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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1212

[Doc. No. AMS–SC–25–0122]

Honey Packers and Importers; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the National Honey Board to increase the assessment rate for first handlers and importers from 1.5 cents (\$0.015) per pound of assessable honey and honey products to 2 cents (\$0.02) per pound of assessable honey and honey products over two fiscal periods. The assessment rate will remain in effect indefinitely until modified or terminated.

DATES: This final rule is effective September 1, 2026, when the assessment rate will be \$0.0175. On and after January 1, 2027, the assessment rate will be \$0.02.

FOR FURTHER INFORMATION CONTACT: Katie Cook, Marketing Specialist, or Alexandra Caryl, Chief, Mid-Atlantic Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (202) 720–8085; or via email: Katie.Cook@usda.gov or Alexandra.Caryl@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule affecting the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order (7 CFR part 1212) (Order) is authorized by the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425) (Act).

Executive Order 12866

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This rule amends an

existing research and promotion program and is necessary for the continued operation of the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order. Additionally, this action is exempt from the requirements of Executive Order 14192, “Unleashing Prosperity Through Deregulation,” pursuant to section 5(c).

Executive Order 13175

This action was reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” which requires agencies to consider whether their rulemaking actions will have Tribal implications. AMS determined this final rule is unlikely to have substantial direct effects on one or more Indian Tribes, or the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Executive Order 12988

This action was reviewed under Executive Order 12988, “Civil Justice Reform.” The Act provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act (7 U.S.C. 7418), a person subject to an order may file a petition with the Secretary of Agriculture (Secretary) stating the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with the law and requesting a modification of the order or an exemption from the order. Any petition filed challenging the order, any provision of the order, or any obligation imposed in connection with the order, shall be filed within 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on the petition. The Act provides the district court of the United States for any district in which the petitioner resides or conducts business shall have jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not

later than 20 days after the date of the entry of the Secretary’s final ruling.

Background

Under the Order, the National Honey Board (NHB or Board) administers a nationally coordinated program of research, promotion, and information designed to strengthen the honey industry’s position in the marketplace, and to establish, maintain, and expand markets for honey and honey products. To fund the program, § 1212.52 authorizes the Board to collect assessments on first handlers and importers who handle and/or import more than 250,000 pounds of honey or honey products per calendar year.

Currently, first handlers and importers who handle and/or import more than 250,000 pounds per calendar year pay \$0.015 per pound of assessable honey and honey products. The Order specifies that first handlers are responsible for paying the assessment to the Board on all domestically produced honey and honey products the first handler handles. Producers who are first handlers are responsible for paying the assessment to the Board. Importers are responsible for payment of assessments to the Board on all honey and honey products imported into the United States through the United States Customs and Border Protection (Customs or CBP).

The assessment rate has changed only once since the program was established in 2008. In 2015, the assessment rate increased from \$0.01 to the current rate of \$0.015. Pursuant to § 1212.52(f), the Board may recommend to the Secretary an assessment change as it deems appropriate by at least two-thirds vote of members present at a meeting of the Board. Additionally, the Order specifies the recommendation may not increase the assessment by more than \$0.02 per pound and by more than \$0.0025 in any single fiscal year.

Board Recommendation To Adjust the Assessment Rate

This final rule amends § 1212.52(a) by increasing the assessment rate from \$0.015 per pound to \$0.0175 per pound, effective September 1, 2026, and establishes an increase to \$0.02 per pound, effective January 1, 2027.

The Board first discussed this recommendation at their spring 2024 meeting. In June 2024, the Board shared the potential of an assessment increase

at the National Honey Packers and Dealers Association (NHPDA) meeting. The NHPDA voted to request NHB raise the assessments to \$0.02. The Board met on October 25, 2024, and voted 9 in favor to 1 opposed to recommend the assessment increase from \$0.015 cents to \$0.02 cents per pound of assessable honey.

Since the last assessment change in 2015, inflation in the U.S. has risen 36%. When applying this increase across costs for staffing, promotion, and research, it significantly affects the Board's budget and contracts with agency partners. Although NHB's assessment revenue has only increased slightly since 2023, inflation and the cost of conducting business have outpaced it. Consequently, the Board's effectiveness is compromised due to the loss of purchasing power, which limits implementation of necessary promotion and research projects.

The Board's budget also continues to be constrained by rising reimbursement requests on imported organic honey. Pursuant to § 1212.53(c), products that are 100 percent organic, as defined by the National Organic Program, may be exempt from assessments under the Order. Customs collects assessments on all imported honey and honey products, meaning importers must request a reimbursement from the NHB for any certified organic honey that was assessed. Aside from the costs incurred to process these reimbursement requests, the Board must set aside substantial funds for reimbursements requested throughout the fiscal year and 90 days into the next fiscal year as required in § 1212.53(e)(1). This causes the Board to be more conservative with promotion and research efforts to ensure funds are available to reimburse these assessments. By increasing assessments, the Board will fund promotion and research efforts with less concern of having to move funds to cover reimbursement requests for certified organic honey.

Final Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of this rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

This rule increases the assessment rate on importers and handlers of honey to \$0.02 per pound of honey. Based on the calculated volume of honey assessed in 2024, described below, the increased assessment rate would add \$2.99 million to the program's budget, with

\$2.42 million being paid by importers and \$567,782 paid by handlers. Assessments are applied uniformly to all first handlers and importers who handle or import an amount of honey above the de minimis threshold of 250,000 pounds. This action increases the assessment imposed on first handlers and importers but does not disproportionately burden small domestic first handlers and importers.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration (SBA) defines small agricultural producers of honey as those having annual receipts equal to or less than \$3.25 million (North American Industry Classification System (NAICS code 112910, Apiculture)) (13 CFR 121.201), and small agricultural service firms (first handlers and importers) as those having annual receipts equal to or less than \$34 million (NAICS code 115114, Postharvest Crop Activities except Cotton Ginning).¹

The Board reported there were 95 importers and 34 first handlers of honey and honey products covered under the program during the 2024 fiscal period. Total assessments for 2024 were \$8.96 million, of which 81 percent was paid by importers and 19 percent was paid by first handlers. This data can be used to estimate the average annual revenue from honey sales of importers and first handlers along with determining the number of these considered to be small businesses based on the SBA definitions.

Of total paid assessments in 2024, importers paid \$7.26 million, and first handlers paid \$1.70 million. The amount of honey assessed in pounds can be calculated by dividing 2024 assessment values by the 2024 assessment rate of \$0.015 per pound. This results in assessed honey volumes of 484.11 million pounds for importers and 113.56 million pounds for first handlers. Based on analysis of the CBP Automated Customs Entry (ACE) importer data, the 2024 average

importer price for honey was \$5.34 per pound. Little data is available regarding handler prices; therefore, USDA used this estimated importer price as a proxy for handler price for the purposes of this RFA. Multiplying the estimated importer and handler price of \$5.34 per pound by the 2024 assessed volumes results in estimated 2024 total revenues for assessed entities of \$2.59 billion for the 95 assessed importers and \$606.39 million for the 34 assessed handlers. Assuming equal distribution of revenues, per entity annual receipts would be \$27.21 million per importer and \$17.83 million per handler, both of which are below the SBA threshold for a small business, which calls for annual receipts no greater than \$34 million.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements imposed by the Order have been approved under OMB control number 0581–0093. 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 requirements on either small or large importers or first handlers of honey. As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Regarding alternatives, the Board considered not making these changes to the Order and leaving it as-is. If the Order were left unchanged, operational costs and services provided by the Board would have continued to be issues that could have resulted in the Board failing to cover its expenses through assessments as prescribed in § 1212.52(a). After considering these potential issues, the Board decided against leaving the Order unchanged.

Regarding outreach efforts, the Board discussed the assessment rate change at its meetings throughout 2024. Board staff also traveled to industry events, like the NHPDA meeting, to garner feedback and gauge support. On October 25, 2024, the Board voted to recommend the assessment rate change to the Secretary. The members who voted represent producers, handlers, importers, and the industry marketing cooperative.

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

¹ The activities of honey handler and importers span multiple NAICS classifications in industry group 311999—All Other Miscellaneous Food Manufacturing. The small business size standards associated with these classifications are defined by number of employees; however, with the data available to USDA, basing the definition of a small business on average annual receipts results in a more meaningful analysis of the impact of the rule on honey handlers and importers in the RFA. Therefore, USDA used the definition of a small firm which engages in "Postharvest Crop Activities (except Cotton Ginning)" as a more appropriate criterion for this analysis.

