as the first trading day that is three months following the date of the prior quarterly release date for a financial metric (for financial metrics announced quarterly) and six months following the date of the prior semiannual release date for a financial metric (for financial metrics announced semiannually, if the Commission approves proposed rules that would permit such reporting). Once the issuer announces the release date of the relevant financial metric, the expiration date would be updated as the finalized expiration date of the securities event contract. Ultimately, however, the expiration date for a securities event contract is an issuer's financial results release date (even if the exact date is not known in advance).

Proposed Interpretation and Policy .01 to Rule 30.5 provides that the expiration date determines the last possible date for an event to occur before a securities event contract is resolved. That rule further provides that, notwithstanding the announced expiration date, if an event question can be resolved before that date pursuant to the contract terms, the contract will expire as of the date and time the contract can first be resolved pursuant to public announcement in a definitive resolution source. This provision is designed to align contract expiration with the availability of the information necessary to resolve the contract and to prevent trading from continuing after the event question has become objectively resolvable pursuant to the contract terms.

The Exchange recognizes that information regarding an underlying financial metric may also become publicly available through a source other than the definitive resolution source before the announced expiration date. If there is such an unofficial disclosure of the metric before expiration, Interpretation and Policy .01 also provides that the Exchange may halt trading in the applicable series pursuant to Rule 20.3 (Trading Halts) while it evaluates the information. This authority is intended to address the unusual circumstance in which relevant information appears to have become publicly available through a source other than an official definitive resolution source. If the Exchange determines that the unofficial information is unreliable or insufficient to resolve the event question, trading may resume until the contract otherwise expires.

Proposed Interpretation and Policy .02 to Rule 30.5 provides that the last day of trading for securities event contracts based on an underlying financial metric would be determined by reference to the time that the issuer discloses its financial results for the relevant reporting period. If the issuer discloses its financial results for the relevant reporting period after the close of trading, the last day of trading would be the day of expiration. If the issuer discloses its financial results for the relevant reporting period prior to the opening of trading, the last day of trading would be the trading day before expiration. This approach is designed to permit trading through the final regular trading session before the information necessary to resolve the event question becomes public, while preventing trading after market participants have access to that information.

The Cboe KPI Proposal addresses the same timing issue by designating binary KPI options as A.M.-settled or P.M.-settled depending on whether the issuer discloses its financial results before the opening or after the close of regular trading hours. Although the practical timing of the final trading session under the Cboe KPI Proposal is generally aligned with the timing contemplated by the Exchange's proposal, the Exchange's proposal states the applicable timing convention directly rather than characterizing securities event contracts as A.M.-settled or P.M.-settled. In the traditional-options context, those designations ordinarily describe whether an option's settlement value is derived from the opening or closing price of an underlying security or index, whereas the proposed securities event contracts settle by reference to an issuer-reported financial metric. Accordingly, the Exchange's proposal ties the last trading day to the timing of the issuer's disclosure for the relevant reporting period, allowing the rule text to identify the operative event for determining the final trading session without requiring market participants to infer that result from a separate settlement classification. The Exchange believes this approach more directly describes the operation of securities event contracts and reduces the potential for investor confusion that may result from applying traditional A.M.- and P.M.-settlement terminology to contracts that do not settle based on opening or closing market prices.

Proposed Interpretation and Policy .03 to Rule 30.5 provides that, if the applicable underlying financial metric is not reported or otherwise unavailable on the expiration date (and will not be reported), settlement would occur as specified in the contract terms. Requiring the published contract terms to address this unusual circumstance is designed to provide market participants with advance notice of the applicable alternative settlement procedure and avoid an ad hoc determination after trading has occurred. The precise procedure may vary depending on the metric and the requirements of the

[8] For example, for a securities event contract series, the Exchange may designate the reporting period for a series to be the fourth quarter of 2026. The expiration date for that series would be the date on which the applicable issuer establishes as the date it will announce financial results for that quarter. The Exchange will issue a notice to Members when the specific expiration date for a securities event contract is finalized.

Clearing Corporation, but in all cases would be specified in the contract terms before the series is listed.

Proposed Interpretation and Policy .03 to Rule 30.5 further provides that, if an applicable underlying financial metric is restated after the expiration date and settlement of a securities event contract, the settlement value would not change. In other words, the value of the applicable underlying financial metric as reported by the issuer on the applicable expiration date would be final, and the amount paid (or not paid) at settlement would not change, regardless of whether the issuer later restates the metric. The Exchange believes this finality is necessary to provide certainty to market participants and the Clearing Corporation and to avoid reopening settled contracts based on information that becomes available only after the contract has expired.

Proposed Rule 30.6—Exercise Price

Proposed Rule 30.6(a) provides that the Exchange may list securities event contracts with or without an exercise price, depending on the contract type. When an exercise price is required pursuant to the contract terms, the Exchange may list multiple contracts in the same class with exercise prices that correspond to an appropriate range of potential settlement values. For contracts that do not reference a specific exercise price, the Exchange would publish sufficient information in the contract terms such that market participants can understand when a particular contract offered will be in-the-money or out-of-the-money at expiration.

Proposed Rule 30.6(b) provides that, for each securities event contract that has an exercise price, the exercise price would be fixed at an amount equal to a value of the underlying financial metric divided by a scaling factor. Because the value of certain financial metrics may be very large (*e.g.,* billions of dollars), the proposed scaling factor would permit the Exchange to express the corresponding exercise price in a manageable and readily understandable format. Scaling would change only how the metric threshold is displayed; it would not change the economic value represented by the exercise price or the comparison used to determine whether the contract is in-the-money.

Proposed Rule 30.6(b)(1) would establish the applicable scaling factor based on the value of the underlying financial metric most recently reported by the issuer in a periodic report filed with the Commission as of the time the applicable class is listed, as follows:

- If the most recently reported value is greater than or equal to one trillion, the exercise price would equal that value divided by one trillion. For example, an exercise price of 27.00 is equivalent to a value of the applicable underlying financial metric of 27,000,000,000,000.00.
- If the most recently reported value is greater than or equal to one billion but less than one trillion, the exercise price would equal that value divided by one billion. For example, an exercise price of 112.00 is equivalent to a value of the applicable underlying financial metric of 112,000,000,000.00.
- If the most recently reported value is greater than or equal to one million but less than one billion, the exercise price would equal that value divided by one million. For example, an exercise price of 900.00 is equivalent to a value of the applicable underlying financial metric of 900,000,000.00.
- If the most recently reported value is greater than or equal to one thousand but less than one million, the exercise price would equal that value divided by one thousand. For example, an exercise price of 42.00 is equivalent to a value of the applicable underlying financial metric of 42,000.00.
- If the most recently reported value is less than one thousand, the exercise price would equal that value and would not be divided by a scaling factor. For example, an exercise price of 774.00 is equivalent to a value of the applicable underlying financial metric of 774.00.

The Exchange would apply a different scaling factor to newly listed securities event contract series for a new expiration only after the value of the underlying financial metric in the issuer's periodic reports filed with the Commission has a value in a different scaling tier for four consecutive reporting periods or if the Exchange deems it necessary in the interests of a fair and orderly market. Application of a different scaling factor would not affect the exercise prices of any series of the securities event contracts previously opened. For example, if the Exchange begins listing a new class of securities event contracts and the most recently disclosed value of the underlying financial metric for the issuer at the time of that listing was for the third quarter of 2026 and was $892,000, the exercise prices for that class of securities event contracts would be scaled by 1,000, and thus exercise prices of 895, 995, and 1005, would represent $895,000, $995,000, and 1,005,000, respectively. If the issuer discloses a metric value of $1,020,000 in its fourth quarter 2026 periodic report, the Exchange would continue to list exercise prices scaled by 1,000. If the issuer then discloses metric values of $1,112,000, $1,237,000, and $1,064,000 for the first, second, and third quarters, respectively, of 2027, the Exchange would begin scaling the exercise prices by 1,000,000 for the fourth quarter 2027 expirations (or for the first quarter 2028 expirations if the Exchange had already listed fourth quarter 2027 expirations prior to the disclosure of the third quarter 2027 metric value). The Exchange believes this approach would promote consistency in the presentation of exercise prices and avoid changing the scale based on a temporary movement across a tier boundary, while allowing the Exchange to update the scale to reflect sustained changes in the issuer's reported metric. The fair-and-orderly-market exception would permit the Exchange to make an earlier change if continued use of the existing scale became impractical, misleading, or otherwise inconsistent with orderly trading.

The Exchange would announce in a notice to Members if the scaling factor applied to a securities event contract changes (for example, the metrics will be scaled in billions rather than in millions).

Proposed Rule 30.6(b)(2) provides that the Exchange may list securities event contract series with exercise prices representing negative values of the underlying financial metric. It is possible for a financial metric to have a negative value, such as earnings per share where the issuer reports a loss per share. For these series, the exercise price would equal the absolute value of the underlying financial metric and would be scaled in the same manner as a positive value, as described above. For example, if an issuer's earnings per share in the last reporting period was −$3.58 (and thus was a loss per share), a securities event contract for such issuer with an exercise price of 3.58 would reflect an expected loss of $3.58 per share. The Exchange would incorporate into symbology for securities event contracts whether the value of the exercise price is positive or negative, including if the Exchange lists securities event contract series with both positive and negative exercise prices. Whether a symbol reflects a positive or negative value would be available on contract specifications for the specific securities event contract on the Exchange's public website.

Proposed Interpretation and Policy .01 to Rule 30.6 provides that appropriate exercise prices for securities event contracts that have an exercise price may vary due to differences among issuers, contract types, and other factors. In determining which exercise prices to offer, the Exchange would consider information published by the issuer; market expectations that are relevant to the event question, such as information contained in research reports published by analysts covering the underlying security; the implied probabilities indicated by transactions in securities event contracts that have already been listed on a particular event question; and customer demand. The Exchange believes consideration of these factors is reasonably designed to support the listing of exercise prices that are responsive to market interest and within a range that is likely to be meaningful to market participants.

The Exchange's exercise price selection framework differs from the approach in the Cboe KPI Proposal, which would adapt a strike-interval and listing-range framework developed from conventions applicable to traditional options and would anchor initial listings to a band around the issuer's most recently reported financial metric. The Exchange believes that framework is not well suited to securities event contracts. Traditional equity-option strike grids are generally designed around the price of a continuously traded underlying security. The current market price provides a near-current reference point, and the strike intervals reflect market experience and assumptions concerning expected movements and volatility in stock prices. An issuer's financial metric, by contrast, is reported periodically and generally is not continuously observable. The most recently reported metric may be several weeks or months old and may become increasingly stale as the next reporting date approaches. During that period, issuer guidance, analyst reports, industry data, market conditions, and other public information may cause prevailing expectations for the next value to differ materially from the prior reported value. A rigid listing range centered on the previous quarter's value therefore may omit exercise prices that reflect the market's current view and may concentrate listings around thresholds that are no longer economically meaningful.

The assumptions embedded in traditional stock-price strike intervals also do not necessarily correspond to expected movements in issuer-reported metrics. Revenues may exhibit seasonality, margins may move within relatively narrow ranges, production values may change in discrete increments, subscriber measures may respond to product cycles, and cash flows may be comparatively irregular. The expected distribution and volatility of those values may differ substantially both from stock-price behavior and from one metric to another. The Exchange believes that importing a strike grid developed for a different product and reference interest could constrain the market before sufficient experience exists to determine appropriate listing conventions for securities event contracts.

The Exchange therefore believes its principles-based, contract-specific methodology is more appropriately tailored to the unique characteristics of securities event contracts and provides a reasonable framework for establishing exercise prices that reflect the particular metric, event question, and reporting context of each contract. The proposed factors permit exercise prices to reflect information and market expectations relating to the particular metric and event question, customer demand, and actual trading experience from previously listed contracts on the same event question as such product develops. This flexibility is not unbounded, however, as the Exchange would remain obligated under the rule to list exercise prices that correspond to an appropriate range of potential settlement values and, in administering the rule, the Exchange would exercise its discretion in a manner consistent with the maintenance of fair and orderly markets. The Exchange believes this approach is more likely to produce economically useful contract series, promote meaningful price discovery, and respond to legitimate investor demand than a framework anchored primarily to a potentially stale historical value and strike conventions developed for traditional options.

Proposed Rule 30.7—Entering Positions

Proposed Rule 30.7 establishes the trading mechanics for entering positions in securities event contracts. Proposed Rule 30.7(a) provides that Users seeking to enter a position must enter a bid to purchase either a yes contract or a no contract, and that to successfully establish a position, that order must be paired with a contraside no contract or yes contract, respectively, that references the same underlying event question, expiration date, and exercise price. Proposed Rule 30.7(b) provides that acceptable bid prices for securities event contracts range from $0.01 and $0.99, subject to a minimum pricing increment of $0.01, and the Exchange would execute a transaction in a securities event contract when the combined bids for the paired yes contract and no contract sum to $1.

Proposed Interpretation and Policy .01 to Rule 30.7 provides that the Exchange would not accept offers to sell securities event contracts. Instead, Users that wish to exit an established position in a yes contract or no contract would enter a bid to purchase the associated no contract or yes contract, respectively. Proposed Interpretation and Policy .02 to Rule 30.7 provides that securities event contracts must be paid in full when the User enters the position pursuant to the Rules of the Clearing Corporation.

The Exchange believes the proposed long-only yes/no contract structure provides a transparent and efficient framework for trading complementary outcomes of a single event question. Because the paired bids for a yes contract and associated no contract must sum to the $1 exercise settlement amount, execution prices directly reflect the market's relative valuation of the two possible outcomes. For example, a User that purchases a yes contract at $0.60 would be paired with a User that purchases the associated no contract at $0.40. At expiration, one of the two contracts would receive the $1 exercise settlement amount and the other would not receive a payout. A holder seeking to offset the economic exposure (or close out) of an existing position would do so by purchasing the complementary contract rather than entering a sell order. As a result, trading is organized around a single event question and its two complementary outcomes rather than around separate categories of option contracts.

This structure differs from the framework proposed for binary KPI options in the Cboe KPI Proposal, under which call and put contracts referencing the same event question may each be purchased or sold. The Exchange believes the yes/no structure is more directly tailored to the binary nature of securities event contracts because it presents the two possible outcomes of a single event question as complementary components of one market rather than as separate call and put markets. Securities event contracts are designed to answer a single question regarding whether a specified event condition is satisfied. The Exchange believes a corresponding yes contract and no contract more naturally reflect those two possible outcomes than a framework that applies traditional call and put terminology and trading mechanics to a binary event product.

The Exchange further believes that organizing trading around a single event question promotes a more coherent market structure. Under a framework that permits separate call and put contracts referencing the same binary event question to be purchased and sold, market participants may obtain equivalent economic exposure through multiple instruments trading in separate markets. As a result, trading interest relating to the same event question may become fragmented across separate call and put markets, creating the potential for pricing discrepancies among economically equivalent positions. Such discrepancies may obscure the relationship between complementary outcomes, impair pricing transparency, and create avoidable arbitrage opportunities that do not arise from differing views regarding the event itself but rather from inconsistencies between separate markets for the same underlying event question. By contrast, the Exchange's proposal directly links the two possible outcomes of a single event question through a fixed $1 exercise settlement amount and a requirement that the paired bids for the yes contract and associated no contract sum to that amount. The Exchange believes this approach concentrates trading interest in a single market, makes the relationship between the two outcomes readily observable, promotes more coherent pricing, and reduces the potential for pricing dislocations and arbitrage opportunities that may arise when economically equivalent exposures trade in separate markets.

The proposed permissible bid range also provides a product-specific execution price protection. Because an individual bid may not exceed $0.99 and paired bids must sum to exactly $1, no User may purchase a securities event contract for a price that is equal to or greater than the contract's maximum $1 exercise settlement amount. The Exchange believes this limitation is an important investor protection because a purchase at or above $1 would result in a guaranteed economic loss (or no gain) even if the contract ultimately is in-the-money and the investor correctly predicts the outcome.

The Cboe KPI Proposal, by contrast, would permit the Cboe exchange to designate a maximum execution price above the $1 exercise settlement amount and provides an example in which an execution above $1 is adjusted to $1.03. The Exchange disagrees with that approach. The Exchange does not believe that transaction, clearing, or other trading expenses justify permitting a contract to execute at a price greater than the maximum amount it can pay at settlement. Under the Exchange's proposal, an execution at a price exceeding the contract's maximum value could not occur. By contrast, the Cboe KPI Proposal contemplates adjusting executions to a designated maximum execution price that may remain above the contract's maximum payout. The Exchange believes that permitting transactions to occur at prices at or greater than the maximum possible value of the contract is inconsistent with the economics of a binary product and that preventing such executions altogether provides a clearer and more effective investor protection.

The Exchange's obvious error provisions would not apply to securities event contracts. The Exchange believes the fixed exercise settlement amount, the $0.01-to-$0.99 permissible bid range, and the requirement that complementary bids sum to $1 provide an appropriately tailored execution price protection that obviates the need for an obvious error process. In particular, the Exchange's System would prevent the most readily identifiable economically erroneous transaction—an execution above the maximum possible payout—before it occurs. The Exchange believes preventing such an execution is preferable to relying on a post-trade nullification or adjustment process.

Proposed Rule 30.8—Contract Adjustment

As described above, securities event contracts would be cleared by the Clearing Corporation, which would serve as the central counterparty to each transaction and facilitate standardized clearing, settlement, and contract administration processes pursuant to its Rules. Consistent with this centralized clearing framework, proposed Rule 30.8 provides that securities event contracts would be subject to adjustment only in accordance with and to the extent specified in the Rules of the Clearing Corporation. When any such adjustment has been determined, the Exchange will announce this adjustment, which will become effective at the time specified in that announcement.

The Exchange believes that limiting contract adjustments to those provided under the Rules of the Clearing Corporation provides a clear and transparent framework under which any adjustments to securities event contracts would be administered. A registered clearing agency designated to clear securities event contracts would be subject to Commission oversight and would possess expertise in the clearance and settlement of financial products. Because securities event contracts represent a novel product type, the Exchange anticipates that the Clearing Corporation would develop adjustment procedures designed to address the unique characteristics of these contracts and the types of events that may require adjustment. To the extent the Clearing Corporation adopts new adjustment procedures for securities event contracts, those procedures would be subject to the applicable regulatory process, including review and approval by the Commission, as applicable, before the Exchange commences trading in the product.

Proposed Rule 30.9—Resolution

Proposed Rule 30.9 establishes the process for resolving securities event contracts at expiration. Proposed Rule 30.9(a) provides that the outcome of an event question would be determined by an Officer of the Exchange or such other employee designee of the Exchange (an ''Official'') based on the published contract terms and the definitive resolutions source(s) specified for the contract. The Official's role would be limited to applying the pre-published contract terms to the specified public resolution source. For metric-based contracts, the settlement value would be the value reported in the applicable Commission filing.

Proposed Rule 30.9(b) further provides that securities event contracts would be cash settled at expiration and that in-the-money contracts would be automatically exercised and paid in cash pursuant to the Rules of the Clearing Corporation. A yes contract would be paid at expiration if the condition specified in the contract terms occurs in the manner specified in the contract terms, and a no contract would be paid at expiration if the condition does not occur in that manner. The Exchange believes that cash settlement is appropriate for securities event contracts because the contracts are designed to provide exposure to the occurrence or non-occurrence of an issuer-specific event rather than ownership or delivery of the underlying security.

Proposed Interpretation and Policy .01 to Rule 30.9 describes how the Exchange will determine whether a securities event contract is in-the-money at expiration. For securities event contracts that include an exercise price, such as the proposed contract types set forth in Rule 30.4(b), in-the-money status would be determined by comparing the settlement value of the underlying financial metric to the specified exercise price because the event question turns on whether that metric satisfies a specified threshold. For securities event contracts that do not include an exercise price, the published contract terms instead would specify the objective event that must occur for the contract to be in-the-money because the event question would depend solely on whether a discrete, objectively verifiable issuer event occurs in the manner specified in the contract terms, rather than whether a financial metric satisfies a numerical threshold. In either case, the contract terms would specify, before trading begins, the criteria for determining whether the contract is in-the-money, providing market participants with a clear understanding of how the contract will be resolved and when it will result in a cash payout.

Proposed Rule 30.10—Position Limits

Proposed Rule 30.10 establishes the position limit requirements for securities event contracts. Proposed Rule 30.10(a) provides that, in determining, compliance with Rule 18.7 (Position Limits), the position limit for securities event contracts would be the same as the applicable position limit for the stock of the issuer per expiration, and 100 securities event contracts would equal one standard option contract. Proposed Rule 30.10(d) would apply the same 100-to-one conversion for purposes of the large-position report required by paragraph (a) of Rule 18.10 (Reports Related to Position Limits).

The Exchange believes using the applicable equity-option position limit provides an objective and familiar framework for securities event contracts. The issuer's equity-option position limit reflects the size and trading characteristics of the market associated with that issuer and provides an established reference point for limiting concentrated options exposure. At the same time, each securities event contract has a maximum exercise settlement amount of $1 and no contract multiplier, whereas a standard equity option generally represents 100 shares. Treating 100 securities event contracts as one standard option contract therefore provides proportional treatment for position limit and reporting purposes that reflects the materially smaller fixed value of an individual securities event contract.

Proposed Rule 30.10(b) provides that positions in securities event contracts on the same underlying financial metric with different expiration dates would not be aggregated (as proposed position limits are calculated per expiration), and positions in securities event contracts for the same issuer with different underlying financial metrics would not be aggregated (as securities event contracts overlying different financial metrics, even for the same issuer, would be different classes, as described above). Accordingly, the proposed position limit would apply separately to each combination of underlying financial metric and expiration.

Proposed Rule 30.10(c) provides that securities event contacts would not be aggregated with other options contracts overlying the stock of the issuer. The Exchange believes non-aggregation is appropriate because conventional equity options and securities event contracts have different reference interests, payout structures, settlement conditions, and risk profiles.

Surveillance and Regulatory Oversight

Today, the Exchange has an adequate surveillance program in place for options. The Exchange intends to apply the same program procedures to securities event contracts the Exchange applies to its other options products. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority, Inc. (''FINRA'') for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.[9] All options exchanges are also parties to the Options Regulatory Surveillance Authority plan under Regulation NMS Rule 608, pursuant to which FINRA conducts options-related insider trading surveillance, investigations, and enforcement for the U.S. options markets.

The Exchange believes its existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed securities event contracts. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of securities event contracts, including cooperation with FINRA to implement insider trading surveillances to incorporate the unique characteristics of securities event contracts. The Exchange will report any information regarding securities event contracts required to be reported to the Consolidated Audit Trail (''CAT'') in the same manner it reports this information to CAT for all other options the Exchange lists.[10] The Exchange believes that no technical changes are required to accommodate the reporting to CAT of information regarding securities event contracts (the Exchange represents, if later required by FINRA CAT, the administrator of the CAT, it will adhere to any new technical requirements FINRA CAT deems necessary to accommodate securities event contracts).

Implementation

The Exchange has analyzed its systems capacity and represents that it believes the Exchange has the necessary systems capacity to handle any potential additional message traffic associated with the listing of securities event contracts.

The Exchange will send quotation and transaction price information for securities event contracts to The Options Price Reporting Authority (''OPRA'') in the same manner it sends this information to OPRA for all other options the Exchange lists. The Exchange intends to follow OPRA's standard capacity monitoring process for securities event contracts (in accordance with OPRA instructions), which includes submission of quarterly capacity projections (the Exchange will include its projected securities event contracts volume in the applicable submission). Further, the Exchange does not believe that technical changes are required to accommodate the reporting to OPRA of quotation and transaction information regarding securities event contracts (however, the Exchange represents, if later required by OPRA, it will adhere to any new technical

[9] Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization (''SRO'') registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO (''common members''). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

[10] CAT reporting requirements will apply to broker-dealers with respect to securities event contracts in the same manner as they apply to any other options the Exchange lists. The Exchange believes that there will be no changes to the reporting specifications for broker-dealers to accommodate the reporting of information regarding securities event contracts to CAT.

requirements OPRA deems necessary to accommodate securities event contracts). The Exchange does not believe Members will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with securities event contracts and the effect (if any) of securities event contracts on the capacity of the Exchange's automated system.

Pursuant to the Options Order Protection and Locked/Crossed Market Plan (''Linkage Plan''),[11] participant exchanges to the Linkage Plan established a framework to provide order protection. The Linkage Plan (and Exchange Rules 27.1 through 27.3 regarding intermarket linkage) applies during all trading sessions during which multiply listed options trade. Rule 21.9 (Order Routing) addresses order routing away from the Exchange to promote compliance with the Linkage Plan. If the proposed securities event contracts become multiply listed options, Users may designate an order for routing (or not available for routing), and the Exchange System is designed to, at all times, prevent trade-throughs and avoid displaying locked/crossed markets in accordance with the Linkage Plan (and Exchange Rules 27.1 through 27.3 regarding intermarket linkage).

The Options Listings Procedure Plan (the ''OLPP'') sets forth procedures to facilitate the listing and trading of standardized options. This plan currently describes procedures with respect to options issued by and cleared at the OCC. The Exchange will take steps necessary and within its authority to amend the OLPP to reflect listing procedures applicable to securities event contracts to the extent not cleared by the OCC.

The Exchange represents it will not list for trading securities event contracts until the registered clearing agency designated as the Clearing Corporation is authorized and operationally ready to clear the contracts and until all applicable filings and documents of the Clearing Corporation related to securities event contracts being cleared through the Clearing Corporation are approved by the Commission or effective after review by the Commission, as applicable.

As discussed in further detail below, the Exchange intends for securities event contracts to be treated as listed standardized options. Rule 9b–1 under the Act establishes a disclosure framework for standardized options pursuant to which investors receive a disclosure document describing the terms, characteristics, and risks of the product before trading. Depending on which registered clearing agency is designated as the Clearing Corporation, the applicable Rule 9b–1 disclosure document may be based on an existing options disclosure document utilized by that clearing agency, as modified or supplemented, as appropriate, or another comparable disclosure document prepared in connection with the clearance of securities event contracts. In either case, the disclosure document would contain substantially similar information regarding the terms, characteristics, risks, settlement mechanics, and other material features of securities event contracts and would be tailored, as necessary, to address the product's unique features and distinctions from traditional listed options. The Exchange believes that disclosure through the Rule 9b–1 framework would better serve the informational needs of investors than a traditional prospectus because securities event contracts are standardized options for which the principal investor considerations relate to the contract's terms, payout structure, settlement mechanics, and trading characteristics rather than the disclosure typically provided in connection with an offering of a corporate issuer's securities.

The Exchange will not commence listing and trading of securities event contracts until a registered clearing agency is authorized and operationally ready to clear the contracts; the applicable disclosure document under Rule 9b–1 is in place; any necessary changes relating to CAT, FINRA, OPRA, the Linkage Plan, and OLPP have been completed; and the Exchange has issued an implementation notice to Members.

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] 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) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Securities Event Contracts Are Securities and Standardized Options

As an initial matter, the Exchange believes that the securities event contracts proposed herein would be ''securities'' under the Act.[15] Section 3(a)(10) of the Act [16] defines the term ''security'' to include, among other instruments, ''any . . . option . . . on any security . . . including any interest therein or based on the value thereof.'' [17] Listed options that fall within this statutory definition are subject to the Commission's jurisdiction and generally must trade on a national securities exchange that is registered pursuant to Section 6 of the Act.[18]

Today, standardized options are generally offered based on the price of the underlying security or index and include puts, calls, and other complex instruments whose value is based on the price of the underlying security or securities. The Exchange's proposal would expand the universe of listed options to include contracts based on the issuer achieving financial metrics that are material to the price of the underlying NMS stock rather than the stock's share price itself. Such securities event contracts would be based on an interest in and relate to the value of the underlying NMS stock. While the definitions in the Act are somewhat overlapping, classifying these securities as binary options contracts rather than security-based swaps is in keeping with the relevant statutory definitions and the SEC's prior interpretations thereof.

Moreover, trading such instruments as binary options would promote a fair and orderly market and facilitate new

[11] The Linkage Plan requires U.S. options exchanges to establish a framework for providing order protection and addressing locked and crossed markets in eligible options classes. The Linkage Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder. The full text of the Linkage Plan is available at *https://www.theocc.com/getcontentasset/7fc629d9-4e54-4b99-9f11-c0e4db1a2266/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/options_order_protection_plan.pdf.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] For the same reasons discussed herein, the Exchange believes that securities event contracts are also ''securities'' under the Securities Act of 1933, as amended (the ''Securities Act''). *See* 15 U.S.C. 77b(a)(1).

[16] 15 U.S.C. 78c(a)(10).

[17] *Id.*

[18] 15 U.S.C. 78f.

investment and hedging opportunities on a Commission-regulated exchange. In certain cases, financial instruments may contain features similar to both options contracts and security-based swaps. As compared to characterizing an instrument as a security-based swap, which would typically be traded bilaterally in the over-the-counter (''OTC'') market, categorizing an instrument as an options contract comes with a more robust set of regulatory requirements and market practices that the Exchange believes would aid in the development of such securities event contracts. To the extent there is uncertainty regarding how best to characterize these contracts under the statute, the Exchange believes that the best interpretation is the one that promotes innovation and competition while providing robust investor protection guardrails on a regulated exchange.

As discussed above, the Exchange is proposing to list securities event contracts for trading on its registered U.S. options exchange, MEMX Options. MEMX Options currently trades standardized options based on the price of an underlying NMS stock, *i.e.,* ordinary puts and calls. Securities event contracts would be different from the contracts currently traded on MEMX Options primarily in two separate respects: (1) securities event contracts would have a fixed or ''binary'' payout at expiration, regardless of the magnitude of the difference between the option's exercise price and the settlement value for the underlying; and (2) the price of such contracts would be based on the issuer achieving financial metrics that are material to the price of the underlying NMS stock rather than the stock's share price itself. The Exchange does not believe that either of those differences is germane to whether this product is an options contract as defined in the Act.

Notably, options as defined in Section 3(a)(10) encompass not only options on a security but further include options on any interest in a security or based on the value thereof. This broad statutory language is sufficient to support the trading of securities event contracts on a Commission-regulated options exchange, including contracts that reference an issuer's earnings, revenues, sales, or other financial metrics on which investors traditionally base investment decisions. Indeed, such options contracts would reference financial metrics that are material to the value of the underlying security and are therefore included in the issuer's financial reports submitted to the Commission, including Form 8–K, Form 10–K and Form 10–Q filings.

This read of the statute is also consistent with the Commission's own interpretation of the statute when analyzing its application to similar products offered by another national securities exchange. Consider the Commission's approval of proposals by Cboe to list and trade: (1) credit default options; [19] and (2) credit default basket options.[20] As the Commission explained in its order approving credit default options for trading on Cboe, ''credit default options . . . are binary options that are automatically exercised upon the occurrence of specified credit events or expire worthless.'' [21] While such products were therefore different in certain important respects from existing options contracts, ''[a]fter careful analysis, the Commission [found] that credit default options are options based on the value of a security or securities'' [22] and also ''options on an interest in, or based on the value of an interest in, a security or securities.'' [23] The Commission made a similar finding when it later approved Cboe's proposal to introduce credit default basket options.

All of the above would also be true of securities event contracts traded on MEMX Options. Similar to Cboe's credit default options and credit default basket options, the Exchange's proposed securities event contracts are ''binary options that are automatically exercised upon the occurrence of specified . . . events or expire worthless.'' [24] The Commission has repeatedly found that contracts with a binary payout structure may nevertheless be properly classified as options contracts under the Act and, while most options contracts have historically had a variable payment structure, such a structure is not required by the Act, which does not specify a particular payment structure. In addition, while in some cases binary options offered by other securities exchanges have referenced the price of some underlying security or index, such binary options also encompass contracts like the ones discussed above that are instead based ''upon the occurrence of specified events.'' [25]

When classifying similar products in the past the Commission has interpreted the relevant statutory language to ''include options whose pricing in the secondary market moves in relation to the value of the underlying security or securities.'' [26] As was the case with Cboe's credit default options, this requirement is satisfied where there is a ''close empirical correlation between the pricing of'' [27] the option contract and the relevant underlying security or securities. Like Cboe's credit default options and credit default basket options, the Exchange intends only to list securities event contracts that are closely correlated with the pricing of the underlying security. Such contracts may include contracts based on an issuer's earnings, revenues, sales, or other financial metrics—such as metrics relating to customers, users, subscribers, production, margins, cash flows, or other aspects of the issuer's financial performance—reported in the company's periodic reports filed with the Commission on Form 8–K, Form 10–K, or Form 10–Q. This information, which is reported by issuers in their financial reports, is considered material to the price of the underlying NMS stock and easily meets the requirement that there be a close empirical relationship between the pricing of the option and the underlying security. Indeed, such information is generally considered to be the most important information disclosed to investors under the federal securities laws and fundamental price movements often happen following its disclosure.

Pursuant to Section 3(a)(68) of the Act,[28] a ''security-based swap'' [29] is a ''swap'' [30] as defined in the Commodity Exchange Act that is based on: (1) ''an index that is a narrow-based security index, including any interest therein or on the value thereof;'' [31] (2) ''a single security or loan, including any interest therein or on the value thereof;'' [32] or (3) ''the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.'' [33] In turn, the Commodity Exchange Act defines ''swap'' to include ''any

[19] *See* Securities Exchange Act Release No. 55871 (June 6, 2007), 72 FR 32372 (June 12, 2007) (SR–CBOE–2006–84).

[20] *See* Securities Exchange Act Release No. 56275 (August 17, 2007), 72 FR 47097 (August 22, 2007) (SR–CBOE–2007–26).

[21] *See* supra note 19.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] 15 U.S.C. 78c(a)(68).

[29] *Id.*

[30] 7 U.S.C. 1a(47).

[31] 15 U.S.C. 78c(a)(68)(A)(ii)(I).

[32] 15 U.S.C. 78c(a)(68)(A)(ii)(II).

[33] 15 U.S.C. 78c(a)(68)(A)(ii)(III).

agreement, contract, or transaction . . . that is a put, call, cap floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more . . . securities.'' [34]

All listed options contracts, including those currently traded on MEMX Options and other U.S. options exchanges, would therefore fall within the statutory definition of security-based swap, unless an exclusion applies. Importantly then, the Commodity Exchange Act defines the term ''swap'' to specifically exclude ''any . . . option . . . on any security . . . or group or index of securities, including any interest therein or based on the value thereof,'' that is subject to both the Act and Securities Act.[35] As a practical matter, this exclusion means that listed options contracts traded on U.S. options exchanges like MEMX Options are therefore not considered security-based swaps under the Act, notwithstanding that they would otherwise meet the relevant statutory definition.

In determining whether a particular security is a security-based swap under the Act, the Commission must therefore determine not only whether the product falls within the security-based swap definition but *also* whether it is an ''option . . . on any security . . . or group or index of securities, including any interest therein or based on the value thereof.'' [36] If the Commission concludes that the product in question falls within the statutory definition of an option, then the product is excluded from the definition of security-based swap. For the reasons discussed above, the Exchange's proposed securities event contracts would be properly classified as options on a security, including any interest therein or based on the value thereof, and therefore should not be considered security-based swaps if traded on a national securities exchange under Commission rules that apply to the trading of options contracts.

The Exchange also believes that securities event contracts would be ''standardized options'' for purposes of Rule 9 b–1 under the Act.[37] Rule 9 b–1 establishes a disclosure framework for standardized options traded on a national securities exchange and cleared through a registered clearing agency. Rule 9 b–1(a)(4) [38] defines a standardized option to include an options contract trading on a national securities exchange that relates to an options class whose terms are limited to specific expiration dates and exercise prices, as well as other securities the Commission may designate by order. Under the current proposal, securities event contracts would have standardized terms established by Exchange rule, including specific expiration dates and exercise prices, and therefore would fall within the express definition of standardized options in Rule 9 b–1(a)(4). Additionally, securities event contracts would be cleared through the registered clearing agency designated as the Clearing Corporation, automatically exercised if in-the-money, and cash settled pursuant to the Rules of the Clearing Corporation. Accordingly, the Exchange believes that securities event contracts would be appropriately encompassed within the regulatory framework applicable to standardized options.

As noted above, the applicable Rule 9 b–1 disclosure document would be in place before the Exchange commences listing and trading of securities event contracts. Depending on the registered clearing agency designated as the Clearing Corporation, the applicable Rule 9 b–1 disclosure document may be the same as or similar to an existing options disclosure document utilized by that clearing agency, as modified or supplemented, as appropriate, or another comparable disclosure document prepared in connection with the clearance of securities event contracts. In either case, the document would describe the terms, characteristics, risks, settlement mechanics, and other material features of securities event contracts and would be tailored, as necessary, to address the product's unique features and distinctions from traditional listed options.

The Exchange believes the Rule 9 b–1 disclosure framework is appropriately tailored and would better serve the informational needs of investors than a traditional prospectus because securities event contracts are standardized options for which the principal investor considerations relate to the contract's terms, payout structure, settlement mechanics, and trading characteristics rather than the disclosure typically provided in connection with an offering of a corporate issuer's securities. Providing this information through the options disclosure framework would ensure that investors receive meaningful and appropriately tailored disclosure concerning the characteristics and risks of the contracts in a form established for standardized options and familiar to options market participants.

Classifying securities event contracts as securities options under the Act is consistent with the Commission's established regulatory framework for binary options, including investor protection objectives, and preserves the integrity of antimanipulation restrictions, insider trading prohibitions, and material nonpublic information (''MNPI'') controls. More specifically, because these contracts are tied to Commission disclosure rules and regulations and MNPI risks that are substantially identical to those present in traditional securities trading, aligning securities event contracts with the securities regulatory framework preserves the integrity of insider trading prohibitions and the Commission's disclosure regime. Listing securities event contracts on a registered national securities exchange subjects trading activity to SRO and Commission surveillance for, among other things, manipulative trading and insider trading, affording investors the full protections of the federal securities laws. Further, classifying securities event contracts as security options under the Act allows these contracts to be quoted by the same liquidity providers that quote listed options today, all of whom are Commission-registered and regulated broker-dealers who are also subject to FINRA and exchange SRO oversight, and allows such contracts to be traded by the same retail customer base that trade other binary options products today.

For these reasons, the Exchange believes that securities event contracts, as proposed, are appropriately classified as binary options eligible to trade on a registered national securities exchange and as standardized options subject to the disclosure framework established by Rule 9b–1. This classification reflects the economic substance and standardized structure of the product, is consistent with the Act and the Commission's prior interpretations, and is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster regulatory and clearing coordination, and protect investors and the public interest consistent with Section 6(b)(5) of the Act.[39]

Proposal

The Exchange believes the proposal is consistent with Section 6(b) of the Act,[40] in general, and furthers the objectives of Section 6(b)(5) of the Act,[41] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and

[34] 7 U.S.C. 1a(47)(A)(i).

[35] 7 U.S.C. 1a(47)(B)(iii).

[36] *Id.*

[37] 17 CFR 240.9b–1.

[38] 17 CFR 240.9b–1(a)(4).

[39] 15 U.S.C. 78f(b).

[40] 15 U.S.C. 78f.

[41] 15 U.S.C. 78f(b).

equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposal would establish a comprehensive framework for the listing and trading of securities event contracts on MEMX Options. As described above, securities event contracts would be cash-settled, European-style binary options based on the objective event questions relating to the financial performance of issuers of NMS stocks. The proposed rules would place these products within the Exchange's established listed-options regulatory framework while adopting product-specific provisions addressing contract designation, eligible underlying securities, eligible contract types, expiration, exercise prices, trading mechanics, adjustments, resolution, settlement, and position limits. The Exchange believes this structure is reasonably designed to apply the protections and operational infrastructure of the listed-options markets to issuer-related event products that constitute securities, while tailoring the rules to the fixed-payout and event-based characteristics of the contracts.

The proposal is not limited to creating a new investment product. It also establishes the conditions under which such a product may be listed, traded, resolved, cleared, surveilled, and reported. The proposed rules therefore address the principal investor-protection and market-integrity considerations presented by securities event contracts: the issuer and metric on which a contract may be based; the public information that will control resolution; the timing of expiration and the final trading session; the manner in which exercise prices will be selected and displayed; the prices at which transactions may occur; the process for entering and exiting positions; the treatment of adjustments and settlement; the limits applicable to concentrated positions; and the surveillance and regulatory infrastructure that will apply. The Exchange believes the proposal, considered as a whole, is reasonably designed to provide transparent contract terms, objective resolution, bounded Exchange discretion, standardized trading and settlement, and effective regulatory oversight.

The Exchange believes the proposal is designed to remove impediments to and perfect the mechanism of a free and open market by providing market participants with a standardized, exchange-traded means of obtaining exposure to, or hedging risk associated with, discrete issuer-specific financial outcomes. Existing equity and options markets allow investors to express views concerning the market price of an issuer's stock. The market price of a stock, however, reflects numerous contemporaneous factors, including macroeconomic conditions, industry developments, capital structure, interest rates, market sentiment, and other issuer-specific information. An investor may therefore correctly assess a particular financial outcome—such as earnings, revenues, sales, production, margins, or subscriber levels—while receiving an imperfect economic result through a position whose value depends on the issuer's overall stock price.

Securities event contracts are designed to isolate the specified financial metric or other event question as the contractual reference point. The value of the contract at expiration would depend on whether the stated condition is satisfied, rather than on the magnitude or direction of the movement in the underlying stock. The Exchange believes this targeted exposure may permit investors to implement investment and hedging strategies that are not replicated as directly through conventional equity options. In addition, prices for complementary yes contracts and no contracts may convey market participants' collective probability assessments concerning the relevant issuer-reported outcome. The Exchange believes that transparent, exchange-displayed prices for these contracts may contribute to price discovery regarding issuer-specific expectations, while the fixed settlement amount and all-or-nothing payout provide a readily understandable risk profile.

The proposal would also bring this form of event-based exposure within the regulated exchange environment. Securities event contracts would trade pursuant to Exchange Rules governing access, order handling, trading conduct, surveillance, investigations, discipline, and other matters applicable to listed options except where Chapter 30 provides product-specific treatment. Quotation and transaction information would be disseminated through OPRA, and, if the contracts become multiply listed, order protection and routing would operate pursuant to the Linkage Plan and the Exchange's linkage rules. The Exchange believes these features promote transparency, fair access, and competition and are therefore consistent with the protection of investors and the public interest.