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 11189). A copy of the proposed rulemaking was also 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 parties to respond to the rule as proposed. AMS received 58 comments, and of the 58 comments received: one comment remains unposted as it is both out of scope of this rulemaking and contains sensitive personally identifiable information; 39 opposing comments were from industry members not known to be subject to the Order; 13 supportive comments were from stakeholders subject to the Order and members of the public; one opposing comment was from a first handler subject to the Order; one was neutral; and a further three submissions had no written comment.

Some commenters asserted that the Board's promotional activities, including materials featuring foreign honey origins, disproportionately benefit imported honey and therefore harm domestic beekeepers. AMS reviews all promotional materials to ensure compliance with legislative authority, USDA policy, and the Guidelines for AMS Oversight of Commodity Research and Promotion Programs. AMS must deny any promotion seen as disparaging to any market segment, producer, importer, handler, competing product, or other agricultural commodity. Additionally, promotion that is false or misleading to consumers and anything outside the scope of Board-authorized activities is prohibited. As required by § 1212.47(e), the Board must generically promote honey and create a favorable image of honey and honey products to the public and food industry as part of its mission to maintain, develop, and expand domestic and foreign markets. AMS therefore concludes that generic promotion, as required under the Act and Order, effectuates the purpose, mission, and goal of the program.

Some commenters claimed the assessment rate increase will harm domestic beekeepers who are already facing market pressures, rising labor costs, pest pressures, and low honey prices. It is important to note that most small-scale and hobbyist beekeepers are not subject to the Order and therefore do not pay assessments to the Board.

Beekeepers' economic burden argument does not reflect a regulatory burden imposed by the assessment increase, because they do not pay assessments unless they are also a first handler subject to the Order, which none of the 39 opposing commenters indicated. Therefore, AMS does not expect domestic beekeepers to be harmed by this rule.

Several commenters request AMS remove the organic exemption or apply assessments only to imported honey. The exemption of organic products, established in § 1212.53(c), is in accordance with USDA's National Organic Program (NOP) (7 CFR part 205), as amended by Exemption of Organic Products from Assessment Under a Commodity Promotion Law, 80 FR 82006 (Dec. 31, 2015), effective February 29, 2016. The amendment was required by section 10004 of the Agricultural Act of 2014 (Pub. L. 113–79). Therefore, removing or changing the exemption is outside the scope and authority of this rule.

Several commenters argued, unrelated to the merits of the rule, that promotional activities should cease and funds instead be diverted to bee health research, sustainability, or authenticity testing. The Board currently funds nutrition, market, and production research and is required to invest no less than five percent (5%) of their anticipated annual assessment revenue into production research per the Order. The Board has full discretion, subject to the approval of the Secretary, to allocate funds.

Several commenters discussed increasing Nuclear Magnetic Resonance (NMR), deoxyribonucleic acid (DNA), or Isotope Ratio Mass Spectrometry (IRMS) testing for all imported honey, and destruction of fraudulent products. These recommendations are outside the scope of this action.

One neutral comment was submitted by the National Honey Board and offered an alternative effective date if the June 1, 2026, date was not met by the USDA and AMS. Their suggestion is to execute the first increase on first day of the following month after publication in the **Federal Register**, for example July 1st, 2026, August 1st, 2026, and so on, and keeping the second increase effective date of January 1, 2027. AMS agrees with this approach. Accordingly, after review and consideration of all comments received, AMS makes changes to the effective date of the initial assessment rate increase.

After considering all relevant material presented, including the information and recommendations submitted by the Board, public comments, 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 1212

Administrative practice and procedure, Advertising, Consumer education, Honey and honey products, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1212 as follows:

PART 1212—HONEY PACKERS AND IMPORTERS RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for part 1212 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Amend § 1212.52 by revising paragraph (a) to read as follows:

§ 1212.52 Assessments.

(a) The Board will cover its expenses by levying in a manner prescribed by the Secretary an assessment on first handlers and importers. Through August 31, 2026, the assessment rate shall be \$0.015 per pound of assessable honey and honey products. For the period of September 1, 2026, through December 31, 2026, the assessment rate shall be \$0.0175 per pound of assessable honey and honey products. On and after January 1, 2027, the assessment rate shall be \$0.02 per pound of assessable honey and honey products.

* * * * *

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–17715 Filed 8–28–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 208

[CIS No. 2851–26; DHS Docket No. USCIS–2026–0199]

RIN 1615–AD18

Affirmative Asylum Referrals Without Interview

Correction

Editorial note: This document is the only published correction to 2026–15190. Due to technical issues, documents numbered C1–

2026–15190 and C2–2026–15190 do not exist.

In rule document 2026–15190 beginning on page 47101 in the issue of

Tuesday, July 28, make the following change

On page 47119, Table 3 should appear as follows:

TABLE 3—SUMMARY OF THE COST AND BENEFITS OF THE RULE

Changes	Description of the changes to the regulatory text	Estimated benefits	Estimated costs
Referral of an affirmative asylum application to EOIR without interview.	Amend regulations to remove language stating that an AO “in an interview” shall review the application and give the alien the opportunity to present any relevant and useful information bearing on any prohibitions on filing. <i>Update to 8 CFR 208.4(a).</i> Amend regulations to permit an AO to refer an affirmative Form I–589 to EOIR without interview, based on the record and other relevant evidence. <i>Addition of 8 CFR §208.9(a)(2).</i> Amend regulations to remove language referring to “right to an” interview. <i>Update to 8 CFR §208.10.</i> Amend regulations to include that an AO can refer an asylum application to EOIR without offering an opportunity for an interview, and to remove language referring to “applicant’s right to an” interview. <i>Update to 8 CFR §208.14(c).</i> Amend regulations to remove the requirement that a letter communicating the basis for referral of asylum include an assessment of the alien’s credibility. <i>Update to 8 CFR §208.19.</i> Amend previous agency practice so that an AO may refer an application as a matter of discretion without first making an eligibility determination. (No change to a regulatory provision).	Applicants— • Reduced applicant wait times and faster case resolution at USCIS for both meritorious claims and referrals. ○ Earlier clarity and less time in legal uncertainty. ○ Faster access to long-term protection and family re-unification. ○ Better preservation of evidence. ○ Earlier work authorization for aliens who are approvable. ○ Earlier access to INA 240 removal proceedings. ○ Earlier access to procedural protections. ○ Reduced procedural redundancy. • Better understanding of the asylum process. ○ Explaining that an interview may not be offered for all cases. ○ Greater awareness to submit any and all evidence in support of the asylum application at the time of filing. ○ Improved application quality and completeness. ○ Aliens who are better prepared for the asylum process. Government— • Increased operational efficiency and reduction in USCIS’ affirmative asylum backlog. ○ Time and resource savings (AO time, interpreter resources, and administrative support) for USCIS that could be reallocated to other priority caseloads. ○ More efficient adjudications within USCIS, especially in cases where aliens clearly fail to meet their burden to establish eligibility. ○ Reduced duplicative work for USCIS and EOIR. ○ Give USCIS flexibility to issue future policy guidance about which categories of cases should be prioritized for referral without interview. ○ Give AOs the ability to focus a decision letter on the basis for referral, where credibility is not the basis for referral. ○ More efficient drafting of referral decision letters. • Improvements to national security and public safety. ○ Accelerate adjudication and reduce the amount of time that potentially dangerous aliens remain in the community. ○ Reduce the number of in-person encounters in USCIS facilities for ineligible aliens who also pose a danger to the public, thereby lowering the exposure risk for AOs, interpreters, attorneys, and other government staff working in public-facing interview spaces.	Applicants— • Possibility of increased wait times and slower case resolution for some aliens who under the previous process would have asylum granted by USCIS. Government— • Possible costs to DOJ to develop certain elements of the case during removal proceedings where USCIS no longer performs an interview. • Possible new costs to DOJ for processing referred asylum cases that USCIS could have granted.

[FR Doc. C3–2026–15190 Filed 8–28–26; 8:45 am]

BILLING CODE 0099–10–D

SMALL BUSINESS ADMINISTRATION**13 CFR Part 101****RIN 3245–A174****Rescinding Unnecessary Notice and Comment Procedures****AGENCY:** U.S. Small Business Administration.**ACTION:** Final rule.

SUMMARY: This final rule rescinds the Administration's policy of engaging in notice and comment rulemaking even where the Administrative Procedure Act does not require notice and comment rulemaking. As a result of this final rule, the Administration will follow the default requirements of the Administrative Procedure Act. The Administration will reserve the right to engage in voluntary notice and comment rulemaking even where not required by the Administrative Procedure Act as a matter of policy on a case by case basis.

DATES: The final rule is effective August 31, 2026.