Proposed Rule 30.1—Application of Securities Event Contract Rules

Proposed Rule 30.1 would provide that Chapter 30 applies only to securities event contracts traded on MEMX Options and that the Exchange's Rules also apply unless specifically replaced or supplemented by Chapter 30 or the context otherwise requires. The Exchange believes this approach is appropriate because securities event contracts would be classified as options but have features that require targeted product-specific rules. Chapter 30 therefore would supplement the existing options rules with provisions addressing product definitions, contract terms, contract designation, expiration, exercise prices, order entry, contract adjustment, resolution, and position limits. Applying the Exchange's existing options rules except where Chapter 30 provides otherwise is reasonably designed to prevent regulatory gaps and to subject securities event contracts to the established requirements governing, among other things, access, order handling, trading conduct, surveillance, investigations, and discipline. Accordingly, proposed Rule 30.1 is designed to protect investors and the public interest and to promote just and equitable principles of trade by applying a comprehensive and coherent body of Exchange Rules to the product.

Proposed Rule 30.2—Definitions

Proposed Rule 30.2 would define the key terms used throughout Chapter 30. The Exchange believes a defined terms framework is particularly important for a novel product, and clear and consistent definitions are reasonably designed to protect investors and promote just and equitable principles of trade by reducing ambiguity concerning what the product references, when it expires, how the outcome is determined, which public source controls settlement, and when each complementary contract is in-the-money. The definitions also facilitate consistent administration by the Exchange, Members, the Clearing Corporation, surveillance personnel, and other market participants. Defining the Clearing Corporation generically as the registered clearing agency designated by the Exchange is reasonably designed to preserve operational flexibility while ensuring that the entity responsible for clearance and settlement is subject to Commission oversight.

Proposed Rule 30.3—Terms of Securities Event Contracts

Proposed Rule 30.3 would require each securities event contract to be designated by expiration date, underlying security, contract type, event question, and, if applicable, exercise price, and would require the Exchange to make available both a yes contract and a no contract for each event question. Proposed Interpretation and Policy .01 would require the Exchange to publish the contract terms before listing and trading. The Exchange believes advance publication of standardized terms promotes just and equitable principles of trade and protects investors because all market participants would receive the same information concerning the reference interest, reporting period, possible outcomes, payout criteria, expiration, and resolution methodology before entering a position

Proposed Interpretation and Policy .02 provides that, unless otherwise specified, each securities event contract has an $1 exercise settlement amount and no contract multiplier. As described above, the Exchange intends for $1 to serve as the standard settlement amount because it provides a simple and intuitive framework for pricing the complementary contracts associated with a particular event question and enables market participants to readily understand the relationship between a contract's price and its potential payout. The Exchange believes these default terms protect investors and perfect the mechanism of a free and open market by making the product's economics straightforward, promoting consistency and transparency across series, and avoiding the additional complexity associated with a contract multiplier.

The requirement to offer both yes contracts and no contracts reflects the two possible outcomes of the same event question and establishes the foundation for the linked trading structure in proposed Rule 30.7. At the contract-designation stage, that requirement protects investors by making both sides of the binary question explicit and by ensuring that the complementary relationship is reflected in the standardized terms rather than requiring investors to infer the opposite exposure from traditional call and put terminology.

Proposed Rule 30.4—Designation of Securities Event Contracts

The Exchange believes proposed Rule 30.4 is consistent with the Act because it establishes a bounded, objective, and transparent framework governing the issuers and underlying securities on which the Exchange may list securities event contracts, the financial metrics that may serve as the basis for those contracts, and the public issuer disclosures that will govern their resolution. Taken together, these provisions are designed to prevent fraudulent and manipulative acts and practices, 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 by limiting the currently authorized products to contracts based on objectively determinable measures of an issuer's financial performance that are material to the value of the underlying NMS stock.

The proposed issuer-eligibility standards are designed to promote just and equitable principles of trade, protect investors, and support market integrity and informed trading by limiting the Exchange's initial selection authority under proposed Rule 30.4(a)(1) to no more than 25 issuers whose NMS stocks rank among the top 25 by market capitalization, equities volume, or options volume. As described above, these objective criteria identify a limited universe of issuers with substantial public market interest, as reflected through issuer size or active trading in the issuer's stock or related options. Such issuers generally are more likely to have broad market participation, significant liquidity, and robust public information and analyst coverage. These characteristics provide market participants with information relevant to evaluating the financial metrics underlying securities event contracts and support the Exchange's ability to surveil and administer the products. The limitation on the number of Exchange-selected issuers further supports a measured introduction of the product by maintaining a limited and manageable universe while permitting the Exchange to offer contracts on a meaningful range of issuers. Assessing eligibility only at the time of initial selection avoids unnecessary disruption to outstanding products and investor positions based solely on later changes in relative rankings, while preserving the Exchange's discretion to determine whether and when to list contract series on a particular eligible issuer based on issuer-specific developments, investor interest, market conditions, and other relevant factors.

Proposed Rule 30.4(a)(2) would permit the Exchange to select the NMS stock of an issuer for which securities event contracts or similar options are listed and traded on another national securities exchange pursuant to Commission-approved rules. As described above, this provision would allow the Exchange to compete in a product that has already been authorized for that issuer under another exchange's approved rules without requiring a duplicative issuer-specific rule filing, thereby removing impediments to and perfecting the mechanism of a free and open market.

The protections arising from the issuer-eligibility standards are reinforced by the limitations applicable to the financial metrics on which securities event contracts may be based. The currently authorized contract types are limited to contracts based on objective, quantifiable measures of an issuer's financial performance. Earnings, revenues, and sales are widely recognized measures of issuer performance that issuers routinely disclose in their Commission filings and that investors and other market participants commonly consider when evaluating an issuer's business, financial condition, and securities. As described above, Other Key Financial Metric Contracts would be limited to issuer-reported metrics that are objectively determinable from the applicable filing with the Commission and material to the value of the underlying NMS stock. Consistent with the designation of these measures as ''key'' metrics, the Exchange would select only metrics that bear a meaningful relationship to the issuer's business, financial performance, and market valuation, and are therefore material to the value of the underlying NMS stock.

The requirement that a financial metric underlying an Other Key Financial Metric Contract be reported in the issuer's applicable Commission filing provides a reasonable and objective standard for establishing a baseline pool of eligible financial metrics from which the Exchange can identify significant measures of an issuer's performance that are material to the value of the underlying security. Crucially, eligibility under the proposed framework does not depend solely on a metric being reported in an issuer's Commission filings. Rather, the category is strictly confined to key financial measures—describing significant aspects of the issuer's financial condition, results of operations, or business performance—that bear a meaningful relationship to the issuer's financial performance and are therefore material to the value of the underlying security.

Anchoring eligible metrics to the Commission's disclosure framework ensures that the underlying data is subject to rigorous regulatory disclosure requirements and Commission guidance, which, as noted above, directs issuers to focus on material information and key variables that management uses to monitor the business.[42] Because these measures are publicly reported by the issuer and represent the types of information commonly considered by investors, analysts, and other market participants when evaluating an issuer's financial performance and stock value, they possess a meaningful relationship to the value of the underlying security.

Consistent with this framework, eligible metrics include GAAP and non-GAAP financial measures, as well as operating measures relating to the issuer's business activities, products, customer base, production levels, or business segments, provided they represent key indicators of performance. Conversely, the proposed framework protects investors and the public interest by excluding metrics that are not included in the issuer's Commission filings, are derived from unverified third-party sources, or are otherwise immaterial, ancillary, trivial, or lacking a material relationship to the issuer's financial performance. Ultimately, the Exchange believes that narrowing the scope to key, verifiable measures of an issuer's financial performance ensures that trading in the proposed securities event contracts is based exclusively on objective, high-integrity financial metrics—thereby protecting investors from market confusion, preventing fraudulent and manipulative acts and practices, and perfecting the mechanism of a free and open market consistent with the requirements of the Act.

By requiring the contract terms to identify the applicable reporting period and specifying that the first applicable Commission filing reporting the relevant metric will resolve the event question, proposed Interpretation and Policy .01 would anchor settlement to the issuer's initial public disclosure of that metric through the Commission's reporting framework and prevent trading in the contract after the relevant information capable of resolving the event question has been publicly disclosed by the issuer. Because the resolution source will be an issuer filing made available through the Commission's reporting framework, the resolution process will be tied to public information subject to the federal securities law reporting framework applicable to issuer filings, including applicable reporting, certification, and antifraud requirements. The Exchange believes that these features would provide an objective, transparent, publicly available, and reproducible basis for settlement, thereby promoting just and equitable principles of trade and protecting investors and the public interest.

Proposed Rule 30.4(c), which provides that securities event contracts listed and traded on the Exchange constitute a separate class from other options overlying the same underlying NMS stock and from other securities event contracts with different underlying financial metrics for the same issuer, is designed to align the classification of each product with the underlying economic characteristics of that product and promote clarity in the administration and trading of the products. Securities event contracts differ from other options overlying the same NMS stock because they are based on a specified event question relating to the issuer rather than on the stock's market price, while securities event contracts based on different underlying financial metrics of the same issuer differ because each metric presents a separate event question resolved by reference to the applicable issuer disclosure and settlement value; in each case, the products involve different reference interests, settlement determinations, and economic exposures, and therefore warrant separate class treatment.

Proposed Rule 30.5—Expiration Date

The Exchange believes proposed Rule 30.5 is consistent with the Act because it establishes transparent and objective standards governing the permissible duration, expiration, final trading session, early resolution, and settlement finality of securities event contracts. The Exchange believes the range of permissible expirations under proposed Rule 30.5(a) would remove impediments to and perfect the mechanism of a free and open market and a national market system because, as discussed above, they will align with the reporting periods for which the proposed issuers disclose financial results and submit corresponding reports to the Commission. These expirations will, therefore, permit investors to incorporate securities event contracts into their investment strategies that correspond to issuers' financial results. Further, as discussed above, the Exchange believes aligning expirations with Commission-regulated sources will reduce the potential for manipulation of the underlying financial metrics, which will ultimately protect investors and the public interest.

The Exchange believes that proposed Rule 30.5(b) and Interpretation and Policy .01 thereto would promote just and equitable principles of trade and protect investors by tying a contract's expiration to the issuer's first public announcement of the relevant underlying financial metric. This approach aligns expiration with the time when the information necessary to resolve the event question becomes available and prevents trading after the relevant information has been released, thereby supporting fair and orderly markets and investor protection. Proposed Rule 30.5(b) also addresses the practical circumstance that an issuer may not announce the precise disclosure date for a reporting period until relatively close to the scheduled disclosure. As described above, it would permit the Exchange to establish the anticipated expiration date when a series is listed and use a placeholder based on the issuer's prior reporting cycle when necessary, after which the Exchange would revise the expiration date once the issuer announces the relevant date. The Exchange believes this approach would promote just and equitable principles of trade and support fair and orderly markets by accommodating issuer disclosure practices while providing market participants with advance information regarding expected duration of the series.

The authority to halt trading under proposed Interpretation and Policy .01 when information regarding the underlying financial metric appears to have become publicly available through a source other than a definitive resolution source provides an additional investor-protection safeguard. A trading halt would permit the Exchange to evaluate whether an unusual or unofficial disclosure is reliable and whether continued trading would be consistent with a fair and orderly market. At the same time, permitting trading to resume if the information is determined to be unreliable or insufficient to resolve the event question would avoid allowing incomplete information or unverified reports to prematurely terminate legitimate trading. The Exchange believes this measured approach is reasonably designed to protect investors while preserving trading where the contract has not become objectively resolvable under its terms.

The last trading day conventions in proposed Interpretation and Policy .02 likewise are designed to protect investors and promote just and

[42] *See supra* note 7.

equitable principles of trade by permitting trading through the final regular trading session before the information necessary to resolve the event question becomes public, while preventing trading after market participants have access to that information. Where the issuer discloses its financial results after the close of trading, permitting trading through the expiration date preserves the final trading session preceding the disclosure; where the issuer discloses its financial results before the opening of trading, establishing the prior trading day as the last day of trading prevents trading after the relevant information has been released.

The Exchange believes Interpretation and Policy .03 would promote just and equitable principles of trade and protect investors by requiring the contract terms to address in advance the unusual circumstance in which the applicable underlying financial metric is not reported or otherwise will be unavailable. Specifying the applicable procedure before a series is listed would provide market participants with advance notice of the possible settlement treatment, permit that treatment to be reflected in trading decisions, and avoid an ad hoc determination after trading has occurred. Although the precise procedure may vary depending on the metric and the requirements of the Clearing Corporation, requiring the procedure to be established in the published contract terms prior to the commencement of trading in the product would promote objective and consistent treatment and foster cooperation and coordination in the clearance and settlement of securities transactions.

The Exchange believes treating the value reported by the issuer on the applicable expiration date as final notwithstanding a subsequent restatement is reasonably designed to protect investors, promote just and equitable principles of trade, and support the prompt and orderly settlement of securities event contracts. Finalizing settlement at expiration would provide investors and the Clearing Corporation with certainty and avoid operational burdens associated with reversing payments or recalculating positions after a series has expired. Applying the same expiration-date value to all contracts would ensure uniform treatment and provide finality to the settlement process.

Proposed Rule 30.6—Exercise Price

The Exchange believes the exercise price framework under proposed Rule 30.6(a) is consistent with the Act because it provides a reasonable, principles-based, and appropriately bounded method for tailoring the exercise price structure for a particular securities event contract to the characteristics of such contract. Permitting securities event contracts to be listed with or without an exercise price, depending on the contract type, avoids imposing a numerical threshold where one is not economically relevant. Where an exercise price is appropriate, permitting multiple contracts in the same class with exercise prices that correspond to an appropriate range of potential settlement values would allow market participants to express differing views regarding the expected value of the applicable financial metric. Where a contract does not reference a specific exercise price, requiring the contract terms to provide sufficient information to determine whether the contract will be in-the-money or out-of-the-money would preserve objective administration and protect investors. The Exchange believes this product-specific flexibility removes impediments to and perfects the mechanism of a free and open market while supporting economically meaningful series.

Proposed Interpretation and Policy .01 would further these objectives by requiring the Exchange to consider information relevant to the particular issuer, contract type, event question, and reporting context when determining which exercise prices to offer. The Exchange believes that requiring consideration of the factors described in that rule would promote just and equitable principles of trade and protect investors by helping ensure that exercise price selections reflect current information, prevailing expectations, and actual trading experience, thereby supporting the listing of exercise prices that are responsive to market interest and within a range likely to be meaningful to market participants.

The Exchange believes the scaling of exercise prices under proposed Rule 30.6(b) is reasonable and will protect investors, as it will permit the Exchange to list exercise price values in amounts similar to current exercise price values for other options. As noted above, values of certain underlying financial metrics may be large (*e.g.,* in the billions). The proposed scaling will permit the Exchange, for example, to list an exercise price of 27 rather than 27,000,000,000, which the Exchange believes will be simpler for investors to understand (as it will be made clear that 27 will reflect billions in this example) and consistent with current exercise price levels. The proposed scaling also permits the exercise prices for securities event contracts to fit within current system capabilities regarding exercise price values. The Exchange believes scaling rather than modifying its systems (and potentially causing investors to modify their systems) will benefit investors by allowing them to trade securities event contracts in the same manner as they trade other options today.

The Exchange believes applying a different scale generally only to new expirations after the metric has remained in another scaling tier for four consecutive reporting periods avoids changing the scale based on a temporary movement across a tier boundary, while allowing the Exchange to update the scale to reflect sustained changes in the issuer's reported metric. The fair-and-orderly-market exception would permit the Exchange to make an earlier change if continued use of the existing scale became impractical, misleading, or otherwise inconsistent with orderly trading.

Proposed Rule 30.7—Entering Positions

The Exchange believes proposed Rule 30.7 is consistent with the Act because it establishes a transparent, efficient, and appropriately protective framework for entering and managing positions in securities event contracts, promotes fair and orderly markets, and protects investors. The framework is tailored to the binary nature of the product by organizing trading in a single market around complementary yes/no outcomes of a single event question, using a transparent pricing structure, applying objective execution parameters that protect against economically unreasonable executions, and providing a clear means of entering and offsetting positions.

By structuring the product as long-only positions in complementary yes contracts and no contracts, proposed Rule 30.7(a) would promote just and equitable principles of trade and enhance pricing transparency. Securities event contracts are designed to address whether a specified event condition occurs. As described above, organizing trading around the two complementary outcomes of that single event question, rather than separate call and put markets, would concentrate trading interest in one market, make the relationship between the outcomes readily observable, and reduce the potential for pricing discrepancies or other dislocations among economically equivalent positions. Interpretation and Policy .01 would support these objectives by providing that Users may not sell securities event contracts and that a User seeking to offset an established position must purchase the associated complementary contracts. This mechanism would provide a consistent means of managing an existing position while preserving the single-market structure and avoiding the fragmentation and potential confusion that could result from separate purchase and sale markets for equivalent event exposures.

The pricing requirements in proposed Rule 30.7(b) likewise are reasonably designed to promote just and equitable principles of trade and protect investors. Limiting bids to $0.01 through $0.99, in minimum $0.01 increments, would provide a uniform and readily understood pricing framework. Requiring the paired bids for the yes and no contracts to sum to the $1 exercise settlement amount would directly link the prices of the complementary outcomes and ensure that the price of each contract reflects the market's relative valuation of the two possible outcomes.

As described above, these requirements also would provide appropriately tailored execution price protection by preventing an investor from purchasing a contract for an amount equal to or greater than its maximum possible settlement value. The Exchange believes this pre-trade protection is reasonably designed to protect investors and maintain fair and orderly markets because the fixed exercise settlement amount, permissible bid range, and requirement that complementary bids sum to $1 would enable the Exchange's System to prevent an execution at or above the contract's maximum possible payout before it occurs. The Exchange believes this protection is preferable to relying on a post-trade nullification or adjustment process and obviates the need for the Exchange's obvious error provisions.

Additionally, the Exchange believes excluding securities event contracts from the obvious error provisions in Rule 20.6 is consistent with the Act and promotes just and equitable principles of trade because the standard obvious error framework, which evaluates whether an execution price deviates from a ''theoretical value'' by a prescribed amount, is incompatible with the structure of securities event contracts. Securities event contracts have no continuously observable theoretical value (unlike equity and index options) prior to the date of the relevant disclosure that resolves the event question. Rather, their exercise settlement amount is fixed at a pre-specified dollar amount, and the corresponding value of the contract depends entirely on whether the specified event condition is satisfied, which, for the proposed contract types, is based on a single, publicly verifiable financial metric disclosed in Commission filings. Applying an obvious error framework premised on theoretical value calculations to a product with a binary, fixed payout would be technically inapplicable and could produce unjust or arbitrary results. Moreover, because settlement of the proposed securities event contracts is determined by issuer-reported financial metrics disclosed through Commission filings (*i.e.,* figures produced pursuant to established accounting standards, subject to independent audit, and certified under the Sarbanes-Oxley Act), the settlement process is itself governed by a comprehensive external regulatory framework. The Exchange believes that establishing any alternative dispute mechanism in this context would be not only unnecessary, but potentially disruptive to market integrity, as it may introduce an element of post-hoc discretion into a settlement process that is expressly designed to be objective, verifiable, and rule-bound.

The Exchange accordingly believes that the non-applicability of Rule 20.6 to securities event contracts is a reasonable and justified product-specific accommodation that promotes orderly trading and clear, consistent treatment of transactions in these contracts.

The Exchange believes proposed Interpretation and Policy .02 would foster cooperation and coordination with the registered clearing agency responsible for clearing and settling securities event contracts by requiring positions to be paid in full when they are established pursuant to the Rules of the Clearing Corporation, *i.e.,* on a T+1 basis, thereby reducing settlement and counterparty risk, providing the Clearing Corporation with a fully funded obligation for each position, and supporting the prompt and orderly clearance and settlement of the contracts.

Proposed Rule 30.8—Contract Adjustment

The Exchange believes proposed Rule 30.8 is designed to foster cooperation and coordination with the registered clearing agency responsible for clearing and settling securities event contracts and to protect investors by requiring adjustments to be administered only in accordance with and to the extent specified in the Rules of the Clearing Corporation. As noted above, the Exchange believes that limiting adjustments to those provided under the Rules of the Clearing Corporation would provide a clear and transparent framework under which adjustments would be administered. Moreover, the Exchange believes this centralized framework places adjustment determinations within the rules and procedures of an entity with specialized clearing expertise and applicable regulatory oversight, while public notice of any adjustment and its effective time promotes uniform and predictable treatment. The Exchange notes that the proposed approach is consistent with how adjustments are handled for traditional equity and index options.

Proposed Rule 30.9—Resolution

The Exchange believes proposed Rule 30.9 is consistent with the Act because it establishes a clear, objective, and pre-specified framework for determining the outcomes of securities event contracts and settling those contracts at expiration. The Exchange believes proposed Rule 30.9(a) would promote just and equitable principles of trade, protect investors, and reduce the potential for inconsistent outcomes by limiting the Official's role to applying the pre-published contract terms to the public information contained in the applicable definitive resolution source(s). For metric-based contracts, using the value reported in the applicable Commission filing would provide an objective, public, and verifiable basis for determining the settlement value.