FOR FURTHER INFORMATION CONTACT: Jennifer Prescott, Deputy General Counsel, Jennifer.Prescott@sba.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

The Administrative Procedure Act (APA) generally requires, before an agency promulgates a regulation through informal rulemaking, a “notice of proposed rule making” to be published in the **Federal Register**. 5 U.S.C. 553(b). The agency then must “give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation.” 5 U.S.C. 553(c). These strictures, however, do not apply to matters “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” 5 U.S.C. 553(a)(2).

In 1974, the Small Business Administration (SBA) promulgated a regulation at 13 CFR 101.9 titled “Public participation in rulemaking” that provided, in part, that, “SBA is governed as a matter of policy by the public participation provisions of the Administrative Procedure Act, 5 U.S.C. 553, notwithstanding the exemptions given by such section 553 for matters relating to agency management or personnel, or to public property, loans,

grants, benefits, or contracts.” See 39 FR 43815, December 19, 1974. This rule was subsequently redesignated and revised in 1996 to § 101.108 titled “Has SBA waived any of the public participation exemptions of the Administrative Procedure Act?” which states, “Yes. Despite these exemptions, SBA will follow the public participation requirements of the Administrative Procedure Act, 5 U.S.C. 553, in rulemakings relating to public property, loans, grants, benefits, or contracts.” See 61 FR 2394, January 26, 1996.

II. Analysis

The SBA has decided to rescind the policy in § 101.108. Upon reconsideration and in the Agency's discretion, the SBA has decided that it is proper to return to the text of the APA regarding its enumerated exceptions for matters relating to public property, loans, grants, benefits, and contracts. The SBA has a new policy of acting more nimbly in response to changing circumstances and this rescission will allow for that. To the extent public participation is determined to be advantageous, the SBA may still request public comments through notices of proposed rulemaking. The SBA will continue to comply with the APA's notice and comment requirements where required and otherwise has discretion to seek public input through whatever means it determines appropriate.

III. Justification for Final Rule

This rule is exempt from the prior notice and comment requirements of the Administrative Procedure Act (APA) because it is a general statement of policy. 5 U.S.C. 553(b)(A). This policy was originally published in the **Federal Register** as a notice from the Administrator, 36 FR 16716 (August 25, 1971), and only subsequently codified in the Code of Federal Regulations as an organizational matter, 39 FR 43815 (December 19, 1974). Alternatively, it is a rule of agency organization, procedure, and practice because it is not binding on outside parties and only affects the manner in which they may present their views to the agency. 5 U.S.C. 553(b)(A). Further, because it is not a substantive rule, and because it relieves a restriction, this rule is exempt from the APA's requirement of a 30-day delay in the effective date. See 5 U.S.C. 553(d).

IV. Compliance With Executive Orders 12866, 12988, 13132, 14192, 14219, and the Paperwork Reduction Act (44 U.S.C. Ch. 35), the Congressional Review Act (5 U.S.C. 801–808), and the Regulatory Flexibility Act (5 U.S.C. 601–612).

Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess 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). The Office of Management and Budget determined that this rule will be a “significant regulatory action,” and therefore, is subject to review under section 6(b) of E.O. 12866, dated September 30, 1993. Accordingly, this rule has been submitted to OMB for review.

Cost-Benefit Analysis

This rule rescinds 13 CFR 101.108, an SBA policy that voluntarily imposed APA notice-and-comment procedures even where such procedures were not legally required. The rescission returns the SBA to the default rulemaking requirements of the APA (5 U.S.C. 553), aligning internal procedure with statute and eliminating SBA's self-imposed procedural burden. The rule has the primary benefit of increasing regulatory efficiency and responsiveness by removing an internal requirement that is not required by law, which slows down regulatory and deregulatory actions. Specifically, removing the requirement to solicit comments on rulemakings involving public property, loans, grants, benefits, or contracts:

- Allows policy changes and their associated benefits to be implemented more quickly, enhancing agility in responding to evolving programmatic or operational needs in areas where Congress has given the SBA broad discretion.
- Streamlines agency decision-making for programs relating to public property, loans, grants, benefits, or contracts.
- Saves staff time and resources that would otherwise be devoted to preparing, publishing, and responding to public comments.

The benefits of more quickly adopting new policy changes cannot be quantified as they will depend on the impact of future rules which are unknown. Depending on the nature of

future proposed rules, quicker policy adoption may benefit the Administration, the general public, or both. The benefits of the rule are also expected to result in streamlined decision-making and meaningful reductions in implementation costs and time burdens for the SBA, some of which are difficult to quantify. The cost savings of reducing agency resources expenditures, however, can be quantified. Between 2021 and 2025, the Administration proposed 33 rules.¹ Assuming response to comments on a proposed rule requires an average of 40 hours of an employee at GS–13 Step 5 this will be \$4,247 per avoided proposed rule.² Assuming the Administration will continue rulemaking at a similar rate as before this change, the annual cost savings of this change would be \$28,029. The general public will also see cost savings in avoided time drafting and submitting public comments. Assuming the public spends an average of 20 hours writing comments on each rule and their time is valued at the average U.S. hourly wage of \$32.66,³ the public will be expected to save \$4,311 per year. In total, the quantified annual cost savings of this rule is \$32,340.

There may be potential disbenefits of avoiding the public comment period, if the public comments offer information and suggestions that improve the SBA's regulations. The associated disbenefits are expected to be minor as the SBA can still solicit public comments on a case by case basis whenever it perceives the benefits of doing so are expected to exceed the costs.

The SBA has considered maintaining the current policy or replacing it with a narrower procedural commitment (*e.g.*, limiting it to certain programs). However, the SBA believes its rescission offers a clearer legal and operational baseline in line with the APA.

Executive Order 12988

This action meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate drafting errors and ambiguity, reduce burden, and provide a clear legal standard for affected conduct. The action does not have retroactive or preemptive effect.

¹ **Federal Register** :: Document Search Note
semiannual regulatory agendas were excluded.

² The Salary of a GS 13 Step 5 in the Washington, DC area is \$138,024 in 2026 (SALARY TABLE 2026–DCB), so 40 hours of time is \$2,654. This is then multiplied by 1.6 to account for benefits and overhead.

³ 2024 Occupational Employment and Wage Statistics

Executive Order 13132

This rule does not have Federalism implications as defined in Executive Order 13132, *Federalism*. 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, as specified in the Executive Order. As such, it does not warrant the preparation of a Federalism Assessment.

Executive Order 14192

This final rule is expected to be an Executive Order 14192 deregulatory action with a quantified annualized net savings of \$32,340 in 2026 dollars. This rule will remove 13 CFR 101.108 in its entirety.

Executive Order 14219

On February 19, 2025, the President issued Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative, which further emphasized the goal of the Administration to alleviate the regulatory burdens placed on the public. Under Executive Order 14219, agencies must evaluate their existing regulations to determine which ones should be repealed, replaced, or modified. SBA has engaged in this process and has identified 13 CFR 101.108 as appropriate for removal in accordance with Executive Order 14219.

Paperwork Reduction Act

The SBA has determined that this rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. chapter 35.

Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, also known as the Congressional Review Act, 5 U.S.C. 801 *et seq.*, provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. SBA will submit a report containing this rulemaking and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. The Office of Information and Regulatory Affairs has reviewed this rulemaking and found that it does not meet the criteria set forth in 5 U.S.C. 804(2).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small nonprofit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, the RFA requires such analysis only where notice and comment rulemaking is required. As discussed above, SBA is not required to publish the rule for notice and comment in accordance with Section 553(b)(A) of the APA. Accordingly, SBA is not required to conduct a regulatory flexibility analysis and is publishing this rule as a final rule without advance notice and public comment.

List of Subjects in 13 CFR Part 101

Administrative practice and procedures, Authority delegations (Government agencies), Intergovernmental relations, Investigations, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, SBA amends 13 CFR part 101 as follows:

PART 101—ADMINISTRATION

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 552 and App. 3, secs. 2, 4(a), 6(a), and 9(a)(1)(T); 15 U.S.C. 633, 634, 687; 31 U.S.C. 6506; 44 U.S.C. 3512; 42 U.S.C. 6307(d); 15 U.S.C. 657h; E.O. 12372 (July 14, 1982), 47 FR 30959, 3 CFR, 1982 Comp., p. 197, as amended by E.O. 12416 (April 8, 1983), 48 FR 15887, 3 CFR, 1983 Comp., p. 186.

§ 101.108 [Removed and Reserved]

■ Remove and reserve § 101.108.

Kelly Loeffler,
Administrator.

[FR Doc. 2026–17731 Filed 8–28–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2026–8845; Amendment No. 71–58]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends 14 CFR part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order JO 7400.11M, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points incorporated by reference.

DATES: This final rule is effective September 15, 2026, through September 15, 2027. The incorporation by reference of FAA Order JO 7400.11M is approved by the Director of the Federal Register as of September 15, 2026, through September 15, 2027.

ADDRESSES: A copy of this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from www.federalregister.gov.

FAA Order JO 7400.11M, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:**History**

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, effective September 15, 2025, listed

Class A, B, C, D and E airspace areas; air traffic service routes; and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations § 71.1, effective September 15, 2025, through September 15, 2026. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order JO 7400.11K in full text as proposed rule documents in the **Federal Register**, unless there was good cause to forego notice and comment. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of FAA Order JO 7400.11M, Airspace Designations and Reporting Points. The Director of the Federal Register has approved the incorporation by reference of FAA Order JO 7400.11M in § 71.1, as of September 15, 2026, through September 15, 2027. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. This rule also updates §§ 71.5, 71.15, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 to reflect the incorporation by reference of FAA Order JO 7400.11M.

Incorporation by Reference

This document incorporates by reference FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, and effective September 15, 2026, in § 71.1. FAA Order JO 7400.11M is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order JO 7400.11M lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order JO 7400.11M, effective September 15, 2026, through September 15, 2027. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order JO 7400.11M in full text as proposed rule documents in the **Federal Register**, unless there is good cause to forego notice and comment. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of FAA Order JO

7400.11 and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

FAA Order JO 7400.11, Airspace Designations and Reporting Points is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Order 2100.6B, “Rulemaking and Guidance Procedures” (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this Final Rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

■ 2. Amend § 71.1 by revising it to read as follows:

§ 71.1 Applicability.

FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, which lists Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points, was approved for incorporation by reference (IBR) by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate FAA Order JO 7400.11M

by reference is effective September 15, 2026, through September 15, 2027. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**, unless there is good cause to forego notice and comment. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. This IBR material is available for inspection at the Federal Aviation Administration (FAA) and at the National Archives and Records Administration (NARA). Contact the FAA at: Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, (202) 267–8783. An electronic version of FAA Order JO 7400.11M is available on the FAA website at www.faa.gov/air_traffic/publications. Copies of FAA Order JO 7400.11M may be inspected in Docket No. FAA–2026–8845 on www.regulations.gov. For information on the availability of this material at NARA, visit www.archives.gov/federalregister/cfr/ibr-locations or email fr.inspection@nara.gov.

§ 71.5 [Amended]

■ 3. Amend § 71.5 by removing the text “FAA Order JO 7400.11K” and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.15 [Amended]

■ 4. Amend § 71.15 by removing the text “FAA Order JO 7400.11K” wherever it appears and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.31 [Amended]

■ 5. Amend § 71.31 by removing the text “FAA Order JO 7400.11K” and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.33 [Amended]

■ 6. Amend § 71.33(c) by removing the text “FAA Order JO 7400.11K” and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.41 [Amended]

■ 7. Amend § 71.41 by removing the text “FAA Order JO 7400.11K” wherever it

appears and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.51 [Amended]

■ 8. Amend § 71.51 by removing the text “FAA Order JO 7400.11K” wherever it appears and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.61 [Amended]

■ 9. Amend § 71.61 by removing the text “FAA Order JO 7400.11K” wherever it appears and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.71 [Amended]

■ 10. Amend § 71.71(b) through (f) by removing the text “FAA Order JO 7400.11K” wherever it appears and adding, in its place, the text “FAA Order JO 7400.11M”.

§ 71.901 [Amended]

■ 11. Amend § 71.901(a) by removing the text “FAA Order JO 7400.11K” and adding, in its place, the text “FAA Order JO 7400.11M”.

Issued in Washington, DC, on August 26, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–17689 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 523

[BOP–1183–I]

RIN 1120–AB83

First Step Act Time Credits—Revisions

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim final rule; request for comments.

SUMMARY: The Bureau of Prisons (BOP) amends its First Step Act (FSA) Time Credits regulation to accord with the best reading of the FSA and to conform with recent case law trends. The first change clarifies when an inmate can begin to earn time credits, and the second change clarifies time credits eligibility for inmates serving a term of imprisonment imposed in a foreign country.

DATES:

Effective date: This rule is effective September 30, 2026.

Comments: Written comments must be postmarked and electronic comments must be submitted on or before September 30, 2026.

ADDRESSES: You may submit comments using one of the following methods:

■ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

■ *Mail:* Office of General Counsel, Attn: LCI/Rules Administrator, Federal Bureau of Prisons, 320 First Street NW, Washington, DC 20534. Reference “FSA Time Credits rule” on the first page of the written comment.

Comments will be made available to the public online at <https://www.regulations.gov>. Do not include any personally identifiable or confidential information that you do not want publicly disclosed. Anonymous comments are acceptable.

FOR FURTHER INFORMATION CONTACT:

Whittington C. Wiman, Rules Administrator, Federal Bureau of Prisons, at the address above or at (202) 353–4885.

SUPPLEMENTARY INFORMATION:

I. Discussion of Rulemaking

The goal of this rulemaking is to amend two sections of the First Step Act (FSA) Time Credits regulation to accord with the best reading of the FSA and to conform with recent case law trends. On January 19, 2022, the Bureau of Prisons (BOP) codified its procedures regarding the earning and application of time credits as authorized by the FSA (hereinafter, “FSA Time Credits” or “Time Credits”), which provides that eligible inmates earn Time Credits toward prerelease custody or early transfer to supervised release for successfully completing certain approved programs or activities assigned to each inmate based on the inmate’s risk and needs assessments.

On February 19, 2025, President Donald J. Trump issued Executive Order (E.O.) 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” which directs all executive agencies to identify certain “classes of regulations” enumerated in Section 2(a) of the E.O. and subject to certain exemptions in Section 7. 90 FR 10583 (Feb. 25, 2025). Pursuant to that executive order, BOP reviewed its regulations and identified two sections of its FSA Time Credits regulation as ones to which revisions should be made to ensure the regulatory scheme is based on the best reading of the underlying statutory authority.

The first change removes the parenthetical clause from 28 CFR

523.42(a), which provides that a “term of imprisonment commences” (and thus an inmate may begin to earn Time Credits) on “the date the inmate arrives or voluntarily surrenders at the designated Bureau facility where the sentence will be served.” BOP believes this portion of the paragraph should be removed to accord with the best reading of the FSA and to conform with recent court decisions that have concluded this language conflicts with the FSA. *See, e.g., Miles v. Bowers*, 173 F.4th 372, 379 (1st Cir. Apr. 27, 2026) (finding the regulation’s view of when a sentence commences “plainly conflicts with the text of the FSA”); *Sharma v. Peters*, 756 F. Supp. 3d 1271, 1281–82 (M.D. Ala. 2024) (concluding that 28 CFR 523.42 “adds a layer of eligibility not found in the statute” and thus “conflicts with its express language”); *Davidovic v. Warden, FCC Coleman-Low*, No. 24-cv-86, at 5 (M.D. Fla. May 2, 2025) (“Thus, the BOP’s regulation that adds a layer of eligibility not found in the statute conflicts with its express language.”); *Heath v. Knight*, No. 22–CV–7270, 2024 WL 5198863, at *5 & n.9 (D.N.J. Dec. 23, 2024) (concluding that “BOP’s interpretation in 28 CFR 523.42(a) . . . conflicts with the plain meaning of the statute,” and citing district court decisions holding the same from the Central District of California, District of Minnesota, District of Massachusetts, Eastern District of California, Western District of Washington, District of Hawaii, and the District of New Hampshire); *Anderson v. FPC Yankton*, No. 4:23–CV–04136–ECS, 2024 WL 4993680, at *2 (D.S.D. Nov. 26, 2024) (collecting cases and “tending to agree” but not ruling until jurisdiction was resolved).

With the parenthetical clause removed, the paragraph provides that “[a]n eligible inmate begins earning FSA Time Credits after the inmate’s term of imprisonment commences.” This change aligns the regulatory text with the long-established rule that a sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or voluntarily arrives at, the official detention facility at which the sentence is to be served. 18 U.S.C. 3585(a). The underlying principle of § 3585(a) is that a federal sentence commences when the defendant is received by the Attorney General of the United States¹ for service of his federal sentence, whether through remand immediately after federal sentencing, or upon the date on which

the defendant voluntarily surrenders to the official detention facility where the sentence is to be served. *Rashid v. Quintana*, 372 F. App’x 260, 262 (3d Cir. 2010) (“A federal sentence commences when the defendant is received by the Attorney General for service of his federal sentence.”). A sentence cannot begin prior to the date on which it is imposed. *United States v. Gonzalez*, 192 F.3d 350 (2d Cir. 1999); *see United States v. Flores*, 616 F.2d 840, 841 (5th Cir. 1980) (“[A] federal sentence cannot commence prior to the date it is pronounced, even if made concurrent with a sentence already being served.”); *United States v. Tancil*, 817 F.App’x 234, 237 (7th Cir. 2020) (“[A] district judge may not backdate a sentence.”). Therefore, by removing the parenthetical, we leave intact the understanding that a term of imprisonment begins either (1) on the date the defendant is received in custody pending transportation to the designated facility where the sentence will be served, or (2) on the date the defendant voluntarily surrenders at the institution where the sentence will be served.