The Exchange believes the cash-settlement and automatic-exercise requirements in proposed Rule 30.9(b) would facilitate cooperation and coordination with the Clearing Corporation and support the prompt and orderly clearance and settlement of securities event contracts. Because these contracts are designed to provide exposure to the occurrence or non-occurrence of an issuer-specific event rather than ownership or delivery of the underlying security, cash settlement is appropriately tailored to the product. Providing for automatic exercise and cash payment pursuant to the Rules of the Clearing Corporation also would promote uniform treatment and reduce the potential for uncertainty in the settlement process, thereby promoting just and equitable principles of trade and fostering cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The Exchange believes that proposed Interpretation and Policy .01 to Rule 30.9 would protect investors and promote fair and orderly markets by ensuring that the settlement outcome corresponds to the specified contract terms for a particular securities event contract. For contracts with an exercise price, comparing the settlement value with that price would establish a clear boundary for determining whether the issuer's reported performance satisfies the contract's specified condition. For contracts without an exercise price, resolving the contract by reference to the occurrence or non-occurrence of the specified event would preserve the binary structure of the product. By tying each resolution to the specified metric threshold or event condition in the contract terms, these mechanics would provide an objective and uniform basis for contract resolution, thereby supporting orderly trading and settlement.

Proposed Rule 30.10—Position Limits

The Exchange believes the proposed amendments related to position limits for securities event contracts are consistent with the Act because they establish a rational position limit framework for securities event contracts that protects against manipulation while facilitating legitimate trading activity in a novel product. The Exchange believes that setting the position limit for securities event contracts as the same as the applicable position limit for the stock of the issuer, with 100 securities event contracts equaling one standard option contract, is appropriate. These position limits were previously approved by the Commission as consistent with the Act for standard equity options. Therefore, the Exchange believes these same limits are appropriate for securities event contracts for the related equities, as the Commission has ultimately determined that option positions on an equity up to that amount are unlikely to permit a single investor from influencing the value of that equity. As proposed, securities event contracts, which have no multiplier, will count toward applicable limits on a proportional basis relative to standard equity options on the issuer's stock, which carry a multiplier of 100. Because the proposed securities event contracts have no multiplier, while standard option contracts have a multiplier of 100, the notional value of a securities event contracts is significantly less than the notional value of standard option contracts. For example, 250,000 contracts with a value of $1.00 with a multiplier of 100 would equate to $2,500,000 notional value, while 250,000 securities event contracts with a value of $1.00 (which is the default exercise settlement amount of a securities event contract) and no multiplier would equate to $250,000 notional value. Counting 100 securities event contracts as one standard option contract for purposes of calculating compliance with position limits effectively calibrates these limits so that investors may hold positions in securities event contracts in an economically equivalent number of contracts they may hold in standard equity options. Therefore, the Exchange believes this proposed treatment is consistent with just and equitable principles of trade, as it counts option positions in a manner equivalent with their value.

The Exchange further believes the proposal is reasonable given the nature of securities event contracts and their relationship to the underlying issuer. Because securities event contracts have a fixed notional value (*i.e.,* the exercise settlement amount) and settle on an all-or-nothing basis based on an underlying financial metric of the issuer rather than the price of the issuer's stock as with a standard equity option, the Exchange believes the proposed position limits appropriately reflect the distinct structure of these contracts and limits the potential for any single market participant to exert undue influence over securities event contract settlement. With respect to securities event contracts, the economic risk of a position is binary, in that the contract either settles in-the-money at $1.00 or out-of-the money at $0.00. Additionally, with respect to securities event contracts, the maximum notional exposure per contract is fixed in advance; it cannot exceed the $1.00 exercise settlement amount. Moreover, unlike stock prices or index values, securities event contract positions would not influence a company's financial or operational outcomes; the number of option contracts outstanding or trading volume, for instance, has no effect on revenue or operational metrics.

Further, the Exchange's proposal to provide that positions in securities event contracts on the same underlying financial metric with different expiration dates and positions in securities event contracts for the same issuer with different underlying financial metrics are not aggregated reflects the distinct structure of securities event contracts. Each securities event contract expiration corresponds to a separate event tied to a specific issuer reporting period. Thus, the Exchange believes aggregating positions across different expiration dates would not accurately reflect the risk profile of these positions and would impose an unnecessary burden on market participants seeking exposure to company financial metric events across different reporting periods.

Similarly, the Exchange believes that position limits for securities event contracts with respect to a single issuer but with different underlying financial metrics should not be aggregated. Financial metrics may measure different aspects of an issuer's financial performance and may differ in their economic significance, volatility, and sensitivity to issuer-specific developments. Although some financial metrics may be closely related, positions in separate securities event contracts would not necessarily represent equivalent economic exposure or create the same potential for concentrated risk or manipulation. An issuer-level aggregate limit could therefore treat economically distinct contracts as interchangeable and unnecessarily restrict legitimate trading without providing commensurate investor protection. The Exchange believes that applying position limits separately to securities event contracts referencing each financial metric would be more appropriately tailored to the characteristics of the relevant financial metric and consistent with the protection of investors and the maintenance of fair and orderly markets.

Similarly, the Exchange believes it is reasonable to provide that securities event contracts are not aggregated with other options contracts overlying the stock of the issuer. Because securities event contracts and equity options overlying the same issuer have different risk profiles (*i.e.,* securities event contracts settle based on a financial metric of the issuer rather than its stock price), the Exchange believes it would be inappropriate and misleading to require aggregation of these positions for purposes of position limits. As noted above, securities event contracts are based solely on whether a single, specified-issuer financial metric meets a discrete threshold at a defined future date, and their value reflects the market's probability assessment of that singular outcome. Standard equity options, on the other hand, reflect a broad array of factors bearing on the price of the underlying security, including macroeconomic conditions and sector dynamics, of which any individual financial metric is only one component. Because the two products are not priced off of a common reference and do not represent economically equivalent or fungible exposures, aggregating positions across them would not meaningfully advance the prevention of manipulative practices with respect to the underlying security.

The Exchange further notes that this proposed non-aggregation framework is not unprecedented. The rules of Cboe provide that positions in Cboe's Single Stock Dividend Options (''SSDOs'') will not be aggregated with positions in ordinary options overlying the stock of the issuer underlying the SSDOs.[43] The rationale underlying that rule is directly analogous to the rationale supporting non-aggregation of securities event contracts with standard listed equity options on the same issuer. In its SSDO filing,[44] Cboe noted that SSDOs are based solely on expected dividends for an issuer and will reflect the forward value of that expectation. Because the pricing of ordinary options and SSDOs differs dramatically as a result of fundamentally different inputs, Cboe concluded that there was no need to aggregate positions across the two product types to prevent manipulative practices involving the underlying. The Commission found this approach appropriate and consistent with the Act in its approval of that proposal.[45]

The same logic applies to the proposed securities event contracts. Like SSDOs, securities event contracts derive their value from a single, specified variable (whether a particular issuer financial metric meets a discrete contractual threshold at a defined date) and their pricing reflects the market's probability assessment of that singular outcome. In contrast, as noted above, standard equity options on the same issuer reflect a full spectrum of factors which may affect the underlying security's price. The pricing of securities event contracts and standard equity options on the same issuer will therefore differ substantially, for the same structural reasons that the Commission found dispositive in the SSDO context. The Exchange accordingly believes that non-aggregation of securities event contracts with standard equity options is appropriate and consistent with the Act.[46]

The Exchange also believes that having 100 securities event contracts equal one standard option contract for purposes of the report required by Exchange Rule 18.10(a), as provided in proposed Rule 30.10(d), is consistent with the Act. By establishing tailored reporting requirements for securities event contracts, the Exchange will be able to monitor Member positions effectively and detect any accumulation of positions that may approach or exceed applicable limits, to the benefit of investors. The Exchange believes it is consistent with just and equitable principles of trade for 100 securities event contracts to equal one standard option contract for purposes of determining whether the report in Rule 18.10(a) is required given the size of securities event contracts. As discussed above, proposed securities event contracts have no multiplier, while standard option contracts have a multiplier of 100. Therefore, the notional value of a securities event contract is significantly less than the notional value of standard option contracts. For example, 200 contracts with a value of $1.00 with a multiplier of 100 would equate to $20,000 notional value, while 200 securities event contracts with a value of $1.00 (which is the default exercise settlement amount of a securities event contract) and no multiplier would equate to $200 notional value. Counting 100 securities event contracts as one standard option contract for purposes of this report effectively calibrates the reporting requirement so that investors are required to submit the report for an economically equivalent number of contracts, which promotes just and equitable principles of trade.

The Exchange believes the proposal will provide the Exchange and regulators with visibility into large position concentrations in securities event contracts, preserving the ability to identify unusual activity and respond to any unforeseen concerns, while calibrating the threshold to a metric that is meaningful for this contract given its lack of multiplier, unlike standard equity options. The Exchange believes this reporting framework, coupled with the proposed position limits, provides a fully adequate regulatory framework for these instruments.

Surveillance and Regulatory Oversight

As noted above, the Exchange believes it has an adequate surveillance program in place to surveil for any potentially heightened insider trading or manipulation risks presented by the proposed securities event contracts. The Exchange notes that the settlement value for the types of securities event contracts proposed herein is determined by the relevant disclosure in the issuer's financial results, which figures are produced through the accounting and reporting processes of the issuer, subject to independent audit, and disclosed in filings with the Commission. Because settlement is decoupled from the market price of the underlying security, no amount of trading activity in that security could alter the revenue, earnings, sales, or other financial metric that determines contract settlement. Any manipulation of the reported metric would constitute securities fraud and expose the issuer to liability under federal securities law, separate and apart from any exchange-related violation.

Moreover, the specifically proposed securities event contracts present a more defined surveillance profile than other event contracts available in the market today. Because settlement is tied to a well-defined set of publicly reported issuer financial metrics, the relevant surveillance framework operates as a focused subset of the insider trading surveillances the Exchange already applies to standard equity options. The legal prohibition on trading in the issuer's securities, including options, while in possession of material non-public information about an unreported financial metric is not novel, but rather the same prohibition the Exchange enforces today in connection with standard equity options overlying the same issuer.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because securities event contracts will be available to all market participants who wish to trade such options on the same terms and in the same manner (including with respect to the payout terms and amount). All market participants will be subject to the same rules applicable to securities event contracts, as described in this proposed rule change. Except as set forth in the proposed rule change, securities event contracts will trade in the same manner as other options on the Exchange.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because other options exchanges may

[43] *See* Cboe Rule 4.8(g).

[44] *See* Securities Exchange Act Release No. 64654 (June 13, 2011), 76 FR 35503 (June 17, 2011) (SR–CBOE–2011–039).

[45] *See* Securities Exchange Act Release No. 64991 (July 29, 2011), 76 FR 47280 (August 4, 2011) (SR–CBOE–2019–033).

[46] The Exchange notes that binary option contracts (Binary Return Derivatives (''ByRDs'')) approved for trading at NYSE American and NYSE Arca, Inc. are similarly not aggregated with positions in other options on the same underlying security for purposes of determining compliance with the position limits. *See* NYSE American Rule 904Byrds (b) and NYSE Arca Rule 5.86–O(b).

propose similar products, as evidenced by Cboe's proposal for a similar ''binary KPI option'' product in the Cboe KPI Proposal.[47] Additionally, as noted above, substantively similar products to securities event contracts, as proposed, are available in the OTC market and various other markets.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar products. The Exchange believes the proposed rule change will provide investors with a comparable alternative to the OTC market and other venues. The Exchange believes it may be a more attractive alternative to the OTC market and certain other venues, as market participants will benefit from being able to trade these options in an exchange environment, which provides, among other things: (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness. As a result, the Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it will allow the Exchange to offer a securities exchange-listed alternative to the products currently available in these other markets.

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 (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2026–25 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2026–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2026–25 and should be submitted on or before September 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17465 Filed 8–26–26; 8:45 am]

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[47] *See supra* note 4.

[48] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106180; File No. SR–SAPPHIRE–2026–33]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Option Contracts Open for Trading, To Amend the Short Term Option Series Program With Respect to Qualifying Securities

August 24, 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 13, 2026, MIAX Sapphire, LLC (''MIAX Sapphire'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Short Term Option Series Program with respect to Qualifying Securities.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings,* and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Options Series Program in Interpretation and Policy .02 to Exchange Rule 404. Specifically, the Exchange proposes to amend the Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on certain Exchange Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new criteria. The Exchange also proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.'' This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3]

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Friday Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates (''Short Term Option Weekly Expirations''). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Interpretation and Policy .02 to Exchange Rule 404 that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Short Term Option Daily Expirations'').[5] For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

Further, the Exchange may open for trading series of options on the symbols provided in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 that expire on the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Qualifying Securities''). For those symbols listed in Table 2, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday and Wednesday Expirations, at one time. Qualifying Securities may be eligible individual stocks or Exchange-Traded Fund Shares that meet the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,[6] *or*

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded Fund Share based on net asset value (''NAV'');

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and Exchange-Traded Fund Shares to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for Exchange-Traded Fund Shares shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings Announcement that takes place after market close.[9]

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries beginning on the second day of the following quarter.

Proposal

At this time, the Exchange proposes to amend the listing and trading of Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on

[3] *See* Securities Exchange Act Release No. 106100 (August 12, 2026) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change to Amend the Short Term Option Series Program Related to Qualifying Securities) (SR–ISE–2026–34).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays.

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[8] The Exchange makes this information available on its website.

[9] With respect to individual stock options, the Exchange does not list an expiry on a day when there will be an Earnings Announcement that takes place after market close with respect to individual stock to avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement. Pursuant to Interpretation and Policy .02 to Exchange Rule 404, an Earnings Announcement shall include official public quarterly or yearly earnings filed with the Securities and Exchange Commission.

certain Exchange-Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria. As noted above, the Exchange proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.''

Expansion of Exchange-Traded Fund Shares Qualifying Securities

In January 2026, the Exchange filed to permit the listing of Qualifying Securities, and the filing was noticed for immediate effectiveness.[10] The Exchange began listing Qualifying Securities on January 26, 2026 on Tesla, Inc. (TSLA); NVIDIA Corporation (NVDA); Apple Inc. (AAPL); iShares Bitcoin Trust ETF (IBIT); Amazon.com, Inc. (AMZN); Meta Platforms, Inc. (META); Broadcom Inc. (AVGO); Alphabet, Inc. (GOOGL); and Microsoft Corporation (MSFT).[11] These securities continue to trade in the second calendar quarter of 2026.[12] Based on the required review, the Exchange changed the list by removing IBIT, and adding Advanced Micro Devices, Inc.(AMD), Intel Corporation (INTC), Micron Technology, Inc. (MU), VanEck Semiconductor ETF (SMH), and Financial Select Sector SPDR Fund (XLF) to the list of securities qualifying for the program in the third calendar quarter of 2026.[13]

Tier 1 Expansion

At this time, the Exchange proposes to permit the listing and trading of Qualifying Securities on Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 to list up to two Tuesday and Thursday Expirations in addition to the existing Monday and Wednesday Expirations and redesignate them as Tier 1 Qualifying Securities.

The proposed Tuesday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Tuesday Expirations in SPDR S&P 500 ETF Trust (''SPY''), Invesco QQQ Trust (''QQQ''), and iShares Russell 2000 ETF (''IWM'') in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Monday or Tuesday that is a business day series of options on the symbols provided in Table 1 and Table 2 that expire at the close of business on each of the next two Tuesdays that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Tuesday Short Term Option Expiration Date'').[14] In the event Tier 1 Qualifying Securities expire on a Tuesday and that Tuesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Tuesday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Thursday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Thursday SPY, QQQ, and IWM in Short Term Option Daily Expirations set forth Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Wednesday or Thursday that is a business day series of options on the symbols provided in Table 1 and Table 2 above that expire at the close of business on each of the next two Thursdays that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Thursday Short Term Option Expiration Date'').[15] In the event Tier 1 Qualifying Securities expire on a Thursday and that Thursday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Thursday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Tuesday and Thursday Expirations (among other symbols that may list a Tuesday or Thursday Expiration) in the Short Term Option Series Program.[16] Specifically, the Tuesday and Thursday Tier 1 Qualifying Securities Expirations will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[17] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, Tuesday and Thursday Tier 1 Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Tuesday is not a business day, the series shall expire on the first business day immediately prior to that Tuesday, *e.g.,* Monday of that week if the Tuesday is not a business day. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, a Thursday expiration series shall expire on the first business day immediately prior to that Thursday, *e.g.,* Wednesday of that week if the Thursday is not a business day.

Currently, for each option class eligible for participation in the Short

[10] *See* Securities Exchange Act Release No. 104660 (January 22, 2026), 91 FR 3596 (January 27, 2026) (SR–SAPPHIRE–2026–03) (Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program).

[11] *https://www.miaxglobal.com/alert/2026/01/20/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-0.*

[12] *https://www.miaxglobal.com/alert/2026/04/06/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-2.*

[13] *https://www.miaxglobal.com/alert/2026/07/01/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-1.*

[14] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[15] *Id.*

[16] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[17] *Id.*

Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[18] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[19] With the proposed changes, this thirty (30) series restriction would apply to Tuesday and Thursday Tier 1 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Tuesday and Thursday Tier 1 Qualifying Securities Expirations.

With this proposal, Tuesday and Thursday Tier 1 Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Tuesday and Thursday Expirations. With respect to standard expiration option series, Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[20] Not listing Tier 1 Qualifying Securities Tuesday and Thursday Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Tuesday and Thursday Expirations, the Exchange would not permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[21] Therefore, all Tuesday or Thursday Tier 1 Qualifying Securities Expirations would expire at the close of business on each of the next two Tuesdays and Thursdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Tuesday or Thursday Tier 1 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols[22] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[23] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Tuesday or Thursday Tier 1 Qualifying Securities Expirations.

Tier 2 Expansion

The Exchange also proposes to permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria as Qualifying Securities. The Exchange proposes a different set of criteria for Qualifying Securities that are Exchange-Traded Funds that would only be permitted to trade up to two Monday and Wednesday Expirations as follows: an underlying security, as measured on the last day of the prior calendar quarter, must have: AUM greater than 25 billion dollars for an Exchange-Traded Fund Share based on NAV,[24] and monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options; a position limit of at least 250,000 contracts;[25] and participate in the Penny Interval Program (''Tier 2 Qualifying Securities'').

As with any Qualifying Security, each calendar quarter, the Exchange will apply the above criteria to the proposed new Tier 2 Qualifying Securities to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the AUM for Exchange-Traded Fund Shares that are Tier 2 Qualifying Securities shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. As is the case for all Qualifying Securities, the data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from OCC. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.[26] The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.[27]

Eligible Qualifying Securities for the proposed Tier 2 Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday Expirations at one time. Tier 2 Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday Expirations beginning on the second day of the following quarter.[28]

The proposed Monday Tier 2 Qualifying Securities Expirations will be similar to the Monday Expirations for the existing Qualifying Securities (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations set forth in in Interpretation and Policy .02 to Exchange Rule 404 such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (''Monday Qualifying Securities Expirations'').[29] In the event Tier 2 Qualifying Securities would expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the

[18] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[19] *See* Interpretation and Policy.02 to Exchange Rule 404.

[20] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[21] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[22] *See supra* note 5.

[23] *Id.*

[24] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have an AUM greater than 50 billion dollars based on NAV.

[25] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have a monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options.

[26] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[27] The Exchange will continue to make this information available on its website.

[28] The Exchange has noted the additional expirations in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security for the proposed Tier 2 Qualifying Securities.

[29] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

Exchange would skip that week's listing and instead list the following week; the two weeks of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Tier 2 Qualifying Securities expirations will be similar to the current Wednesday Expirations for the existing Qualifying Securities (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Wednesday Qualifying Securities Expirations'').[30] In the event Tier 2 Qualifying Securities would expire on a Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday Expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations will be the same as those currently Monday and Wednesday Expirations in existing Qualifying Securities (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.[31] Specifically, the Monday and Wednesday Tier 2 Qualifying Securities Expirations for the proposed new Exchange-Traded Fund Shares will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[32] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Tier 2 Qualifying Securities Expirations series will be P.M.-settled.

As noted above, pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week if the Wednesday is not a business day.

As noted above, currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[33] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[34] With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Tier 2 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Tier 2 Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Tier 2 Qualifying Securities Expirations would be treated similar to existing Monday and Wednesday Qualifying Securities Expirations. With respect to standard expiration option series, Monday and Wednesday Tier 2 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[35] Not listing Monday and Wednesday Tier 2 Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with existing Monday and Wednesday Qualifying Security Expirations, the Exchange would not permit Monday and Wednesday Tier 2 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[36] Therefore, all Monday and Wednesday Tier 2 Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations for the proposed Tier 2 Qualifying Securities on the same day in which a standard expiration option series, Monthly Options Series, or a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Tier 2 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols[37] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[38] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[39] in general, and furthers the

[30] *Id.*

[31] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[32] *Id.*

[33] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[34] *See* Interpretation and Policy.02 to Exchange Rule 404.

[35] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[36] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[37] *See supra* note 5.

[38] *Id.*

[39] 15 U.S.C. 78f(b).

objectives of Section 6(b)(5) of the Act,[40] 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 proposal to permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations and Monday and Wednesday Tier 2 Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure.