This change furthers the FSA’s goal of providing inmates access to programs and activities proven to reduce their likelihood of recidivating. Specifically, removing the parenthetical allows inmates awaiting transportation to their designated facilities to begin FSA-approved programming, the successful completion of which may earn eligible inmates Time Credits. However, this change does not mean that every eligible inmate will automatically begin earning Time Credits immediately after their sentence is imposed. In accordance with the FSA and its implementing regulations, to earn Time Credits, the inmate must still complete evidence-based recidivism reduction (EBRR) programming or productive activities assigned to them based on their assessed needs. 18 U.S.C. 3632(d)(4)(A); 28 CFR 523.42(b)(3).

The second change addresses the eligibility of prisoners transferred to BOP custody from foreign countries to earn Time Credits.² This change adds a concluding sentence to 28 CFR 523.44(a)(3), which addresses “[s]erving a term of imprisonment pursuant to a conviction for an offense under laws other than the U.S. Code” The new sentence clarifies that Time Credits can be applied for inmates serving a term of imprisonment imposed in a

foreign country so long as the U.S. Parole Commission has determined an equivalent U.S. Code sentence exists under 18 U.S.C. 4106A. At least one federal court agrees that inmates serving a foreign sentence that, when evaluated for its equivalent U.S. Code section and qualifies as eligible, is eligible for Time Credits. *Martinez v. Rosalez*, No. 23–50406, 2024 WL 140438 (5th Cir. Jan. 12, 2024). BOP’s current practice is consistent with the regulatory change, so the amendment would codify that practice and ensure the regulation accords with the best reading of the FSA.

This change also furthers the FSA’s goal of preparing inmates to successfully re-enter their communities within the United States by allowing treaty transfer inmates—who must be a citizen or national of the United States under 18 U.S.C. 4100(b)—the same resources as other inmates under the FSA so they can reintegrate back into society. Through treaties, U.S. citizens or nationals who commit crimes and are sentenced in foreign countries may serve their terms of imprisonment in BOP custody so they can avail themselves of programming and reentry-related activities that strengthen ties to their local communities and reduce the risk of recidivism. Therefore, by no longer excluding treaty transfer inmates from FSA eligibility based solely on their foreign convictions, we are improving public safety by incentivizing risk-reduction programming.

II. Regulatory Certifications

Executive Orders 12866 and 13563—Regulatory Review

The Department has determined that this rulemaking is a “significant regulatory action” under subsection 3(f) of Executive Order 12866, “Regulatory Planning and Review”. Accordingly, this interim final rule has been submitted to the Office of Management and Budget (OMB) for review. This interim final rule has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review,” subsection 1(b), Principles of Regulation, and Executive Order 13563, “Improving Regulation and Regulatory Review,” subsection 1(b), General Principles of Regulation.

Executive Orders 12866 and 13563 direct 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

¹ Title 18 U.S.C. 3621 explicitly vests the Attorney General’s designation authority in the BOP.

² Pursuant to Public Law 95–144 (18 U.S.C. 4001 *et seq.*), BOP is authorized to receive custody of offenders who are convicted and sentenced in foreign countries, so long as there is a treaty in place between the United States and that country.

equity). Executive Order 13563 emphasizes the importance of using the best available methods to quantify costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

As shown in the table below, BOP projects that expansion of Time Credits will result in net savings of millions of taxpayer dollars because less time in a BOP institution or in a Residential Community Center (RRC) or on Home Confinement (HC) equates to cost

savings. Current estimates show that thousands of inmates will benefit from eligibility expansion and be able to leave a BOP institution and transfer to an RRC or HC sooner than they would without these regulatory changes.

AVERAGE LENGTH OF TIME TO DESIGNATION AND AVERAGE POTENTIAL TIME CREDITS FOR FSA ELIGIBLE INMATES WITH ANNUAL ESTIMATED SAVINGS

	Inmates	Avg days	Daily cost	Potential savings per	Potential saving total
Length of Time to Designation .....	.....	66.06	.....	.....	.....
FTCs Toward RRC/HC	7,554	23.81	10.61	253	1,908,322
FTCs Toward Supervised Release (RRC)	11,258	23.81	119.73	2,850.77	32,093,983
FTCs Toward Supervised Release (BOP Facility)	6,486	23.81	130.34	3,103.40	20,128,623
Total Potential Savings for Additional Time Credits .....	.....	.....	.....	.....	54,130,928

Avg time from sentencing to designation (66.06 days) results in an average of 23.81 days of Time Credits.

Total daily cost for all typical facilities = \$130.34.

Total daily cost for RRC/HC = \$119.73. Cost savings of transfer to RRC/HC = \$10.61/day.

Daily cost obtained from the current published Annual Determination of Average Cost of Incarceration Fee (COIF).

Number of Inmates = Annual average FSA-eligible transfers to RRC & supervised release 2023-2025.

The time an inmate spends in transit before arriving at their designated BOP facility, after the federal sentence is imposed, can vary widely based on the difference between the starting and ending locations as well as the capacity and availability of air and bus routes. An analysis of the transit times for newly committed inmates with sentences starting from 2023 through 2025 found the average length of time from sentencing to arrival at the designated facility to be 66.06 days. At the time of sentencing, inmates are in the custody of the United States Marshals Service (USMS) and may be housed in local, county, and regional jails or federal detention centers. The above analysis of transit time included all facilities utilized by USMS.

Inmates accrue Time Credits at a rate of 10 or 15 days for every 30 days of successful participation in EBRR programming or productive activities based on their individual calculated recidivism risk level. Inmates determined to be at a minimum or low risk for recidivating and maintain or decrease their risk level over two consecutive assessments earn 15 Time Credits for every 30 days of participation. Inmates with a medium or high risk for recidivating or who have not maintained a low risk for two consecutive assessments earn 10 days of Time Credits for every 30 days of participation. Based on the current risk levels in the BOP population, the average time of 66.06 days spent in transit would result in 23.81 days of Time Credits.

For inmates with a low or minimum risk of recidivism, the first 365 days of accrued Time Credits are applied to an

inmate's calculated statutory release date for early release to supervision if the sentencing court included a requirement that the inmate be placed on a term of supervised release after imprisonment as part of the inmate's sentence. For inmates with a low or minimum risk of recidivism without a term of imprisonment, and/or for Time Credits accrued in excess of 365 days, inmates can be transferred to prerelease custody in a RRC or HC when the Time Credits are equal to the remainder of the imprisonment term.

As shown in the above table, an analysis of inmates earning Time Credits who were released from BOP custody from 2023 through 2025 identified three categories of application of Time Credits for transfer and release: (1) Time Credits applied toward transfer to prerelease custody (RRC or HC) for inmates without a term of supervision (which averaged 7,554 inmates annually); (2) Time Credits applied toward supervised prerelease custody and early supervised release (which averaged 11,258 inmates annually); and (3) Time Credits applied toward early supervised release whereby inmates release from a typical BOP facility (which averaged 6,486 inmates annually). The expansion of Time Credits would result in savings by allowing inmates to transfer to prerelease custody (RRC or HC) an average of 23.81 days earlier, or result in inmates releasing to a term of supervised release earlier.

According to BOP's 2024 Cost of Incarceration Fee (COIF), the average per capita cost for an inmate in a secure facility is \$130.34 and the per capita cost for prerelease custody is \$119.73.

The savings for transferring inmates from secure facilities to RRCs or HCs is \$10.61 per day. Applying these per capita amounts to the three categories of inmates receiving an additional 23.81 days of Time Credits results in the following potential savings: (1) \$1,908,322 for additional Time Credits applied toward transfer to prerelease custody at \$10.61 reduced cost for 23.81 days for 7,554 inmates annually; (2) \$32,093,983 for additional Time Credits applied toward early supervised release from an RRC at \$119.73 reduced cost for 23.81 days for 11,258 inmates annually; and (3) \$20,128,623 for additional Time Credits applied toward early supervised release from a typical BOP facility at \$130.34 reduced cost for 23.81 days for 6,486 inmates annually. Accordingly, far from increasing costs, the expansion of Time Credits is projected to reduce overall costs in the estimated amount of \$54,130,928.