The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities requires Exchange-Traded Fund Shares to be highly liquid. An AUM of 50 billion dollars for an Exchange-Trade Fund Share, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities.

Further, with respect to the Tier 2 Qualifying Securities, which have a lower AUM of 25 billion dollars and monthly options volume as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options for an Exchange-Traded Fund Share, the Exchange believes that despite the lower criteria, these Exchange-Traded Fund Shares represent highly liquid securities. This requirement also represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets the aforementioned market capitalization and volume requirements would also be highly liquid and could be viewed as a stable security.

The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) to qualify for the highest position limit.

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below $200.[41] The most actively traded options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The improvement in price transparency brought about by the existing Monday and Wednesday Qualifying Security Expirations offers Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid Exchange-Traded Fund Shares. The addition of Tuesday and Thursday Qualifying Security Expirations would further provide Market Makers and investors with volatility pricing clarity. Further, the expansion of the Qualifying Securities program for Tier 2 would engender the same benefits to a select few additional Exchange-Traded Fund Shares.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday, Tuesday, Wednesday, and Thursday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of additional Tuesday and Thursday Tier 1 Qualifying Security Expirations and new Monday and Wednesday Tier 2 Qualifying Securities and would continue to limit the addition of two Monday, Tuesday, Wednesday, and Thursday expirations beyond the current week. These additional Monday, Tuesday, Wednesday and Thursday Tier 1 and Tier 2 Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.[42] The Exchange believes that the proposal will allow Members to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM the additional Tuesday and Thursday Tier 1 Qualifying Securities, as well as the new Monday and Wednesday Expirations or Tier 2 Qualifying Securities, are consistent with the Act as they will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tier 1 and Tier 2 Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that the proposed Tier 1 and Tier 2 Qualifying Security Expirations (Monday, Tuesday, Wednesday and Thursday) should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Tuesday and Thursday Qualifying Security Expirations compared to the proposed Tuesday and Thursday Tier 1 Qualifying Security Expirations. Further, there are no material differences in the treatment of current Qualifying Securities that will qualify as Tier 1 Monday and Wednesday Expirations compared to the proposed

[40] 15 U.S.C. 78f(b)(5).

[41] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar month from June 1 through November 30 for determination of the most actively traded option classes.

[42] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 605.

Monday and Wednesday Tier 2 Qualifying Security Expirations.

Additionally, market participants that elect to utilize options receive a copy of the Options Disclosure Document which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.[43] Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.[44] Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday Expirations for options on certain individual stocks or Exchange-Traded Fund Shares is inconsistent with the Act.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Qualifying Security expirations. The Exchange also represents that it has the necessary system capacity to support the new expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Qualifying Security Expirations given that it will be limited to two expirations beyond the current week.

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.

While the proposal will expand the Short Term Options Expirations to allow Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds to be listed in addition to Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion for Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

Similar to SPY, QQQ and IWM Tuesday and Thursday Expirations, the introduction of Tuesday and Thursday Expirations for Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tuesday and Thursday Tier 1 Qualifying Security Expirations will allow market participants to purchase options on Exchange-Traded Fund Shares based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Tuesday and Thursday Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra market competition, as all market participants will be treated in the same manner under this proposal.

With respect to the proposed expansion of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares, in addition to the current Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly continue to apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares that are Tier 1 and Tier 2 Qualifying Securities. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

Similar to Monday and Wednesday Expirations for Qualifying Securities for Exchange Traded Funds, the introduction of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Expirations for Tier 2 Qualifying Securities will allow market participants to purchase options on Exchange-Traded Fund Shares that meet the criteria based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section

[43] *See* FINRA Rule 2111.

[44] *See https://www.finra.org/rules-guidance/notices/21-15.*

19(b)(3)(A)(iii) of the Act [45] and Rule 19b–4(f)(6) thereunder.[46]

A proposed rule change filed under Rule 19b–4(f)(6) [47] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[48] 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 proposal may become operative immediately upon filing. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[49] The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[50]

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–SAPPHIRE–2026–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–SAPPHIRE–2026–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–SAPPHIRE–2026–33 and should be submitted on or before September 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17460 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

[45] 15 U.S.C. 78s(b)(3)(A)(iii).

[46] 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.

[47] *See id.*

[48] 17 CFR 240.19b–4(f)(6)(iii).

[49] *See supra* note 3.

[50] 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).

[51] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36309; File No. 812–16068]

Fenimore Asset Management, Inc. and Fenimore Asset Management Trust

August 25, 2026.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 18(f)(1), 18(i), 22(d) and 22(e) of the Act and rule 22c–1 under the Act and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

SUMMARY OF APPLICATION: Applicants request an order ("Order") that would permit a registered open-end management investment company to offer one class of exchange-traded shares that operates as an exchange-traded fund (an "ETF Class," and such shares, "ETF Shares") and one or more classes of shares that are not exchange-traded (each such class, a "Mutual Fund Class," and such shares, "Mutual Fund Shares," and each such fund, a "Multi-Class ETF Fund"). The Order would provide Multi-Class ETF Funds with two broad categories of relief: (i) the relief necessary to permit standard exchange-traded fund ("ETF") operations consistent with Rule 6c–11 under the Act ("ETF Operational Relief") and (ii) the relief necessary for a fund to offer an ETF Class and one or more Mutual Fund Classes ("ETF Class Relief").

APPLICANTS: Fenimore Asset Management, Inc. and Fenimore Asset Management Trust.

FILING DATES: The application was filed on August 10, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern Time, on September 21, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Stephen T. Cohen, Esq. and Adam T. Teufel, Esq., Dechert LLP, 1900 K Street NW, Washington, DC 20006; Michael F. Balboa, 384 North Grand Street, Cobleskill, New York 12043.

FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief, or Deepak T. Pai, Senior Counsel at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, filed August 10, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–17520 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106179; File No. SR–PEARL–2026–38]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 404, Series of Option Contracts Open for Trading, To Amend the Short Term Option Series Program With Respect to Qualifying Securities

August 24, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 2026, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Short Term Option Series Program with respect to Qualifying Securities.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Options Series Program in Interpretation and Policy .02 to Exchange Rule 404. Specifically, the Exchange proposes to amend the Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on certain Exchange Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new criteria. The Exchange also proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.'' This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3]

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Friday Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates (''Short Term Option Weekly Expirations''). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Interpretation and Policy .02 to Exchange Rule 404 that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Short Term Option Daily Expirations'').[5] For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 106100 (August 12, 2026) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change to Amend the Short Term Option Series Program Related to Qualifying Securities) (SR–ISE–2026–34).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays.

Thursday expirations, as applicable, at one time.

Further, the Exchange may open for trading series of options on the symbols provided in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 that expire on the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Qualifying Securities''). For those symbols listed in Table 2, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday and Wednesday Expirations, at one time. Qualifying Securities may be eligible individual stocks or Exchange-Traded Fund Shares that meet the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,[6] *or*

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded Fund Share based on net asset value (''NAV'');

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and Exchange-Traded Fund Shares to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for Exchange-Traded Fund Shares shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings Announcement that takes place after market close.[9]

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries beginning on the second day of the following quarter.

Proposal

At this time, the Exchange proposes to amend the listing and trading of Qualifying Securities to: (1) permit the listing of up to two Tuesday and Thursday Expirations for options on certain Exchange-Traded Funds that meet the current criteria in addition to the existing Monday and Wednesday Expirations; and (2) permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria. As noted above, the Exchange proposes to designate the Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 as ''Tier 1 Qualifying Securities'' and designate the Exchange-Traded Fund Shares that meet the proposed new set of criteria for Qualifying Securities that would only be permitted to trade up to two Monday and Wednesday Expirations, as ''Tier 2 Qualifying Securities.''

Expansion of Exchange-Traded Fund Shares Qualifying Securities

In January 2026, the Exchange filed to permit the listing of Qualifying Securities, and the filing was noticed for immediate effectiveness.[10] The Exchange began listing Qualifying Securities on January 26, 2026 on Tesla, Inc. (TSLA); NVIDIA Corporation (NVDA); Apple Inc. (AAPL); iShares Bitcoin Trust ETF (IBIT); Amazon.com, Inc. (AMZN); Meta Platforms, Inc. (META); Broadcom Inc. (AVGO); Alphabet, Inc. (GOOGL); and Microsoft Corporation (MSFT).[11] These securities continue to trade in the second calendar quarter of 2026.[12] Based on the required review, the Exchange changed the list by removing IBIT, and adding Advanced Micro Devices, Inc.(AMD), Intel Corporation (INTC), Micron Technology, Inc. (MU), VanEck Semiconductor ETF (SMH), and Financial Select Sector SPDR Fund (XLF) to the list of securities qualifying for the program in the third calendar quarter of 2026.[13]

Tier 1 Expansion

At this time, the Exchange proposes to permit the listing and trading of Qualifying Securities on Exchange-Traded Fund Shares that meet the current criteria in Interpretation and Policy .02 to Exchange Rule 404 to list up to two Tuesday and Thursday Expirations in addition to the existing Monday and Wednesday Expirations and redesignate them as Tier 1 Qualifying Securities.

The proposed Tuesday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Tuesday Expirations in SPDR S&P 500 ETF Trust (''SPY''), Invesco QQQ Trust (''QQQ''), and iShares Russell 2000 ETF (''IWM'') in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Monday or Tuesday that is a business day series of options on the symbols provided in Table 1 and Table 2 that expire at the close of business on each of the next two Tuesdays that are business days and are not business days

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[8] The Exchange makes this information available on its website.

[9] With respect to individual stock options, the Exchange does not list an expiry on a day when there will be an Earnings Announcement that takes place after market close with respect to individual stock to avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement. Pursuant to Interpretation and Policy .02 to Exchange Rule 404, an Earnings Announcement shall include official public quarterly or yearly earnings filed with the Securities and Exchange Commission.

[10] *See* Securities Exchange Act Release No. 104659 (January 22, 2026), 91 FR 3574 (January 27, 2026) (SR–PEARL–2026–03) (Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program).

[11] *https://www.miaxglobal.com/alert/2026/01/20/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-0.*

[12] *https://www.miaxglobal.com/alert/2026/04/06/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-2.*

[13] *https://www.miaxglobal.com/alert/2026/07/01/miax-exchange-group-options-markets-listing-monday-and-wednesday-weekly-1.*

in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Tuesday Short Term Option Expiration Date'').[14] In the event Tier 1 Qualifying Securities expire on a Tuesday and that Tuesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Tuesday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Thursday Qualifying Securities expirations on Exchange-Traded Fund Shares for Tier 1 Qualifying Securities will be similar to the current Thursday SPY, QQQ, and IWM in Short Term Option Daily Expirations set forth Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Wednesday or Thursday that is a business day series of options on the symbols provided in Table 1 and Table 2 above that expire at the close of business on each of the next two Thursdays that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Thursday Short Term Option Expiration Date'').[15] In the event Tier 1 Qualifying Securities expire on a Thursday and that Thursday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Thursday Expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Tuesday and Thursday Expirations (among other symbols that may list a Tuesday or Thursday Expiration) in the Short Term Option Series Program.[16] Specifically, the Tuesday and Thursday Tier 1 Qualifying Securities Expirations will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[17] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, Tuesday and Thursday Tier 1 Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Tuesday is not a business day, the series shall expire on the first business day immediately prior to that Tuesday, *e.g.,* Monday of that week if the Tuesday is not a business day. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, a Thursday expiration series shall expire on the first business day immediately prior to that Thursday, *e.g.,* Wednesday of that week if the Thursday is not a business day.

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[18] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[19] With the proposed changes, this thirty (30) series restriction would apply to Tuesday and Thursday Tier 1 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Tuesday and Thursday Tier 1 Qualifying Securities Expirations.

With this proposal, Tuesday and Thursday Tier 1 Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Tuesday and Thursday Expirations. With respect to standard expiration option series, Tuesday and Thursday Tier 1 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[20] Not listing Tuesday and Thursday Tier 1 Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Tuesday and Thursday Expirations, the Exchange would not permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[21] Therefore, all Tuesday and Thursday Tier 1 Qualifying Securities Expirations would expire at the close of business on each of the next two Tuesdays and Thursdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Tuesday and Thursday Tier 1 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols[22] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[23] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Tuesday and Thursday Tier 1 Qualifying Securities Expirations.

[14] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[15] *Id.*

[16] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[17] *Id.*

[18] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[19] *See* Interpretation and Policy.02 to Exchange Rule 404.

[20] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[21] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[22] *See supra* note 5.

[23] *Id.*

Tier 2 Expansion

The Exchange also proposes to permit the listing of up to two Monday and Wednesday Expirations for options on additional Exchange-Traded Fund Shares that meet new additional criteria as Qualifying Securities. The Exchange proposes a different set of criteria for Qualifying Securities that are Exchange-Traded Funds that would only be permitted to trade up to two Monday and Wednesday Expirations as follows: an underlying security, as measured on the last day of the prior calendar quarter, must have: AUM greater than 25 billion dollars for an Exchange-Traded Fund Share based on NAV,[24] and monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options; a position limit of at least 250,000 contracts;[25] and participate in the Penny Interval Program (''Tier 2 Qualifying Securities'').

As with any Qualifying Security, each calendar quarter, the Exchange will apply the above criteria to the proposed new Tier 2 Qualifying Securities to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the AUM for Exchange-Traded Fund Shares that are Tier 2 Qualifying Securities shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. As is the case for all Qualifying Securities, the data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from OCC. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.[26] The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.[27]

Eligible Qualifying Securities for the proposed Tier 2 Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday Expirations at one time. Tier 2 Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday Expirations beginning on the second day of the following quarter.[28]

The proposed Monday Tier 2 Qualifying Securities Expirations will be similar to the Monday Expirations for the existing Qualifying Securities (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations set forth in in Interpretation and Policy .02 to Exchange Rule 404 such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (''Monday Qualifying Securities Expirations'').[29] In the event Tier 2 Qualifying Securities would expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Tier 2 Qualifying Securities expirations will be similar to the current Wednesday Expirations for the existing Qualifying Securities (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations set forth in Interpretation and Policy .02 to Exchange Rule 404, such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Tier 2 Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Wednesday Qualifying Securities Expirations'').[30] In the event Tier 2 Qualifying Securities would expire on a Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday Expirations in existing Qualifying Securities similarly skip the weekly listing in the event the weekly listing would expire on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations will be the same as those currently Monday and Wednesday Expirations in existing Qualifying Securities (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.[31] Specifically, the Monday and Wednesday Tier 2 Qualifying Securities Expirations for the proposed new Exchange-Traded Fund Shares will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[32] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Tier 2 Qualifying Securities Expirations series will be P.M.-settled.

As noted above, pursuant to Exchange Rule 100, with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. Also, pursuant to Exchange Rule 100,

[24] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have an AUM greater than 50 billion dollars based on NAV.

[25] Currently, Exchange-Traded Fund Shares that are Qualifying Securities must have a monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options.

[26] OCC data becomes available for the end of a quarter on the first trading day of a new quarter.

[27] The Exchange will continue to make this information available on its website.

[28] The Exchange has noted the additional expirations in Table 2 of Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security for the proposed Tier 2 Qualifying Securities.

[29] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[30] *Id.*

[31] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[32] *Id.*

with respect to the Short Term Options Series Program, a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week if the Wednesday is not a business day.

As noted above, currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[33] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[34] With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Tier 2 Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Tier 2 Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Tier 2 Qualifying Securities Expirations would be treated similar to existing Monday and Wednesday Qualifying Securities Expirations. With respect to standard expiration option series, Monday and Wednesday Tier 2 Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[35] Not listing Monday and Wednesday Tier 2 Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with existing Monday and Wednesday Qualifying Security Expirations, the Exchange would not permit Monday and Wednesday Tier 2 Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[36] Therefore, all Monday and Wednesday Tier 2 Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations for the proposed Tier 2 Qualifying Securities on the same day in which a standard expiration option series, Monthly Options Series, or a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Tier 2 Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols[37] and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.[38] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Tier 2 Qualifying Securities Expirations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[39] in general, and furthers the objectives of Section 6(b)(5) of the Act,[40] 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 proposal to permit Tuesday and Thursday Tier 1 Qualifying Securities Expirations and Monday and Wednesday Tier 2 Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure.

The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities requires Exchange-Traded Fund Shares to be highly liquid. An AUM of 50 billion dollars for an Exchange-Trade Fund Share, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities.

Further, with respect to the Tier 2 Qualifying Securities, which have a lower AUM of 25 billion dollars and monthly options volume as measured by sides traded in the last month preceding the quarter end, of greater than 5 million options for an Exchange-Traded Fund Share, the Exchange believes that despite the lower criteria, these Exchange-Traded Fund Shares represent highly liquid securities. This requirement also represents substantially less than 1% of Exchange-Traded Fund Shares. Therefore, an Exchange-Traded Fund Share that meets the aforementioned market capitalization and volume requirements would also be highly liquid and could be viewed as a stable security.

The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) to qualify for the highest position limit.

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below $200.[41] The most actively traded

[33] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[34] *See* Interpretation and Policy .02 to Exchange Rule 404.

[35] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[36] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[37] *See supra* note 5.

[38] *Id.*

[39] 15 U.S.C. 78f(b).

[40] 15 U.S.C. 78f(b)(5).

[41] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full

Continued

options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The improvement in price transparency brought about by the existing Monday and Wednesday Qualifying Security Expirations offers Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Tier 1 Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid Exchange-Traded Fund Shares. The addition of Tuesday and Thursday Qualifying Security Expirations would further provide Market Makers and investors with volatility pricing clarity. Further, the expansion of the Qualifying Securities program for Tier 2 would engender the same benefits to a select few additional Exchange-Traded Fund Shares.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday, Tuesday, Wednesday, and Thursday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of additional Tuesday and Thursday Tier 1 Qualifying Security Expirations and new Monday and Wednesday Tier 2 Qualifying Securities and would continue to limit the addition of two Monday, Tuesday, Wednesday, and Thursday expirations beyond the current week. These additional Monday, Tuesday, Wednesday and Thursday Tier 1 and Tier 2 Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.[42] The Exchange believes that the proposal will allow Members to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM the additional Tuesday and Thursday Tier 1 Qualifying Securities, as well as the new Monday and Wednesday Expirations or Tier 2 Qualifying Securities, are consistent with the Act as they will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tier 1 and Tier 2 Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that the proposed Tier 1 and Tier 2 Qualifying Security Expirations (Monday, Tuesday, Wednesday and Thursday) should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Tuesday and Thursday Qualifying Security Expirations compared to the proposed Tuesday and Thursday Tier 1 Qualifying Security Expirations. Further, there are no material differences in the treatment of current Qualifying Securities that will qualify as Tier 1 Monday and Wednesday Expirations compared to the proposed Monday and Wednesday Tier 2 Qualifying Security Expirations.

Additionally, market participants that elect to utilize options receive a copy of the Options Disclosure Document which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.[43] Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.[44] Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday Expirations for options on certain individual stocks or Exchange-Traded Fund Shares is inconsistent with the Act.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Qualifying Security expirations. The Exchange also represents that it has the necessary system capacity to support the new expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Qualifying Security Expirations given that it will be limited to two expirations beyond the current week.

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.

While the proposal will expand the Short Term Options Expirations to allow Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds to be listed in addition to Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion for Tuesday and Thursday Tier 1 Qualifying Securities for Exchange-Traded Funds will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

calendar month from June 1 through November 30 for determination of the most actively traded option classes.

[42] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 605.

[43] *See* FINRA Rule 2111.

[44] *See https://www.finra.org/rules-guidance/notices/21-15.*

Similar to SPY, QQQ and IWM Tuesday and Thursday Expirations, the introduction of Tuesday and Thursday Expirations for Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Tuesday and Thursday Tier 1 Qualifying Security Expirations will allow market participants to purchase options on Exchange-Traded Fund Shares based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Tuesday and Thursday Tier 1 Qualifying Security Expirations on Exchange-Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra market competition, as all market participants will be treated in the same manner under this proposal.

With respect to the proposed expansion of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares, in addition to the current Monday and Wednesday Qualifying Securities, the Exchange believes that this limited expansion will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange would uniformly continue to apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares that are Tier 1 and Tier 2 Qualifying Securities. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

Similar to Monday and Wednesday Expirations for Qualifying Securities for Exchange Traded Funds, the introduction of Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange-Traded Fund Shares does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Expirations for Tier 2 Qualifying Securities will allow market participants to purchase options on Exchange-Traded Fund Shares that meet the criteria based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Expirations for Tier 2 Qualifying Securities that are Exchange Traded Fund Shares. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [45] and Rule 19b–4(f)(6) thereunder.[46]

A proposed rule change filed under Rule 19b–4(f)(6) [47] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[48] 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 proposal may become operative immediately upon filing. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[49] The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[50]

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–PEARL–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–PEARL–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

[45] 15 U.S.C. 78s(b)(3)(A)(iii).

[46] 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.

[47] *See id.*

[48] 17 CFR 240.19b–4(f)(6)(iii).

[49] *See supra* note 3.

[50] 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).

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PEARL–2026–38 and should be submitted on or before September 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–17458 Filed 8–26–26; 8:45 am]

BILLING CODE 8011–01–P

[51] 17 CFR 200.30–3(a)(12), (59).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21804; KANSAS Disaster Number KS–20039 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the state of Kansas dated August 21, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Large Hail, and Flooding.