Executive Order 14192—Regulatory Costs

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs

associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. Although this rule would be a significant regulatory action as defined by Executive Order 12866, it would not count as an Executive Order 14192 regulatory action because it has total costs less than zero. This rule expands the accrual period of Time Credits and reduces the amount of time inmates spend in BOP facilities, producing cost savings. BOP therefore expects this rule to qualify as an Executive Order 14192 deregulatory action (defined in OMB Memorandum M-25-20 as a final action that imposes total costs less than zero).

Executive Order 14294—Fighting Overcriminalization of Federal Regulations

Executive Order 14294 “Fighting Overcriminalization in Federal Regulations” directs agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. For the purposes of Executive Order 14294, the phrase “criminal regulatory offense” means a regulation that purports to impose a penalty of imprisonment without a connection to a statute that itself authorizes such a penalty. The phrase does not include regulations implementing a statutory scheme in which a statute contains a criminal penalty (*i.e.*, imprisonment) and authorizes an agency to define by regulation what specific conduct is prohibited. This rule does not impose a penalty of imprisonment that is not authorized by statute and is thus exempt from Executive Order 14924 requirements.

Executive Order 13132—Federalism

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

Executive Order 12988—Civil Justice Reform (Plain Language)

This interim final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive

Order 12988 to specify provisions in clear language. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this interim final rule or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the Program that is the subject of this interim final rule is intended to create any legal or procedural rights enforceable against the United States.

Administrative Procedure Act, 5 U.S.C. 553

The Administrative Procedure Act (5 U.S.C. 553(b) (B)) allows exceptions to notice-and-comment rulemaking “when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” Further, 5 U.S.C. 553(d) provides an exception to the usual requirement of a delayed effective date for a substantive rule that relieves a restriction, or when the agency finds “good cause” that the rule be made immediately effective. This rulemaking is exempt from normal notice-and-comment procedures because advance notice in this instance is unnecessary. The first change conforms to recent court decisions that have concluded the excised language conflicts with the FSA, and the second change codifies a non-controversial practice already in place and thus is insignificant in nature and impact.

Further, these two changes are purely beneficial to the inmate population by expanding the time frame of when Time Credits begin to accrue and who may be eligible to earn them. As such, they “relieve a restriction.” (5 U.S.C. 553(d)(1)).

Accordingly, BOP finds good cause for exempting this interim final rule from the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring prior notice of proposed rulemaking and delay in effective date. Nevertheless, BOP is accepting post-promulgation public comments.

Unfunded Mandates Reform Act of 1995

This interim final rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year (adjusted for inflation), and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Regulatory Flexibility Act

The Director has reviewed this regulation in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and has determined that this interim final rule will not have a significant economic impact on a substantial number of small entities. This rule is limited to Bureau-appropriated funds and affects individual inmates only, not small entities. Further, a regulatory flexibility analysis is not required when the agency is not required to publish a general notice of proposed rulemaking, as is the case here. 5 U.S.C. 601(2), 604(a).

Congressional Review Act

This regulation is not a “major rule” as defined by the Congressional Review Act, 5 U.S.C. 804(2).

List of Subjects in 28 CFR Part 523

First Step Act, Prisoners, Sentence computation.

Accordingly, under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96, the Bureau amends 28 CFR part 523 as follows:

PART 523—COMPUTATION OF SENTENCE

- 1. The authority citation for 28 CFR Part 523 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3568 (repealed November 1, 1987, as to offenses committed on or after that date), 3621, 3622, 3624, 3632, 3635, 4001, 4042, 4081, 4082 (repealed in part as to conduct occurring on or after November 1, 1987), 4161–4166 (repealed October 12, 1984, as to offenses committed on or after November 1, 1987), 5006–5024 (repealed October 12, 1984, as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510.

Subpart E—First Step Act Time Credits

- 2. In § 523.42, revise paragraph (a) to read as follows:

§ 523.42 Earning First Step Act Time Credits.

(a) *When an eligible inmate begins earning FSA Time Credits.* An eligible inmate begins earning FSA Time Credits after the inmate’s term of imprisonment commences.

* * * * *

- 3. In § 523.44, revise paragraph (a)(3) to read as follows:

§ 523.44 Application of FSA Time Credits.

(a) * * *

(3) Serving a term of imprisonment pursuant to a conviction for an offense

under laws other than the U.S. Code (see Section 105 of the FSA, Public Law 115–391, 132 Stat. 5214 (not codified; included as note to 18 U.S.C. 3621)), the Bureau may not apply FSA Time Credits toward prerelease custody or early transfer to supervised release. This paragraph (a)(3) will not bar the application of FSA Time Credits, as authorized by the DC Code, for those serving a term of imprisonment for an offense under the DC Code. This paragraph will not bar the application of FSA Time Credits for those inmates serving a term of imprisonment imposed in a foreign country and for which the U.S. Parole Commission has determined an equivalent U.S. Code sentence under 18 U.S.C. 4106A.

* * * * *

William K. Marshall III,

Director, Federal Bureau of Prisons.

[FR Doc. 2026–17752 Filed 8–28–26; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF LABOR

29 CFR Part 42

Employment and Training Administration

[Docket No. ETA–2025–0003]

RIN 1205–AC27

Wage and Hour Division

RIN 1235–AA50

Occupational Safety and Health Administration

RIN 1218–AD53

Rescission of Coordinated Enforcement Regulations

AGENCY: Employment and Training Administration; Wage and Hour Division; Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor (Department) is rescinding the regulations that established formal procedures for coordination of enforcement activities among the Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), and Employment and Training Administration (ETA) with respect to migrant and seasonal farmworkers. The Department is rescinding these regulations because they are obsolete, no longer reflect the Department’s organizational structure or operational practices, and are not needed for

effective coordination among the relevant component agencies. This action will remove unnecessary regulatory burden and align the Department’s enforcement strategy with modern, effective, and flexible coordination models already in use.

DATES: This final rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: For further information regarding responsibilities of the Employment and Training Administration, contact Kimberly Vitelli, Administrator, Office of Workforce Investment, Employment and Training Administration, Department of Labor, Room C–4526, 200 Constitution Avenue NW, Washington, DC 20210. For further information regarding responsibilities of the Wage and Hour Division, contact Daniel Navarrete, Wage and Hour Division, Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 693–0406 (this is not a toll-free number). For further information regarding responsibilities of the Occupational Safety and Health Administration, contact Erin Gilmore, Occupational Safety and Health Administration, Department of Labor, Room N–3107, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 693–2100 (this is not a toll-free number). For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background and History

The Department promulgated the regulations at 29 CFR part 42 (Part 42) in 1980 to improve coordination among its component agencies in enforcing protections for migrant farmworkers.¹ The purpose of the regulations is to coordinate activities of the component agencies and to ensure effective enforcement efforts under “the protective statutes,” which included the Farm Labor Contractor Registration Act (FLCRA) (later repealed),² the Occupational Safety and Health Act, and the Fair Labor Standards Act, in order to “maximize . . . effectiveness, yet minimize unnecessary duplication.” 29 CFR 42.2. Specifically, the regulations require the Department to

¹ The regulation arose partly in response to litigation filed in the 1970s. See 45 FR 39486 (June 10, 1980) (stating that Part 42 represents part of a settlement agreement concluding litigation in *National Ass’n for the Advancement of Colored People (NAACP), Western Region v. Brennan*, No. 2010–72 (D.D.C.)).

² See Public Law 97–470, 523 (1983).

establish and maintain several processes and structures, including: (1) a National Farm Labor Coordinated Enforcement Committee (National Committee) with membership by the Under Secretary of Labor (now the Deputy Secretary),³ the Solicitor of Labor, ETA, OSHA, and the Employment Standards Administration (ESA, a now-defunct agency that incorporated WHD at the time the Department promulgated Part 42),⁴ and supported by a staff level working group, to review the subagencies’ policies and enforcement strategies; (2) Regional Farm Labor Coordinated Enforcement Committees (Regional Committees); and (3) the development of enforcement strategies and coordination plans, both regionally and nationally. In addition, the regulations require the Department to designate Farm Labor Specialists in WHD and Compliance Officers in OSHA to serve as farm labor contact persons, and to collect and review specific data pertaining to enforcement of protective statutes to be reviewed by the National Committee and to be used to inform future agency efforts. The regulations also prescribe specific frequency of meetings for the National Committee and the Regional Committees, and public attendance at certain of these meetings.

For at least a decade after promulgating Part 42 in 1980, the Department maintained a National Committee and Regional Committees as prescribed in the regulations. The Department subsequently largely ceased maintaining those formal committees, although available records do not establish precisely when that occurred. Rather, as explained in more detail later in this preamble, the Department has since implemented more effective mechanisms that do not rely on the specific structures of Part 42 to ensure coordinated enforcement of the current migrant farmworker laws by WHD, ETA, and OSHA.

In 2024, a number of advocacy organizations—including commenter Sin Fronteras Organizing Project—filed a lawsuit alleging that the Department had failed to comply with Part 42. That litigation resulted in a settlement agreement in which the Department agreed to take certain steps to reconstitute the National Committee and Regional Committees and hold public

³ Department of Labor Executive Level Conforming Amendments of 1986, Public Law 99–619, sec. 2(a)(1), 100 Stat. 3491 (Nov. 6, 1986).

⁴ In 2009, ESA was dissolved, and the Administrator of the Wage and Hour Division was delegated the relevant authorities of the Assistant Secretary for Employment Standards. See Sec’y’s Order 9–2009, 74 FR 58836 (Nov. 13, 2009).

meetings “for as long as the regulations at 29 CFR part 42 are in effect and unchanged.”⁵ The settlement agreement does not bar the Department from rescinding or modifying the regulation through the rulemaking process. The Department has complied with the settlement agreement since its effective date.

II. Proposal for Rescission

On July 1, 2025, the Department issued a Notice of Proposed Rulemaking (NPRM) to rescind Part 42 because the regulation imposed outdated, unnecessary, and duplicative internal procedures; limited the Department’s discretion; and prevented the Department’s agencies from coordinating with regard to migrant farmworkers in more efficient, effective ways. 90 FR 28247. As detailed in the NPRM, the Department determined that Part 42 imposed stilted procedural mandates and organizational requirements that were outdated, had not been utilized in decades, and no longer reflected how the Department coordinated enforcement activity across its agencies. For instance, Part 42 referenced historical entities such as ESA, which was eliminated in 2009, imposed duties on the abolished offices of the Assistant Secretary for ESA and the ESA Regional Administrator, relied on repealed statutes such as the FLCRA (repealed in 1983), and mandated formal structures—such as national and regional enforcement committees, quarterly meetings, and designated contact personnel—that had long ago fallen into disuse.

Notwithstanding the dormancy of some structures and components set forth in Part 42, the Department has continued to conduct robust and effective enforcement related to migrant farmworkers through modern coordination mechanisms, including interagency working groups, task forces, and new statutory frameworks under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and the Immigration and Nationality Act’s H–2A nonimmigrant visa program for temporary or seasonal agricultural workers. *See, e.g.*, 29 U.S.C. 1812, 1852; 8 U.S.C. 1188.

As described in the NPRM, OSHA has regularly hosted an agriculture task force that has engaged with agricultural concerns and issues in coordination with representatives from WHD and ETA. The task force was designed to identify, review, update, and develop

OSHA’s agricultural guidance products, including regulations and web pages. The task force contributed to several new agricultural guidance products over the years, including a 2017 update to OSHA’s Agricultural Operations Safety and Health Topics web page with links to information ranging from heat illness prevention to youth employment in agriculture.⁶ Likewise, the NPRM stated that other Departmental initiatives reflect the Department’s ongoing commitment to cross-agency coordination at the national and regional levels. For example, ETA Regional Monitor Advocates often host meetings for the relevant State Workforce Agencies, which representatives from WHD attend.

Additionally, the NPRM stated that the Department maintains contact and exchanges information with farm labor groups and the public on issues relating to the employment of migrant and seasonal farmworkers on an ongoing basis. As part of the Department’s regular stakeholder engagement, OSHA, WHD and ETA all maintain contacts and meet with farmworker groups, as part of public outreach, roundtables, and conferences, at both the national and the regional level. The ETA National Monitor Advocate regularly meets with farmworker groups and, each year during harvest season, visits States with high numbers of migrant and seasonal farmworkers to meet with State Workforce Agencies and organizations that represent farmworkers.

Part 42 reflects an outdated legal landscape and depends on a bygone Departmental structure that made it increasingly difficult to implement the requirements of the regulation, as drafted. The Department further believes that the current coordination efforts of OSHA, ETA, and WHD more effectively address the employment-related problems faced by migrant farmworkers; are coordinated to maximize their effectiveness and minimize unnecessary duplication; and assure that employers of migrant farmworkers are complying with the laws that the Department enforces. Therefore, the Department suggested in the NPRM that Part 42 imposed bureaucratic obligations that did not allow for effective and efficient coordination outcomes, and that its continued presence in the Code of Federal Regulations was no longer necessary.

Accordingly, the Department proposed to rescind the rule in its entirety under its general housekeeping and procedural authority at 5 U.S.C. 301 and consistent with Executive Order (E.O.) 14192 (Unleashing Prosperity Through Deregulation), 90 FR 9065 (Jan. 31, 2025), which directs agencies to eliminate unnecessary or obsolete regulations. As discussed later in this preamble, after reviewing all eight comments received, the Department is finalizing the rule as proposed.

III. Discussion of Final Rule

The NPRM invited comments from the public concerning this rescission of regulations for coordinated migrant farmworker labor law enforcement activities; the comment period closed on September 2, 2025. During the 60-day public comment period, the Department received a total of eight comment submissions. The comments received on the NPRM may be viewed at <https://www.regulations.gov> by entering docket number ETA–2025–0003.

The Department has considered these comments and has decided to finalize the rescission of Part 42 as proposed. After reviewing the rule’s history, the regulatory record, and the considerations raised by commenters, the Department concludes that Part 42 no longer serves a meaningful operational purpose, it imposes unnecessary duplication of efforts and outdated procedural requirements, and it is not needed to ensure effective enforcement of labor protections for migrant farmworkers.

Eight comments were submitted in opposition to the proposed rescission. These included submissions from legal advocacy organizations, a State interagency committee, nonprofit worker advocates, a State Workforce Agency, and one individual. While the commenters expressed concern that rescinding Part 42 might weaken enforcement or coordination, the Department finds that its proven ability to coordinate enforcement for decades without reliance on Part 42, as described later in this preamble, allays any concern that rescinding Part 42 might weaken enforcement or coordination.

Commenters such as the Association of Farmworker Opportunity Programs (AFOP), the Center for Law and Social Policy (CLASP), the National Employment Law Project (NELP), Texas RioGrande Legal Aid (TRLA), and Michigan’s Interagency Migrant Services Committee (IMSC) asserted that Part 42 is essential to protect farmworkers and ensure cross-agency enforcement coordination. The Department disagrees,

⁵ Stipulation and Order of Dismissal, *Farm Labor Organizing Committee, v. Su*, No. 24–706 (D.D.C. Dec. 9, 2024) (ECF No. 33).

⁶ Occupational Safety and Health Administration, U.S. Department of Labor, “Agricultural Operations—Overview,” <https://www.osha.gov/agricultural-operations>. Accessed June 18, 2026.

particularly because the commenters did not acknowledge or take into account certain activities and practices that the Department has developed over time, as set forth in this rule, or the substantive inefficacy of the bureaucratic requirements required. As noted in the NPRM and reiterated here, for several years the Department has not relied on some of the functions enumerated in Part 42 as it has successfully fulfilled the intended purposes of those engagements, both internal to the Department and with external stakeholders, through other more effective avenues. Although commenters cited a 2017 Midwest regional meeting as the most recent example of activity under the rule, the Department did not consistently implement these structures until the settlement agreement required some activities similar to those named in the regulation. The National Committee and Regional Committees, coordination plans, and required public meetings were not maintained in practice. Instead, the Department has played a key role in carrying out the types of enforcement and coordination activities intended by the Department when first creating these regulations. Examples of Departmental coordination include, but are not limited to, participation in monthly Departmental Agriculture Taskforce meetings in which component agencies share information about enforcement as well as education and outreach activities in agriculture; quarterly Regional Agriculture Coordination calls that include regional and national representation of each component agency for information sharing; and recurring coordination calls among agencies to discuss ongoing and emerging issues. Additionally, each agency engages in planning enforcement strategies, conducting stakeholder outreach and engagement, developing and reviewing policies, providing referrals to appropriate agencies, and conducting deconfliction to prevent overlap, resolve conflicts, and ensure coordinated, efficient operations.

For example, OSHA continues to maintain and regularly update its Agricultural Operations Safety and Health Topics web page, which provides employers and workers with information regarding agricultural hazards, OSHA standards applicable to agriculture, hazard controls, publications, training materials, and compliance assistance resources. OSHA's agricultural guidance addresses hazards including heat exposure, grain bins and silos, hazardous machinery, falls, chemicals, respiratory hazards,

noise exposure, vehicle hazards, and youth worker safety. These resources include materials addressing tractor and harvester hazards, grain handling hazards, heat illness prevention, confined-space hazards on farms, electrocution hazards, emergency preparedness, personal protective equipment, and youth worker protections in agriculture. OSHA makes these resources available in multiple formats, including fact sheets, QuickCards, hazard alerts, training materials, and multilingual publications.