DATES: Issued on August 21, 2026.

Incident Period: April 26, 2026 through April 27, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 21, 2027.

ADDRESSES: Visit the MySBA Loan Portal at *https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Saline.

Contiguous Counties:

Kansas: Dickinson, Ellsworth, Lincoln, Marion, McPherson, Ottawa.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 218040.

The state which received an EIDL declaration is Kansas.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–17489 Filed 8–26–26; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2026–0958]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–0958] in your submitted response.

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 28, 2026. Individuals can obtain copies of this OMB clearance package by writing to the *OR.Reports.Clearance@ssa.gov.*

1. *Request for Review of Hearing Decision/Order—20 CFR 404.967–404.981, 416.1467–416.1481—0960–0277.* Claimants who disagree with a judge's hearing decision, or dismissal of a hearing request on Title II and Title XVI claims have the right under current SSA regulations to request Appeals Council (AC) review. Claimants may request Appeals Council review by filing a written request using paper Form HA–520; uploading the fillable static PDF of Form HA–520 through SSA's Upload Documents portal (OMB No. 0960–0830), or submitting the internet application, i520. In addition, they may submit additional evidence or arguments to support their request for review at the same time. SSA uses the information gathered on Form HA–520 to establish that the claimant filed the request for review within the prescribed time and to ensure the claimant completed the requisite steps permitting the AC review. The AC uses the information to: (1) document the claimant's reason(s) for disagreeing with the hearing decision or dismissal order; (2) determine whether the claimant has additional evidence to submit; (3) determine whether the claimant is requesting an extension of time, and (4) help determine whether the claimant has a representative or wants to appoint one, regardless of if they had a representative for their hearing request. In situations where the respondent submits the HA–520 or i520 without providing additional evidence or argument, or requesting an EOT, the AC reviews the request based on the existing file. The respondents are claimants, or their appointed

representative, guardian, parent of a minor claimant, or representative payee, requesting review of a hearing decision or order of dismissal.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
HA–520—Paper or Upload Documents	+ 9,002	1	15	2,251	* $14.27	** 21	*** $77,087
i520—Internet	72,853	1	15	18,213	* 14.27		*** $259,900
Totals	81,855			20,464			*** $336,987

+ We note that this figure may include forms completed by the FO, or submissions of the fillable PDF through Upload Documents (OMB No. 0960–0830).
* We based this figure on disability payments, based on SSA's current management information data (Effect of COLA on Average Social Security Benefits).
** We based this figure on the average FY 2026 wait times for field offices (average wait time of 21 minutes), based on SSA's current management information data. This figure reflects data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data to ensure we report updated figures when possible. While we have included wait time for all respondents, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

2. *Application for Benefits Under the Italy-U.S. International Social Security Agreement—20 CFR 404.1925—0960–0445.* As per the November 1, 1978 totalization agreement between the United States (U.S.) and Italian Social Security agencies, residents of Italy filing an application for U.S. Social Security benefits directly with one of the Italian Social Security agencies must complete Form SSA–2528–IT. SSA uses Form SSA–2528–IT to establish age, relationship, citizenship, marriage, death, and military service, or to evaluate a family bible or other family record when determining eligibility for U.S. benefits. The Italian Social Security agencies assist applicants in completing Form SSA–2528–IT and then forward the application to SSA for processing. The respondents are individuals living in Italy who wish to file for U.S. Social Security benefits.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–2528–IT	462	1	20	154	* $33.54	** $5,165

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the application.*

3. *Medicare Part D Subsidies Regulations—20 CFR 418.3625(c), 418.3645, 418.3665(a), and 418.3670—0960–0702.* The Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and co-payment costs for certain low-income individuals. The MMA also mandated the provision of subsidies for those individuals who qualify for the program and who meet eligibility criteria for help with premium, deductible, or co-payment costs. This law requires SSA to make eligibility determinations, and to provide a process for appealing SSA's determinations. Regulation sections 418.3625(c), 418.3645, 418.3665(a), and 418.3670 contain public reporting requirements pertaining to administrative review hearings. Respondents are applicants for the Medicare Part D subsidies who request an administrative review hearing.

Type of Request: Revision of an existing OMB-approved information collection.

Method of collection	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) ***
418.3625(c)	60	1	5	5	*$14.27	** $71
418.3645	6	1	5	1	*14.27	** 14
418.3665(a)	120	1	5	10	*14.27	** 143
418.3670 +	1	1	1	1	*14.27	** 14
Total	187			17		** 242

+ Regulation section 418.3670 could be used at any time; however, we currently have no data showing usage over the past three years; therefore, we are including a 1-hour placeholder burden in case respondents submit information under this section.
* We based this figure on average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the application.*

4. *Certificate of Election for Reduced Widow(er)s and Surviving Divorced Spouse's Benefits—20 CFR 404.335—0960–0759.* Section 202(q) of the Social Security Act (Act) provides SSA with the authority to reduce benefits under

certain conditions when elected by a Title II beneficiary. However, reduced benefits are not payable to an already entitled spouse (or divorced spouse) who:

- Is at least age 62 and under full retirement age in the month of the number holder's death; and
- Is receiving both reduced spouse's (or divorced spouse's) benefits and either retirement or disability benefits in the month before the month of the number holder's death.

To elect reduced widow(er) benefits, a recipient completes Form SSA–4111. SSA uses the information collected to pay a qualified dually entitled widow(er) (or surviving divorced spouse) who elects to receive a reduced widow(er) benefit. The respondents are qualified dually entitled widow(er)s (or surviving divorced spouse) who elect to receive a reduced widow(er) benefit.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) **
SSA–4111 (paper)	6,266	1	13	1,358	* $33.54	** 21	*** $119,101
SSA–4111 (Upload Documents)	521	1	13	113	* 33.54		*** 3,790
Totals	6,787			1,471			*** 122,891

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** We based this figure on the average FY 2026 wait times for field offices (average wait time of 21 minutes), based on SSA's current management information data. This figure reflects data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data to ensure we report updated figures when possible. While we have included wait time for all respondents using the paper form, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the application.*

5. Report of Adult Functioning-Employer—20 CFR 404.1512 and 416.912—0960–0805. When SSA's Disability Determination Service (DDS) adjudicative team determines that SSA needs additional information to process an applicant's or claimant's case, SSA uses Form SSA–3385, Report of Adult Functioning—Employer, to collect information from a claimant's current or former employer on an as needed basis, specifically to collect information regarding the claimant's job performance as evidence to help inform the disability eligibility for the claimant. SSA sends the SSA–3385 with a pre-addressed and stamped envelope to a claimant's direct supervisor, or another person who has direct knowledge of the claimant's job performance and asks that individual to provide information about the claimant's day-to-day functioning in a work setting. The respondent completes Form SSA–3385 and sends it back to SSA in the enclosed envelope. Once SSA receives the SSA–3385, the field office scans the form into the claimant's electronic folder. Then the DDS adjudicative team uses this information to evaluate the claimant's impairment-related functional limitations to determine eligibility or continued eligibility for SSDI or SSI. The respondents are current or former employers who SSA contacts only when the adjudicative team decides the agency needs additional information and the employer may be a good source for the information.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–3385	2,604	1	20	868	* $33.54	** $29,113

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics)
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the application.*

6. Generic Clearance for the Collection of Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)—0960–0818. As part of the Administration's commitment to improving customer service delivery, the following Information Collection Request ''Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)'' is pending at the Social Security Administration. The Social Security Administration will submit it to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The Social Security Administration will submit it to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) within 60 days from the date of this notice.

A modern, streamlined and responsive customer experience means: raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.whitehouse.gov/wp-content/uploads/2018/06/s280.pdf.* As discussed in the OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback.

The agency will use these results to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve. As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The Social Security Administration 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 and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes; and
- Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov.* Summaries of customer research and user testing activities may be included in public-facing customer journey maps.
- Additional release of data must be done coordinated with OMB.

These collections allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

The respondents are Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

This is a correction notice: SSA published outdated burden information for this collection at 91 FR 38753, on 6/26/26. We are correcting this error here by updating the data.

Type of Request: Revision of an OMB-approved information collection.

Type of information collection	Number of respondents	Number of responses per respondent	Minutes per response	Total burden hours
Screeners (e.g., distributed before or during a usability testing session or other kind of session)	0	0	0	0
Surveys to obtain feedback immediately following a transaction—Limited to 15 questions and 5 minutes max	5,955,560	1	5	496,297
Total	5,955,560			496,297

Mark Steffensen,

General Counsel, Chief of Law, Policy and Legislative Affairs, Social Security Administration.

[FR Doc. 2026–17518 Filed 8–26–26; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2026–0991]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections and one new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–0991] in your submitted response.

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 26, 2026. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Statement of Income and Resources—20 CFR 416.207, 146.301–416.310, 416.704, and 416.708—0960–0124. SSA collects information about income and resources for Supplemental Security Income (SSI) claims and redeterminations on the SSA–8010–BK from third party individuals (*e.g.,* parents, spouses, guardians, or other individuals typically in the role of representative payee) who support the SSI applicant or recipient. SSA uses the information to make initial or continuing eligibility determinations for SSI claimants or recipients who are subject to deeming. The respondents are third party individuals who support SSI claimants or recipients, and whose income and resources SSA may deem (consider to be available) to SSI applicants or recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–8010–BK (Intranet)	1,855,340	1	20	618,447	* $33.54	** 12	*** $33,188,331
SSA–8010–BK (Paper)	61,380	1	20	20,460	* $33.54	** 12	*** $1,097,965
Totals	1,916,720			638,907			*** $34,286,296

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this 12-minute figure on the average combined July 2026 wait times for field offices (21 minutes) and for teleservice centers (2 minutes, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician). These figures represent current SSA management information data. As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

2. Waiver of Your Right to Personal Appearance before a Judge—20 CFR 404.948(b)(1)(i), 404.956, 416.1448(b)(1)(i), and 416.1456—0960–0284. Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and SSI payments have the statutory right to personally appear (either on their own or through a representative) and present evidence about their claims at a hearing before a judge. Per SSA regulations, if a claimant is dissatisfied with a determination or decision listed in 20 CFR 404.930 or 416.1430, the claimant may request a hearing before a judge and has a right to appear at a hearing before a judge. At a hearing, claimants have the right to present evidence; have witnesses testify on their behalf; and present their cases to the judge. A hearing may provide the judge with additional information to make a more informed decision on the case. However, in some cases, claimants may choose to waive their right to appear before a judge for various reasons, including if they feel the evidence of record stands on its own, or if they are unable to attend a hearing due to extenuating circumstances. When a claimant chooses to waive the right to appear at a hearing and allows the judge to decide the case based on the written evidence of record alone, we ask the claimant to submit this request to us in writing so we can document it in their record. While SSA will accept a written request, we also allow claimants to use Form HA–4608 to serve as a written waiver for the claimant's right to a personal appearance before a judge. The claimant may complete the paper version of the HA–4608 and mail it back to SSA using the pre-paid envelope SSA sends with it, or the claimant may choose to complete the submittable PDF version of the HA–4608 through SSA's Upload Documents Portal (OMB No. 0960–0830) on SSA's website. The judge uses the information we collect on Form HA–4608 to continue processing the case and makes the completed form a part of the documentary evidence of record by placing it in the official record of the proceedings as an exhibit. Respondents are applicants or claimants for OASDI and SSI, or their representatives, who request to waive their right to appear before a judge.

Type of Request: Revision of an approved-OMB information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA–4608 (Paper Version)	4,132	1	5	344	* $14.27	** $4,909
HA–4608 (Upload Documents Version)	1,483	1	5	124	* 14.27	** 1,769
Totals	5,615			468		** 6,678

* We based this figure on average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

3. Request for Change in Time/Place of Disability Hearing—20 CFR 404.91(c)(2) and 416.1414(c)(2)—0960–0348. At the request of the claimants or their representatives, SSA schedules evidentiary hearings at the reconsideration level for claimants of Title II benefits or Title XVI payments when we deny their claims for disability. When claimants or their representatives find they are unable to attend the scheduled hearing, they complete Form SSA–769 to request a change in time or place of the hearing. SSA uses the information from the form as a basis for granting or denying requests for changes and for rescheduling disability hearings. Respondents are claimants or their representatives who wish to request a change in the time or place of their hearing.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–769	24,599	1	8	3,280	* $14.27	** $46,806

* We based this figure on the average disability payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

4. *Marital Relationship Questionnaire—20 CFR 416.1826—0960–0460.* SSA uses Form SSA–4178, Marital Relationship Questionnaire, to determine if unrelated individuals of the opposite sex who live together are presenting themselves as husband and wife. SSA needs this information to determine whether we are making correct payments to couples and individuals applying for, or currently receiving, Supplemental Security Income (SSI) payments. The respondents are applicants for, and recipients of, SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–4178 (Paper)	3,331	1	5	278	* $14.27	** 21	*** $20,606
Technician Interview (via SSI Systems or CCE)	7,226	1	5	602	* 14.27	** 21	*** $44,679
SSA–4178 (Upload Documents)	426	1	5	36	* 14.27		*** $514
Totals	10,983			916			*** $65,799

* We based this figure on disability payments, based on SSA's current management information data (Effect of COLA on Average Social Security Benefits).
** We based this figure on the average July 2026 wait time for field offices (21 minutes), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data to ensure we report updated figures when possible. While we have included wait time for all respondents who complete the paper form, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

5. *Employer Verification of Earnings After Death—20 CFR 404.821 and 404.822—0960–0472.* When SSA records show a wage earner is deceased, and we receive wage reports from an employer for the wage earner for a year subsequent to the year of death, SSA mails the employer Form SSA–L4112 (Employer Verification of Earnings After Death). SSA uses the information provided on Form SSA–L4112 to verify that the wage information previously received from the employer is correct for the employee and the year in question (the year following the employee's death). This process helps ensure the accuracy and integrity of earnings records. The respondents are employers who report wages for employees who have died.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–L4112	27,304	1	20	9,101	* 33.54	** $305,248

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

6. *Pain Report Child—20 CFR 404.1512 and 416.912—0960–0540.* Before SSA can make a disability determination for a child, we require evidence from Supplemental Security Income (SSI) applicants or claimants to prove their disability. Form SSA–3371–BK provides disability interviewers, and SSI applicants or claimants in self-help situations, with a convenient way to record information claimants' pain or other symptoms. The State disability determination services adjudicators and judges use the information from Form SSA–3371–BK to assess the effects of symptoms on function for purposes of determining disability under the Act. The respondents are applicants for SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–3371	1,500	1	15	375	* $23.91	** 21	*** $21,519

* We based this figure on the average of both DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits) and on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** We based this figure on the average July 2026 wait time for field offices (21 minutes), based on SSA's current management information data. This figure reflects data from our systems and the data posted on our public facing website (Social Security performance |SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait time for all respondents, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

7. *Wage Reports and Pension Information—20 CFR 422.122(b)—0960–0547.* Pension plan administrators annually file plan information with the Internal Revenue Service, which then forwards the information to SSA. SSA maintains and organizes this information by plan number, plan participant's name, and Social Security number. Section 1131(a) of the Act, pension plan participants are entitled to request this information from SSA. The Wage Reports and Pension Information regulation, 20 CFR 422.122(b) of the Code of Federal Regulations, stipulates

that before SSA disseminates this information, the requestor must first submit a written request with identifying information to SSA. The respondents are requestors of pension plan information.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average teleservice answer time (minutes) **	Total annual opportunity cost (dollars) **
Requests for Pension Plan Information	178	1	30	89	* $33.54	** 2	*** $3,186

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the July 2026 answer times for the teleservice centers (2 minutes, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician). This figure reflects data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

8. *Work Incentives Planning and Assistance Program—0960–0629.* As part of SSA's strategy to assist Social Security Disability Insurance (SSDI) beneficiaries and Supplemental Security Income (SSI) recipients who wish to return to work and achieve self-sufficiency, SSA established the Work Incentives Planning and Assistance (WIPA) program. This community based, work incentive, planning and assistance project collects identifying claimant information via project sites and community work incentives coordinators (CWIC). SSA uses this information to ensure proper management of the project, with particular emphasis on administration, budgeting, and training. SSA uses Form SSA–4565 (WIPA Intake Information) to collect data from SSDI beneficiaries and SSI recipients on background employment, training, benefits, and work incentives. CWIC use Form SSA–4566 (WIPA Notes) to create a case note to record actions taken for a beneficiary. The CWIC uses the WIPA Star System that allows the CWIC to:

(1) provide SSA with information provided on Form SSA–4565, and additional information on beneficiaries served under the WIPA program; (2) manage their case notes for beneficiaries; and 3) collect additional information not collected on Forms SSA–4565 and SSA–4566 which allows SSA to monitor WIPA grantee's performance and progress. The respondents are SSDI beneficiaries, SSI recipients, community project sites, and community work incentives coordinators.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average teleservice answer time (minutes) **	Total annual opportunity cost (dollars) ***
SSA–4565 (Fields 1–20—SSI & SSDI Beneficiaries	15,810	1	15,810	8	2,108	* $14.27	** 2	*** $37,601
SSA–4565 (Fields 21–63—SSI & SSDI Beneficiaries (by phone)	+ 1	1	1	1	0	** $1	....	*** $1
SSA–4566 (WIPA staff)	+ 1	1	1	1	0	** $1	....	*** $1
Totals	15.812	....	15,812	....	2,110	....	....	*** $37,603

WIPA STAR SYSTEM

Method of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
WIPA referral (SSI & SSDI beneficiaries)	5,190	1	5,190	8	692	* $14.27	....	*** $9,875
WIPA referral data input (collected using the SSA–4565)—WIPA staff	310	51	15,810	5	1,318	* $35.23	....	*** $46,433
WIPA intake—SSI & SSDI beneficiaries	21,000	1	21,000	17	5,950	* $14.27	....	*** $84,907
WIPA case notes—WIPA staff	310	430	133,300	2	4,443	* $35.23	....	*** $156,527
Task management—WIPA staff	310	134	41,540	1	692	* $35.23	....	*** $24,379
Service management—WIPA staff	310	381	118,110	1	1,969	* $35.23	....	*** $69,368
SSA–451 (WIPA managers)	73	4	292	60	292	* $42.73	....	*** $12,477
Totals	27,503	....	335,242	....	15.356	....	....	*** $403,966
Grand Totals	43,315	....	351,054	....	17,464	....	....	*** $441,569

\+ We are placing a place holder for Form SSA–4565 (Fields 21–63 -SSI & SSDI Beneficiaries) and Form SSA–4566, as SSA will only use the paper version of the SSA–4565 (Fields 21–63- SSI & SSDI Beneficiaries) and SSA–4566 as a backup collection instrument if the WIPA STAR system becomes unavailable. As such, we do not anticipate any respondents will use the PDF versions of these forms under normal circumstances, therefore, we are including a placeholder burden here.

* We based this figure on averaging both the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), the Health Education Specialist and Social Community Service Managers, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** We based this figure on the July 2026 answer times for the teleservice centers (2 minutes, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician). This figure reflects data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate, the wait times may be different on the website than they appear here.
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

9. *Internet Direct Deposit Application—31 CFR 210—0960–0634.* SSA requires all applicants and recipients of Social Security OASDI benefits, or Supplemental Security Income (SSI) payments to receive these benefits and payments via direct deposit, at a financial institution. SSA receives Direct Deposit/Electronic Funds Transfer (DD/EFT) enrollment information from OASDI beneficiaries and SSI recipients to facilitate DD/EFT of their funds, with their chosen financial institution. We also use this information when an enrolled individual wishes to change their DD/EFT information. For the convenience of the respondents, we collect this information through several modalities, including an internet application, in-office or telephone interviews, and our automated telephone system. In addition to using the direct deposit information to enable DD/EFT of funds to the recipient's chosen financial institution. Respondents are OASDI beneficiaries and SSI recipients requesting that we enroll them in the Direct Deposit program, or change their direct deposit banking information.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Internet Direct Deposit Application	4,608,177	1	16	1,228,847	* 33.54		*** $41,215,528
Non-Electronic Services (FO, 800#)	3,402,371	1	9	510,356	* 33.54	** 12	** 39,940,438
Totals	8,010,548			1,739,203			*** 81,155,966

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** We based this 12-minute figure on the average combined July 2026 wait times for field offices (21 minutes) and for teleservice centers (2 minutes, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician). These figures represent current SSA management information data. As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

10. *Notice to Electronic Information Exchange Partners to Provide Contractor List—0960–0820.* The Federal standards Privacy Act of 1974; E-Government act of 2002; and the National Institute of Standards and Technology Special Publications 800–53–4, require SSA to maintain oversight of the information it provides to Electronic Information Exchange Partners (EIEPs). EIEPs obtain SSA data for the administration of federally funded and state-administered programs. SSA has a responsibility to monitor and protect the personally identifiable information SSA shares with other Federal and State agencies. EIEPs agree to comply with Electronic Information Exchange security requirements and procedures for State and local Agencies exchanging electronic information with SSA. SSA's Technical Systems Security Requirements document provides that all agencies using SSA data must ensure SSA information is not processed; maintained; transmitted; or stored in; or by means of data communications channel; electronic devices; computers; or computer networks located in geographic or virtual areas not subject to U.S. law. SSA conducts tri-annual compliance reviews of all State and local agencies, and Tribes with whom we have an IEA, to verify appropriate security safeguards remain in place to protect the confidentiality of information SSA supplies. SSA requires any organization with an electronic data exchange agreement to provide SSA with a current list of contractors, or agents who have access to SSA data upon request. SSA uses Form SSA–731, Notice to Electronic Information Exchange Partners to Provide Contractor List to collect this. The respondents are Federal agencies and State, local, or tribal agencies who exchange electronic information with SSA.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–731	300	1	20	100	* 33.54	** $3,354

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).
** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

11. *State of Georgia's Criminal Justice Coordinating Council's (CJCC) Evaluation of the Implementation of the Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI) Outreach, Access, and Recovery (SOAR) Model in County Jails—0960–0833.* In 2023, SSA awarded the State of Georgia's Criminal Justice Coordinating Council (CJCC) a cooperative agreement to conduct an intervention and an evaluation of the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) Outreach, Access, and Recovery (SOAR) model in

county jails with inmates with serious and persistent mental illness (SPMI) across the state. In addition to SSA, CJCC partnered with the following: (1) Applied Research Services (ARS); (2) the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD); and (3) four county jails to implement the program. For this intervention, investigators hypothesized that untreated mental illness and repeated psychiatric crises may be a factor in jail recidivism. Connection to SSI/SSDI and attendant insurance benefits may help a person with SPMI obtain treatment and interrupt criminogenic behavior. This intervention connects respondents in four county jails identified as having SPMI to Medicaid Eligibility Specialists (MES) hired and trained by the Georgia DBHDD, who help them apply for SSI and SSDI. Respondents in two of the four counties (Fulton County Jail and Cobb County Jail) also have the option of working with a Forensic Peer Mentor (FPM), a formerly incarcerated individual who is familiar with resources that may help participants increase their quality-of-life post incarceration and avoid recidivism. SSA works with the two DBHDD MESs who are serving 90 participants over the total life of the project. To maximize the likelihood of the SSI/SSDI application approval, the MES employs the SOAR method, which uses in-depth medical and personal summaries of disability to facilitate the SSI/SSDI application process. Researchers collect data from participant surveys to evaluate and study the impact of the intervention. Through the data collected through these surveys, along with administrative data from SSA, the State of Georgia, participating counties, and DBHDD hope to address the following research questions:

- Does connection to a SOAR-trained specialist increase the likelihood that a person with SPMI in jail will be approved for SSI/SSDI benefits?
- If a person with SPMI receives SSI/SSDI benefits, are they able to connect to treatment resources that they may not have been able to obtain before?
- If a person with SPMI connects to treatment resources and successfully engages with them, are they able to achieve mental health recovery and stay out of jail?

Over the past three years, we began the initial enrollment and informed consent phase of this intervention, and we are currently completing this stage. We also began the Follow-up survey stage for the first set of enrollees in the intervention, and we will continue to administer the Follow-up survey as needed through 2027 until we complete this phase with all 90 of the respondents.

The respondents are individuals with serious and persistent mental illness incarcerated in county jails in the state of Georgia.

Type of Request: Revision of an OMB approved information collection.

The following chart shows the current burden information for the remaining information collections associated with this intervention:

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Total annual opportunity cost (dollars) ***
Initial Enrollment Survey (Paper)	+40	1	19	13	*$14.27	***$181
Informed Consent (Paper)	+40	1	10	7	*14.27	***100
Follow-up Survey (Internet or Telephone)	+85	2	23	65	*14.27	***928
Totals	+165			85		***1,209

+ These figures reflect the remaining respondents for these information collections from the 90 total respondents who are taking part in this intervention.
* We based this figure on the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).
*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

Mark Steffensen,

General Counsel, Chief of Law, Policy and Legislative Affairs, Social Security Administration.

[FR Doc. 2026–17519 Filed 8–26–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 13108]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Roberto Gil de Montes: Water Drops on Burning Rocks'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Roberto Gil de Montes: Water Drops on Burning Rocks'' at the Los Angeles County Museum of Art, Los Angeles, California; the Denver Art Museum, Denver, Colorado; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–17517 Filed 8–26–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–2535]

Agency Information Collection Activities: Requests for Comments; Clearance of a Reinstated Information Collection: Pilot Certification and Qualification Requirements for Air Carrier Operations

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 comments about our intention to request Office of Management and Budget (OMB) approval to reinstate an information collection that expired in December 2025. The collection involves FAA review of Airline Transport Pilot (ATP) Certification Training Program (CTP) submissions to determine whether the program complies with the applicable requirements. It also involves FAA review of educational institutions' applications for authority to certify its graduates meet the minimum regulatory requirements.

DATES: Written comments should be submitted by September 28, 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: Christopher Morris by email at: *chris.morris@faa.gov.*

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: 2120–0755.

Title: Pilot Certification and Qualification Requirements for Air Carrier Operations.

Form Numbers: 8700–1.

Type of Review: Reinstatement without change of an existing information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 13, 2026 (91 FR 6976). FAA aviation safety inspectors (ASIs) review the Airline Transport Pilot (ATP) Certification Training Program (CTP) submissions to determine whether the program complies with the applicable requirements of 14 CFR 61.156. The programs that comply with the minimum requirements receive approval to begin offering the course to applicants for an ATP certificate with a multiengine class rating or an ATP certificate obtained concurrently with an airplane type rating. FAA ASIs also review educational institutions' application for authority to certify that graduates meet the minimum requirements of 14 CFR 61.160. The institutions that receive letters of authorization for their degree programs are authorized to place a certifying statement on a graduate's transcript indicating he or she is eligible for a restricted-privileges ATP certificate.

Respondents: 5,523.

Frequency: Once per year.

Estimated Average Burden per Response: 14 minutes.

Estimated Total Annual Burden: 1,329 hours.

Issued in Washington, DC, on August 24, 2026.

D.C. Morris,

Aviation Safety Analyst, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2026–17447 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–0925]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by September 28, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0925 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Matthew Corrigan, (202) 493–3365, Office of Infrastructure Research and Development, Federal Highway Administration, Department of Transportation, 6300 Georgetown Pike, McLean, VA 22101. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on April 14, 2026, at 2026–07407 (91 FR 20561). The notice received two (2) comments. The comments and FHWA's responses are below:

Comments From Texas Dept. of Transportation (TxDOT)

TxDOT supports FHWA's goals in advancing digital project delivery and data integration across the transportation sector and finds that the proposed collection aligns with national and state efforts to modernize infrastructure delivery and transition to digital environments. In response, TxDOT offered the following comments:

1. *Necessity of the Information Collection:* TxDOT supports the proposed information collection and believes it is necessary as FHWA advances digital project delivery, intelligent construction, and Building Information Modeling (BIM) for infrastructure. Understanding the current state of practices across state Departments of Transportation is essential to inform federal guidance, identify scalable best practices, and prioritize future research. Without structured, nationwide data collection, FHWA would lack the foundation

needed to support consistent implementation and advancement of these emerging technologies across agencies.

FHWA response: We thank TxDOT for its support and for affirming the importance of this data collection. While the survey serves a targeted research purpose, the data collected will provide a foundational understanding of current practices across State DOTs and aligns with broader national efforts to advance digital project delivery, intelligent construction, BIM for infrastructure, and other national U.S.DOT priorities.

2. *Accuracy of Estimated Burdens:* TxDOT finds the estimated burden of approximately 30 minutes per response to be generally reasonable for a single respondent. However, for a comprehensive and coordinated agency response, input may be required from multiple internal divisions. As a result, the total effort required for TxDOT to prepare a consolidated response could take significantly more time.

FHWA response: We thank TxDOT for this feedback. The survey cover page has been modified to include the following statement:

Estimated time to complete: Approximately 30 minutes. The survey is designed to be completed collaboratively and submitted by a designated agency coordinator. While an individual subject matter expert may be able to complete portions of the survey in approximately 30 minutes, agencies are encouraged to engage personnel from Materials, Construction, Pavement Management, Asset Management, Information Technology, and other relevant offices to develop a coordinated response. The total effort required to prepare a consolidated agency response may therefore vary by agency.

3. *Enhancing the Quality, Usefulness, and Clarity of Information Collected:* TxDOT recommends that FHWA: (1) Clearly define key terms such as *digital project delivery, intelligent construction,* and *BIM* to ensure consistent interpretation across state responses; and (2) Structure questions to distinguish between existing operational practices and emerging, pilot, or aspirational activities. These refinements could improve the comparability and overall usefulness of the information collected.

FHWA response: We thank TxDOT for this feedback. Definitions of key terminology relevant to this specific research study have been added to the survey where appropriate. These definitions reflect those put forth for the purposes of this study and are intended to promote consistent interpretation across responding agencies. Other than definitions already codified in statute or regulation, it is not FHWA's intent to develop or create a national set of definitions surrounding all aspects of digital delivery within the context of this data collection. The resulting research may facilitate further national dialogue and potential development of consensus definitions.

4. *Minimizing Collection Burdens:* TxDOT suggests that FHWA consider implementing the following measures to reduce respondent burden: (1) Use a web-based questionnaire platform, (2) Provide the ability to upload existing documentation (*e.g.,* workflows, policies, or guidance documents), and (3) Allow for collaborative submission capabilities so multiple subject-matter experts can contribute to a single unified response. These approaches should improve efficiency while maintaining the quality of responses.

FHWA response: We thank TxDOT for these suggestions. The data collection will primarily utilize a web-based platform and documentation collection for the survey to facilitate collaborative responses and improve efficiency. Acknowledging the desire for collaborative submissions of multiple subject matter experts, we will also provide respondents with an optional fillable PDF form that can be used to assist with alternative collaborative response procedures. Both formats will be provided to accommodate the preference of the responding agency. A question has been added to the data collection enabling responding agencies to share existing resources such as workflows, policies, and guidance documents.

Comments Submitted From ''WhoPoo App''

''Where is the wildlife corridor in Virginia that Wild Virginia got $20,000 for? Please place a culvert under the highway around Hampton Roads for turtle migration. There is already construction there so it should be no problem.''

FHWA response: The comment is not applicable to the information collection proposed in the **Federal Register** notice.

Title: Bridging the Data Gap in Pavement Management and Quality Assurance.

Background: The Federal Highway Administration (FHWA) is researching the current state of practice for digital project delivery, specifically regarding pavement and materials testing and electronic quality assurance (QA) data within State transportation agencies.

While many industries leverage artificial intelligence, machine learning, and robust data analytics to improve decision-making, the highway construction field is seeing an increased need to link disparate data sources. This integration supports various applications, including design models, intelligent construction, e-ticketing, materials testing, digital as-builts, pavement management systems (PMS), and Building Information Modeling (BIM) for Infrastructure.

Agencies are transitioning toward BIM as the successor to standard plan sets. However, because agencies utilize tools from multiple vendors, interoperability is critical. Seamless data transfer across BIM platforms requires a standardized data schema; without it, agencies risk data loss during translation between applications.

While QA data has long been a staple of highway construction, the ability to analyze and leverage these assets throughout a project's lifecycle is less mature. Many agencies want to maximize their electronic data but face challenges in integration. Currently, while agencies are proficient in producing data via test equipment, they often lack the standardized workflows necessary to analyze and integrate that data into broader systems.

The goals of this research are to:

1. Assess the beneficial uses and limitations of electronic quality assurance data.

2. Evaluate its implications for use in digital as-builts, Advanced Digital Construction Management Systems (ADCMS), and lifecycle asset management.

3. Identify gaps and the requirements for a data schema.

FHWA will develop and distribute a survey instrument seeking information regarding:

• The extent of collection, processing, storage, and analysis of pavement and materials QA data across design, construction, and asset management.

• The availability and integration of geospatial information.

• Currently implemented commercial-off-the-shelf (COTS) and in-house technologies and databases.

• Existing data exchange standards or processes supporting digital QA data.

• Challenges associated with data-related practices and manipulation ''touch points.''

• Specific data use cases and desired practices not yet implemented.

Respondents: 3 FHWA Federal Lands Highway Divisions, 52 Transportation Agencies (including 50 U.S. States, the District of Columbia, and Puerto Rico), and American Association of State

Highway and Transportation Officials (AASHTO) Committee on Materials and Pavements.

Frequency: Once.

Estimated Average Burden per Response: 30 minutes per response.

Estimated Total Annual Burden Hours: 28 hours total. The total hours = 1,680 minutes = 30 minutes × 56 responses.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.)

Issued on: August 25, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–17530 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0008; Notice 2]

Michelin North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Michelin North America, Inc. (MNA) has determined that certain Uniroyal Laredo AT and Laredo HT replacement tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* MNA filed a noncompliance report dated November 3, 2023, and subsequently petitioned NHTSA (the "Agency") on November 28, 2023, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of MNA's petition.

FOR FURTHER INFORMATION CONTACT: Jayton Lindley, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (325) 655–0546.

SUPPLEMENTARY INFORMATION:

I. Overview: MNA determined that certain Uniroyal Laredo AT and Laredo HT replacement tires do not fully comply with paragraphs S5.5(a) and S5.5.1 of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139).

MNA filed a noncompliance report dated November 3, 2023, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* MNA petitioned NHTSA on November 28, 2023, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of MNA's petition was published with a 30-day public comment period, on February 28, 2025, in the **Federal Register** (90 FR 10985). Two comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number "NHTSA–2024–0008."

II. Tires Involved: Approximately 251,209 Uniroyal Laredo AT and Laredo HT, manufactured between January 15, 2023, and October 29, 2023, were reported by the manufacturer.

III. Rule Requirements: Paragraphs S5.5(a) and S5.5.1 of FMVSS No. 139 and 49 CFR 574.5(b) include the requirements relevant to this petition. Paragraph S5.5(a) requires each tire to be labeled on each sidewall with the symbol DOT, which constitutes a certification that the tire conforms to applicable FMVSSs. Paragraph S5.5.1 requires that each tire (manufactured on or after September 1, 2009) must be labeled with the TIN, as required by 49 CFR part 574, on the intended outboard sidewall of the tire. Additionally, the TIN or a partial TIN (which includes all characters except for the date code and, optionally, any additional code at the manufacturer's discretion) must be labeled on the other sidewall of the tire.

IV. Noncompliance: MNA explains that the noncompliance is due to a mold error in which the subject tires are missing the required DOT symbol and the full or partial tire identification number (TIN) on one of the two sidewalls and therefore, do not comply with paragraphs S5.5(a) and S5.5.1 of FMVSS No. 139. The tires do have the required DOT symbol and TIN on the other sidewall.

V. Summary of MNA's Petition: The following views and arguments presented in this section, "V. Summary of MNA's Petition," are the views and arguments provided by MNA. They do not reflect the views of the Agency. MNA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

MNA explains that an initial mold drawing, which was missing the required DOT symbol and TIN marking instructions for the affected sidewall plate, was used to create drawings for 65 additional tire sizes. As a result, a total of 66 tire sizes, in the Laredo AT and Laredo HT tire lines are affected by the subject noncompliance.

MNA asserts that the subject tires were both designed and manufactured according to ETRTO standards and that they meet all applicable FMVSS tire safety performance standards. Further, MNA indicates that the subject tires are correctly marked with the tire size information, along with the load range and maximum load in accordance with ETRTO standards. Moreover, MNA highlights that the DOT symbol and the full TIN are present on the other sidewall of the subject tires.

After discovering the subject noncompliance on October 19, 2023, MNA took the molds out of production. MNA says that the molds are currently undergoing repairs and will be returned to service once they comply with the applicable FMVSSs.

In January 2019 MNA purchased a majority share of PT Multistrada Arah Sarana (Multistrada). Based on the root cause analysis by MNA and Multistrada plant representatives, it was determined that the "marking test" procedure was not performed. To address this, updated documentation now requires "marking tests" for every tire size beginning production at the Multistrada plant. MNA says these tests will be reviewed by the Tire Designers, the Standards and Regulations team, and the Mold Designers to ensure compliance with the applicable FMVSSs. Furthermore, MNA says that additional training will be provided to Tire Designers and Mold Designers developing products manufactured at Multistrada to ensure they are knowledgeable about U.S. market regulations.

MNA asserts that the subject tires meet all applicable FMVSS tire safety performance standards and contain the DOT symbol and full TIN on the opposite sidewall. In the event of a future recall of Laredo AT or Laredo HT tires, MNA proposes to accept not only the tires specified in the recall, but also any Laredo AT or Laredo HT tire that is missing the DOT symbol on one side, regardless of their date of manufacture. As a result, MNA says consumers will be able to determine if a tire is being recalled by a simple inspection from the side of the vehicle, thereby eliminating the need for consumers to inspect the inside sidewalls with a flashlight, remove and replace the subject tires, or seek assistance from a garage or service station to record the TIN.

MNA believes that by accepting all Laredo AT or Laredo HT tires that do not have the DOT symbol on one of the sidewalls, in the event of a future recall the difficulty and inconvenience for consumers to obtain the TIN would be removed. MNA states that this approach would increase the number of motorists responding to a recall campaign and reduce the likelihood of them continuing to drive vehicles with potentially unsafe tires. Additionally, MNA contends that since the date of manufacture is visible on the side with the full TIN, consumers can determine the age of the tire.

MNA also notes that paragraph S6.5 of FMVSS No 119, which pertains to light truck tires with a tread depth of $^{18}/_{32}$ inch or greater, does not require the DOT symbol nor the TIN on both sidewalls. The subject tires, which can be purchased for light truck consumer use, are not considered to pose a safety risk in the event of a recall notification.

MNA concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VI. Public Comments: NHTSA received two comments concerning MNA's petition, one from an anonymous commenter and the other from Mr. Jerry Tyler Barnes. The anonymous commenter emphasizes the importance of tire manufacturers following safety regulations and highlights the value of warranties in protecting consumers from defects. The commenter mentions experiencing an unexpected tire issue and states that these kinds of issues are a safety concern. Mr. Barnes was of the opinion that the subject noncompliance does not pose a significant risk to motor vehicle safety, but it does inconvenience consumers and retailers when they need to identify the DOT symbol and TIN. Therefore, Mr. Barnes believes that the subject tires should be offered for sale at a discount or have their purchase price refunded.

VI. NHTSA's Analysis: In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[1] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[2] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading NHTSA that the noncompliance is inconsequential to safety.

NHTSA has evaluated the merits of the petition submitted by MNA and is granting MNA's request for relief from notification and remedy based on the following:

1. Based on its review of the information MNA submitted, NHTSA has no basis to believe that the tires do not meet the performance and labeling requirements of FMVSS No. 139, except for the missing symbol "DOT" and partial TIN on one sidewall.
2. The tires are correctly marked with all size, loading, and inflation information on both tire sidewalls, thus reducing the risk of incorrect vehicle application.
3. Both the full tire identification number (TIN) and symbol "DOT" are present and correct on one sidewall; therefore, the tires will be able to be registered.

Comments received for this petition communicate the public's desire for tire manufacturers to comply with all applicable regulations to ensure public safety. The agency concurs with this sentiment and believes that the subject noncompliance does not pose a risk to motor vehicle safety. Although the agency is granting the petition for inconsequential noncompliance the Safety Act prevents the sale of noncompliant motor vehicle equipment, and therefore the subject tires, as one commenter suggested.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA finds that MNA has met its burden of persuasion that the subject FMVSS No. 139 noncompliance in the affected tires is inconsequential to motor vehicle safety. Accordingly, MNA's petition is hereby granted and MNA is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that MNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after MNA notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–17472 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–59–P

[1] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[2] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it "results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future").

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0014; Notice 1]

Spartan Fire, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Spartan Fire, LLC (Spartan) has determined that certain model year (MY) 2015–2023 Spartan Fire Gladiator and Spartan Fire Metro Star emergency vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Spartan filed a noncompliance report dated January 28, 2025, and subsequently petitioned NHTSA (the ''Agency'') on February 18, 2025, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Spartan's petition.

DATES: Send comments on or before September 28, 2026.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kelley Adams-Campos, Safety Compliance Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7479.

SUPPLEMENTARY INFORMATION:

I. Overview: Spartan determined that certain MY 2015–2023 Spartan Fire Gladiator and Spartan Fire Metro Star do not fully comply with paragraph S7.6.13 and Table XII of FMVSS No. 108, Lamps, Reflective Devices, And Associated Equipment (49 CFR 571.108) and filed a noncompliance report on January 28, 2025, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Spartan petitioned NHTSA on February 18, 2025, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Spartan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 35 MY 2015–2023 Spartan Fire Gladiator and Spartan Fire Metro Star emergency vehicles, manufactured between April 25, 2016, and February 29, 2024, were reported by the manufacturer.

III. Rule Requirements: Paragraph S7.6.13 of FMVSS No. 108 includes the requirements relevant to this petition. Paragraph S7.6.13 requires each backup lamp to conform to the photometry requirements of Table XII. Table XII limits each backup lamp to 300 candela (cd), in a multiple lamp system, and to 600 cd in a single lamp system.

IV. Noncompliance: Spartan states that the subject vehicles are equipped with ''scene lights'' installed as backup lamps which are not designed as backup lamps and may be too bright, exceeding the maximum photometric intensity allowed for backup lamps by Table XII of FMVSS 108.

V. Summary of Spartan's Petition: The following views and arguments presented in this section, ''V. Summary of Spartan's Petition,'' are the views and arguments provided by Spartan. They have not been evaluated by the Agency and do not reflect the views of the Agency. Spartan describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Spartan gives two reasons why this noncompliance is inconsequential to motor vehicle safety:

1. Spartan states that emergency vehicles are frequently operated in environments with limited visibility due to inclement weather or smoke. Spartan states that compliant backup lamps do not provide enough light in such conditions for the vehicle operator to have enough visibility when backing up. In support of these claims, Spartan states that its customers and/or dealers specified the subject ''scene lights'' be installed ''for backup lamps.''

2. Spartan states that emergency vehicles benefit from ''maximum conspicuity'' during emergency situations. Spartan asserts that the subject ''backup lamps,'' which exceed the maximum allowed photometric intensity, serve to provide additional conspicuity for bystanders and passing vehicles at the scene when the subject vehicles are backing up.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Spartan no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Spartan notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–17469 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0072]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Novel Human-Machine Interface Designs

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for approval of a new information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This ICR is for a new collection of information for which NHTSA intends to seek OMB approval for a one-time voluntary experiment on drivers' interactions with commercially available vehicles with different human machine interface (HMI) features/designs. A **Federal Register** notice with a 60-day comment period soliciting comments on the following information collection was published on April 3, 2026. Five comments were received.

DATES: Comments must be submitted on or before September 28, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to OMB at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Dr. Jeffrey Dressel, 202–366–7409, National Highway Transportation Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from OMB before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Novel Human-Machine Interface (HMI) Designs.

OMB Control Number: New.

Form Number(s): NHTSA Forms 1814—Eligibility Questionnaire; 1815—Informed consent; 1816—Vehicle Technology Questionnaire; and 1817—Exit Questionnaire.

Type of Request: Approval of a new information collection request.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from date of approval.

Summary of the Collection of Information: This ICR is to request approval to conduct seven new voluntary information collections as part of a one-time research study of drivers' interactions with commercially available vehicles with different HMI features/designs. NHTSA of the DOT is seeking to conduct the research study involving up to 35 licensed drivers between the ages of 18 and 55 from the greater Phoenix, Arizona area. The information collections involve reporting and include: (1) an eligibility questionnaire to be administered to up to 100 potential research respondents; (2) an informed consent form to be administered to up to 35 research participants; (3, 4, 5) study drives with vehicles 1, 2, and 3; (6) the same vehicle technology questionnaire after each study drive; and (7) an exit interview (including the time for a debrief).

Participants' naturalistic driving data will be collected in three study-provided vehicles using GoPro cameras and a device to measure where drivers are looking (eye tracker). Three vehicle makes and models will be used to reflect a range of HMI designs, and all participants will drive each vehicle on an approximately 20-minute test route through urban surface streets in the Phoenix, Arizona area. Before completing the study drives, research participants will complete a 15-minute introduction and informed consent procedure, and for each vehicle, a 15-minute eye tracker setup and calibration, and a 15-minute vehicle and task familiarization and training briefing. After each 20-minute study drive, participants will complete a 10-minute vehicle technology questionnaire. At the end, participants will complete a 10-minute exit questionnaire and a 10-minute final debriefing.

NHTSA will use the information collected from the research study to produce a technical report that will provide summary figures and tables, as well as the results of statistical analysis of the information. No identifying information or individual responses will be reported. The technical report will be shared across the DOT, and members of the general public would have access to the aggregated information when the final report is published. The report may also be of interest to vehicle manufacturers and component suppliers (*e.g.,* developers of in-vehicle displays). This collection will be used to assess gaps in the understanding of driver behavior and performance with respect to new HMI features (*e.g.,* fully digital instrument panel, large display screens, virtual controls, infotainment systems, etc.) in current production vehicles.

Description of the Need for the Information and Proposed Use of the Information: Vehicles equipped with Advanced Driver Assistance Systems (ADAS) and even higher levels of automation have the potential to reduce traffic crashes and save lives. Technologies such as forward collision warning systems, lane centering/keeping assist, adaptive cruise control, lane departure warning systems, traffic jam assistance systems, etc., are becoming increasingly common on even moderately priced new vehicles.

However, despite their overall potential safety benefits, different implementations of these technologies my impact driver performance differently. In particular, since these technologies provide new sources of information to drivers and require drivers to make control inputs to use them and some implementations may be more consistent with driver limitations, capability, and expectations. Therefore, a safety-critical element of these advanced technologies is the human-machine interface or HMI, which refers to vehicular displays that present information to a driver, as well as those controls that facilitate a driver's control over the operation of various vehicle subsystems—including ADAS and driving automation systems.

Safe and efficient operation of any motor vehicle requires that an HMI be designed in a manner that is consistent with driver limitations, capabilities, and expectations. However, in-vehicle technology is an evolving and ever-changing domain, and there have been a number of developments in this domain since NHTSA's Human Factors Design Guidance For Driver-Vehicle Interfaces [1] was published. These developments include advances and changes in: (1) basic technological capabilities (*e.g.,* full manual control→driver assistance→vehicle automation), (2) status indicators and telltales presented to drivers (*e.g.,* head-up displays, augmented reality displays, large displays in the center stack, in-vehicle advertising/e-commerce) and (3) novel input devices (*e.g.,* touch screens, speech input, gesture inputs).

Critically, these topics were either not considered at the time the earlier guidance was published or they did not have sufficient research to support the development of robust guidance. In short, these recently emerging technologies, novel HMI designs, and changes in driver-vehicle interfaces impact driver information needs and control inputs and indicate that there are many gaps between the guidance that is available versus the guidance that may be valuable to NHTSA and be needed by industry. This data collection will directly support NHTSA's efforts to identify the implications of current HMIs on driver information needs, behavior, and performance, and characterize gaps in a manner that will aid NHTSA's efforts to support the deployment of safe technologies through ongoing HMI research and development. If the proposed study is not conducted, NHTSA will have unanswered questions regarding driver behavior with and performance implications of novel HMIs.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on April 3, 2016 (91 FR 17055). NHTSA received five public comments in response to the 60-day notice. One comment did not address the topic of PRA clearance for this information collection request and will not be addressed; another one was submitted two times and will be addressed once. The comments that address the topic of PRA clearance for this information collection are addressed below.

The National Transportation Safety Board (NTSB) included several statements in response to the 60-day notice. NTSB stated that the 60-day notice was unclear as to whether the study will provide ''sufficient information to adequately evaluate HMI features and performance.'' As an example, NTSB indicates that ''the notice does not specify the types of tasks participants will be asked to complete while driving.''

NHTSA appreciates and understands the rationale behind this comment. HMIs are changing rapidly and task selection will reflect the latest HMI features in current production of vehicles (*e.g.,* fully digital instrument panel, large display screens, virtual controls, infotainment systems, ADAS, etc.) at the time at which this study is conducted. Because the duration of the PRA clearance process can vary greatly, specifying the tasks to be performed by participants at the time of initial submission may omit tasks and capabilities developed during that time. NHTSA will ensure that limitations in the study will be documented during the conduct of the research project and reflected in the final report.

The XR Association provided two identical comments on the topic of augmented reality (AR), extended reality (XR) and related technologies. While NHTSA appreciates these comments, they are out of scope of the study protocol. The study protocol samples commercially available, recent model year vehicle interfaces, which do not include AR or XR systems. This will be documented in the final report. NHTSA does, however, monitor the state of technology and new features in vehicles and will make updates if necessary.

The Alliance for Automotive Innovation (Auto Innovators) included several statements in response to the 60-day notice. Auto Innovators recommended that NHTSA ''take steps to standardize the driving conditions as much as possible to reduce potential confounding factors that could impact research findings (*e.g.,* standardized routes).'' Auto Innovators recommended to NHTSA that, ''if there are differences in driving conditions (*e.g.,* traffic density) or weather (*e.g.,* rain), these should be accounted for during the analysis.'' NHTSA concurs and assures that the study will seek to reduce potential confounding factors that could impact research findings. Furthermore, NHTSA will ensure that relevant differences in driving conditions are documented and—as appropriate—included in the analyses performed as part of this research. In addition, to the extent feasible, researchers will make efforts to schedule and conduct the research in a manner to avoid driving condition outliers.

Auto Innovators recommended that NHTSA randomize ''the order in which participants drive the vehicles being evaluated as part of this study in order to address potential sequencing effects.'' NHTSA concurs and will implement this comment by counterbalancing the order in which study participants drive the vehicles.

Auto Innovators requested that NHTSA ''provide justification regarding its rationale for selecting only 24 research participants for this study.'' NHTSA concurs and clarifies that the sample size of 24 participants was selected after conducting a statistical power analysis. The researchers will conduct additional power analysis with slightly more conservative assumptions to assess confidence in that decision and document the associated justification in the final report.

The process and project implementation updates made in response to public comments do not materially change the participant burden, and therefore participant burden calculation remains unchanged from what was published in the 60-day notice.

Affected Public: Individuals in the Phoenix, Arizona area between the ages of 18 and 55.

Estimated Number of Respondents: The study anticipates screening 100 potential participants to obtain 24 drivers who meet study inclusion criteria and fully participate in the study. While the goal is 24 final participants, the research team will ensure eligibility and interest of 35 participants to account for potential attrition. However, while NHTSA estimates that there will be 100 potential research participants screened and up to 35 participants in the research

[1] *https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812360_humanfactorsdesignguidance.pdf.*

study, NHTSA's burden estimates are based on the average number of respondents to each information collection in each year of the three-year project. Accordingly, NHTSA has estimated that, on average, there will be 33 respondents to the eligibility questionnaire (100 potential participants ÷ 3 years) and 12 respondents for each of the other information collections (35 research participants ÷ 3 years) annually.

Frequency: This study is a one-time information collection.

Number of Responses: Each respondent responds to each form only once.

Estimated Total Annual Burden Hours: 51 hours.

The annual estimated burden for the information collection is 51 hours. This is the aggregate of the estimated annual burden for seven information collections that would be part of the one-time study. These seven information collections include: (1) an eligibility questionnaire to be administered to up to 100 potential research respondents; (2) an informed consent form to be administered to up to 35 research participants; (3, 4, 5) study drives with vehicles 1, 2, and 3; (6) the same vehicle technology questionnaire after each study drive; and (7) an exit interview (including the time for a debrief).

Since this is a one-time study that will be conducted over a three-year period, NHTSA will first explain how we estimated the total burden for the research project and then describe how that burden was averaged over the three-year period for which NHTSA is seeking approval of its information collection request.

The study will begin with a screening process to identify eligible participants. As stated above, the research team intends to identify 35 eligible participants to account for potential attrition to ensure that the target sample of 24 participants is achieved. In order to identify 35 eligible participants, NHTSA estimates that the research team will need to contact up to 100 potential participants. These potential respondents will be contacted via phone and will be asked to answer eligibility questions. NHTSA estimates that the eligibility screening questionnaire takes, on average, 15 minutes to complete. Therefore, estimates the total burden for eligibility screening to be 25 hours (15 minutes × 100 respondents).

After the screening process, up to 35 eligible participants will be given an appointment to arrive on-site at the testing facility. Each respondent will begin with a consenting process, which is completed on-site at the testing facility at the beginning of the study session. This consenting process includes an overview of the study and an explanation of the informed consent form. This consenting process is expected to take 15 minutes. Therefore, NHTSA estimates the total burden for obtaining informed consent to be 8.75 hours (15 minutes × 35 research participants). Once participants have signed their consent forms, they will be brought outside to the front seat of the first testing vehicle and instructed to adjust the seat to their liking and fasten their seatbelt. The experimenter will provide general safety instructions for the study. The respondents will be reminded that the primary task during the study is to drive safely while operating the vehicle, and that they as the driver are always ultimately in control of the vehicle, regardless of whether they are just driving or completing a task. The respondent will also be reminded to obey the rules of the road and wear their seatbelt at all times while operating the vehicle. The respondents will be given a brief introduction to the operation of the first vehicle, the location of the various controls, and will be instructed on the set of tasks they will perform. They will then be asked to practice each of the tasks one at a time while the vehicle is stationary. The eye-tracking system will then be fitted and calibrated inside the testing vehicle. While stationary, the respondents will review a map of the route (public streets in Phoenix) they will be driving. In addition, the respondents will have an opportunity to practice and establish a comfort level with driving the vehicle and wearing the head-mounted eye-tracking system prior to data collection during the on-road drive. Once comfortable with the vehicle, the experiment will direct the respondents out of the Exponent facility and onto public roads to begin the drive. Throughout the drive, the respondents will complete each of the tasks one at a time when prompted by the experimenter. NHTSA estimates that it will take approximately 50 minutes for the vehicle and task familiarization and training (approximately 15 minutes), the eye tracker setup and calibration (approximately 15 minutes) and the 20-minuted planned drive. Therefore, NHTSA estimates that the total burden for the study drive in vehicle 1 to be 30 hours (50 minutes × 35 research participants).

After completing a full drive of the pre-determined route in the first test vehicle, the respondents will return to the start location and complete the vehicle technology questionnaire based on the vehicle they just drove. NHTSA estimates that completing the vehicle technology questionnaire will take approximately 10 minutes, for a total burden of 6 hours (10 minutes × 35 research participants).

Each research participant would then complete the study drive for vehicle 2, including vehicle and task familiarization and training (approximately 15 minutes), the eye tracker setup and calibration (approximately 15 minutes) and the 20-minuted planned drive. As with vehicle 1, NHTSA estimates that this will take each respondent approximately 50 minutes, for a total burden of 29.17. And as with vehicle 1, each participant will also complete a vehicle technology questionnaire after the study drive 2, which is estimated to take each participant approximately 10 minutes. The process is then repeated again for vehicle 3.

At the end, participants will complete an exit questionnaire (estimated to take approximately 10 minutes per participant) and a final debriefing (estimated to take approximately 10 minutes per participant). The total burden for the exit questionnaire and final debriefing is estimated to be 12 hours (20 minutes × 35 respondents). The total burden for the entire study (including screening, consenting, study drives, and questionnaires) is estimated to be 151 hours. The details are presented in Table 1 below.

TABLE 1—TOTAL STUDY BURDEN HOURS

Form No.	Information collection	Number of respondents	Time per response (minutes)	Frequency of response	Total burden hours
1814	Eligibility Questionnaire	100	15	1	25 hours.
1815	Informed Consent	35	15	1	8.75 9 hours.

TABLE 1—TOTAL STUDY BURDEN HOURS—Continued

Form No.	Information collection	Number of respondents	Time per response (minutes)	Frequency of response	Total burden hours
	Study Drives (Eye Tracker Setup & Calibration, Vehicle Familiarization//Training, Planned Drive).	35	50	3	87.51 88 hours.
1816–a, b, c	Vehicle Technology Questionnaire.	35	10	3	17.49 18 hours.
1817	Exit Questionnaire (including time for debriefing).	35	20	1	11.67 12 hours.
Total					152 hours.

As explained above, because this information collection request is for a three-year approval, NHTSA has estimated the annual burden associated with each information collection by averaging the burden across the three-year period for which NHTSA is seeking approval. NHTSA has estimated annual burden hours by first dividing the total number of respondents per information collection by three and then rounding to the nearest whole number. Accordingly, NHTSA estimates the burden for the eligibility questionnaire based on an average of 33 respondents completing the questionnaire each year (100 potential respondents ÷ 3 years = 33.33 respondents). For the remaining eight information collections, NHTSA estimates that there are, on average, 12 research participants per year (35 research participants ÷ 3 years). Based on the estimates of 33 annual respondents for eligibility questionnaire and 12 annual respondents to each of the other information collection, NHTSA has estimated that the total annual burden hours for the collections is 51 hours.

To calculate the opportunity cost to participants in this study, NHTSA used the average (mean) hourly earnings from employers in all industry sectors in the State of Arizona, which the Bureau of Labor Statistics lists at $30.31 per hour.[2] NHTSA estimates that the annual opportunity cost is approximately $2,019.55.

Table 2 provides estimates for the total annual burden hours and opportunity costs.

TABLE 2—ANNUAL BURDEN ESTIMATES

Form No.	Information collection	Number of respondents	Time per response (minutes)	Opportunity cost per response [3]	Frequency of response	Total burden hours	Total opportunity costs [4]
1814	Eligibility Questionnaire	33	15	$7.58	1	8.25 8	$250.14
1815	Informed Consent	12	15	7.58	1	3	90.96
	Study Drives (Eye Tracker Setup & Calibration, Vehicle Familiarization/ Training, Planned Drive).	12	50	25.26	3	30	909.36
1816–a, b, c	Vehicle Technology Questionnaire.	12	10	5.05	1	6	181.80
1817	Exit Questionnaire (including time for debriefing).	12	20	10.10	1	4	121.24
Annual Estimates						51	1,553.50

*Note references 3 & 4 are missing.

Estimated Total Annual Burden Cost: $0.

Participation in this study is voluntary, and there are no costs to respondents beyond the time spent completing the questionnaires and travel costs for the visits to the study facility. The travel costs are minimal and expected to be offset by the compensation that will be provided to the research participants.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) 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; (b) 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; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including 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.

[2] US Department of Labor, Bureau of Labor and Statistics, May 2023 State Occupational Employment and Wage Estimates Arizona: *https://www.bls.gov/oes/tables.htm#00-0000.*

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.)

Cem Hatipoglu,

Associate Administrator, Vehicle Safety Research.

[FR Doc. 2026–17515 Filed 8–26–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Renewal of the Commission on Social Impact Partnerships

AGENCY: Office of Economic Policy, Department of the Treasury.

ACTION: Notice of charter renewal for the Commission on Social Impact Partnerships.

SUMMARY: The Treasury Department will renew the charter for the Commission on Social Impact Partnerships for a two-year period beginning no sooner than seven days following publication of this notice.

FOR FURTHER INFORMATION CONTACT: Matthew Cook, 1801 L St. NW, Washington, DC 20002. Telephone: (202) 821–5030.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 8(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1008, that a charter for the Commission on Social Impact Partnerships (''Commission''), a committee that is authorized by statute, will be renewed for a two-year period beginning no sooner than seven days following publication of this notice.

On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, establishing the Commission under the Social Impact Partnerships to Pay for Results Act (SIPPRA). The Commission's duties include making recommendations to the Secretary of the Treasury regarding awards of social impact partnership project grants and feasibility study grants. The Commission will meet at the direction of Treasury when it needs to consider applications to the SIPPRA program or at other times to advise Treasury. Unless a meeting is for administrative purposes, meetings of the Commission will be open to the public.

Spencer W. Clark,

Committee Management Officer, U.S. Department of the Treasury.

[FR Doc. 2026–17539 Filed 8–26–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0931]

Agency Information Collection Activity Under OMB Review: CFM Stakeholder Feedback Survey

AGENCY: Office of Construction and Facilities Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Construction and Facilities Management, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by September 28, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0931.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: CFM Stakeholder Feedback Survey.

OMB Control Number: 2900–0931.

Type of Review: Revision of a currently approved collection.

Abstract: Department of Veterans Affairs, Office of Construction & Facilities Management (CFM) Stakeholder Feedback Survey collects information for CFM's lines of business: major construction and major leases. Respondents are members of project teams, and the information is related to how well the teams are performing. The purpose of the Stakeholder Feedback Survey Program is to improve project team performance across the four lines of business covered by the survey.

Respondents include federal employees in the Department of Veteran Affairs throughout CFM, Veterans Health Administration, and National Cemetery Administration, as well as U.S. Army Corps of Engineers construction management teams. The survey also collects information from members of private contractors associated with the projects described above (*e.g.,* architecture/engineering, construction, developers/lessors). Respondents provide feedback on the performance of the technical sub-teams with whom they have worked on a particular project.

The survey uses a set of ten questions to collect the information on team performance, plus two open-ended questions that address what is going well and concerns. The survey is delivered via email with a link to an online collection instrument. Advance notice and reminder emails are used to encourage participation.

The survey is administered by Stakeholder Feedback Survey team. Raw data is seen and handled only by members of this team. Summary results are provided to CFM leadership via dashboard designed to administer the survey.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 121 on June 25, 2026.

Affected Public: Members of private contracting firms associated with the projects described above (*e.g.,* architecture/engineering, construction, developers/lessors) are asked to complete the survey.

Estimated Annual Burden: 73 hours.

Estimated Average Burden per Respondent: 8 minutes.

Frequency of Response: Team members of Major Construction and Major Leasing projects are asked to complete the survey twice a year for the duration of the project.

Estimated Number of Respondents: 544.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–17541 Filed 8–26–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0877]

Agency Information Collection Activity Under OMB Review: Freedom of Information Act (FOIA) or Privacy Act (PA) Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by September 28, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0877.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Freedom of Information Act (FOIA) or Privacy Act (PA) Request (VA Form 20–10206).

OMB Control Number: 2900–0877. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 20–10206 is used by VA to gather the necessary information to fulfill claimants' requests to access Federal agency records and requests for access to records based on name or another personal identifier. Without this information, VA would not be able to efficiently process FOIA and PA requests in a standardized manner. As such, requests from claimants and stakeholders vary in nature and in scope.

This control number used to be associated with three information collections. This control number now only includes this information collection, and the burden estimate has increased due to the estimated number of receivables averaged over the past year.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at insert citation date: 91 FR 37498, June 23, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 14,378 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 172,534 per year.

(Authority: 44 U.S.C. 3501 *et seq.*)

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–17532 Filed 8–26–26; 8:45 am]

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