Furthermore, the Department's approach to rulemaking in this space reflects its commitment to ongoing coordination. ETA and WHD regularly issue joint regulations addressing the needs of farmworkers, and in the process meet with stakeholders about the implementation and enforcement of those regulations. For example, in 2025, ETA and WHD jointly proposed to amend the regulations governing the certification of agricultural labor or services performed by H-2A workers and the enforcement of the obligations applicable to employers of such nonimmigrant workers. *See* 90 FR 28919 (July 2, 2025). In 2022, WHD and ETA issued a joint report to Congress about the Department's enforcement related to farm labor contractors. *See* https://www.dol.gov/sites/dolgov/files/WHD/h2a/H-2A_Report2022.pdf. Additionally, WHD regularly hosts a Virtual Agricultural Seminar that is open to the public, provides guidance on Federal labor rules pertaining to the agricultural industry, and has at times included representatives from ETA.

Despite the dormancy of some structures and components set forth in Part 42, the Department has continued to conduct enforcement actions⁷ (e.g., investigations, audits, inspections, site visits) and coordinate effectively across WHD, OSHA, and ETA through mechanisms that do not rely on Part 42, including those provided by statutes and regulations that did not exist when Part 42 was promulgated. These include informal working groups, joint investigations, strategic referrals, and targeted interagency initiatives, none of which are dependent on or enhanced by the mandates in Part 42. The Department continues to carry out effective enforcement to safeguard the nation's workforce as illustrated by the high violation rate yielded by its enforcement actions, many of which involve targeted initiatives to focus

limited investigative resources on employers that commit egregious violations.

Since Part 42 was promulgated in 1980, Congress has enacted major statutory frameworks specifically aimed at protecting migrant farmworkers. These include MSPA, which established comprehensive labor protections for farmworkers and significantly expanded the enforcement authority of WHD. Congress also enacted the H-2A visa program under the Immigration Reform and Control Act of 1986, creating a formal process for the employment of temporary foreign agricultural workers subject to Department-administered labor standards, which necessarily involves close collaboration between ETA on the certification side and WHD on the enforcement side of the H-2A program. In response, the Department has developed detailed regulations, enforcement strategies, and staffing structures under both MSPA and H-2A that did not exist when Part 42 was adopted. The Department has successfully relied on *these* regulations and programs—that is, the MSPA and H-2A regulations, not Part 42—including related outreach, to protect migrant farmworkers. The Department maintains its commitment to stakeholder engagement and outreach as essential to obtaining meaningful feedback, building trust, maintaining strong relationships, and strengthening outcomes. In furtherance of those efforts, the Department's activities include, but are not limited to, component agencies participating in recurring conferences; ad hoc meetings with farmworker advocacy groups and other stakeholders; and agricultural initiative outreach work. For example, WHD hosts and participates in hundreds of outreach events each year where most are led by Community Outreach and Resource Planning Specialists (CORPS). CORPS are the primary contacts for stakeholders and public engagement and outreach. They schedule in-person and virtual events regularly throughout the nation. ETA's Employment Service regulations continue to require several coordination points, including the referral of complaints to enforcement agencies, cross-referencing debarment lists, and discontinuation due to final determinations from enforcement agencies.

Several commenters, including AFOP, CLASP, and IMSC, urged the Department to retain and revise Part 42 by updating outdated statutory and organizational references (e.g., replacing outdated references to the FLCRA or ESA) rather than eliminating the

⁷ The Department's enforcement data are available through the Open Data Portal at <https://data.dol.gov/>.

regulation entirely. The Department considered this approach but concluded that revision is not appropriate. The problems with Part 42 are not limited to terminology; they extend to the entire regulatory framework. The rule mandates organizational structures and processes that do not reflect the way the Department has operated for decades. Nor do these processes account for new statutes enacted by Congress to protect farmworkers. Updating outdated names would not address the fact that the core features of the regulation have not been needed in decades and are not relevant to current enforcement operations. In fact, the rescission of Part 42 enables the Department to minimize unnecessary duplication, and to adapt to evolving processes, program demands, and realities inherent to the cross-agency coordination and engagements with public stakeholders without being limited by processes and structures designed over 40 years ago.

Some commenters, notably TRLA and CLASP, argued that rescinding Part 42 could violate the terms of the Department's 2024 court-approved settlement agreement in *Farm Labor Organizing Committee v. Su*. The Department disagrees. The settlement agreement expressly states that its terms apply only "for as long as the regulations at 29 CFR part 42 are in effect and unchanged." Therefore, the settlement agreement explicitly preserves the Department's discretion to modify or rescind the regulation through notice-and-comment rulemaking. The Department has complied with all terms of the settlement agreement since its effective date and is under no legal obligation to retain Part 42. Rescission is therefore fully consistent with the settlement agreement.

NELP, TRLA, and others argued that rescission of Part 42 is arbitrary and capricious, stating that the Department did not sufficiently justify in the NPRM how the regulation posed insurmountable restrictions on the Department's enforcement capabilities and suggesting that the Department update and revise Part 42 instead of removing it in its entirety. The Department disagrees. As the NPRM and this final rule make clear, the rescission is based on a reasoned and well-documented determination: Part 42 has not been consistently implemented for decades; its structures are outdated and inconsistent with current agency operations, which are centered around statutes and regulations that protect migrant farmworkers and were enacted after Part 42 was promulgated; it has not contributed to enforcement outcomes

for decades; and coordination among ETA, WHD, and OSHA continues to occur effectively without it. The Administrative Procedure Act does not require agencies to retain outdated and unnecessary procedural regulations, particularly where enforcement activities are demonstrably robust in the regulation's absence. Agencies may amend or repeal a rule so long as they provide a reasoned explanation for the change. *See Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016). Here, where the Department has determined that Part 42 was outdated, overly bureaucratic, and unnecessary, and where the Department has demonstrated its commitment to robust and effective enforcement through modern coordination mechanisms outside of Part 42, the Department believes that rescission of Part 42 is reasonable.

Some commenters, including CLASP and IMSC, expressed concern that rescission would eliminate public regional meetings and diminish opportunities for stakeholders to engage directly with the Department. While the Department values public input and stakeholder engagement, mandating a specific meeting structure codified in 1980 is not necessary to ensure meaningful communication. Instead, the Department has increasingly relied on more flexible and inclusive forms of engagement, including stakeholder roundtables, listening sessions, direct outreach, electronic communications, and virtual forums. These modern approaches reflect current communication practices, enhance accessibility, and allow for more timely and responsive interaction with farmworker advocates and other stakeholders than formalities born of a meeting structure with roots in pre-digital practices. Current methods of engagement will continue regardless of the rescission of Part 42. Further, the Department's representatives at these engagements include personnel from its Office of the Assistant Secretary for Policy who can hear firsthand from stakeholders and effectively implement policy changes consistent with the Department's priorities and objectives. Moreover, advocacy groups and any other third party have always had, and continue to have, access to the Department, including the potential to file a complaint on a worker's behalf. In the Department's district offices throughout the nation, many stakeholders have collaborative working, symbiotic relationships at the local level.

The comments opposing rescission were considered in full but do not provide a compelling basis for retaining

a regulation that is unnecessary and no longer reflects the Department's internal structure or enforcement strategy. The Department finds that rescinding Part 42 will promote administrative clarity, eliminate obsolete and unused procedural mandates, and support modernized enforcement coordination, allowing the Department to continue to be flexible and nimble in addressing new challenges and opportunities.

Accordingly, the Department is finalizing the rescission of Part 42 in its entirety.

IV. Procedural and Other Matters

A. Review Under Executive Order 12866

E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this final rule does not constitute a "significant regulatory action" under section 3(f) of E.O. 12866. Accordingly, this final rule was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Department reviewed this rescission under the provisions of the Regulatory Flexibility Act. The regulation the Department is rescinding pertains to procedures within the Department for the coordination of enforcement activities by WHD, OSHA, and ETA relating to migrant farmworkers, so there is no impact on small entities. Therefore, the Department concludes that the impacts of the rescission would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an FRFA is not warranted.

C. Review Under the Paperwork Reduction Act

This rescission imposes no information collection or record-keeping requirements. Accordingly, Office of Management and Budget clearance is not required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. E.O. 13132 also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

The Department has examined this rescission and has determined that it does not have a substantial direct effect on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section

202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

The Department examined this rescission according to UMRA and its statement of policy and determined that the rescission does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

F. Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed this final rule under the terms of E.O. 13175 and the Department's Tribal Consultation Policy and has concluded that the changes to regulatory text will not have Tribal implications. These changes do not have substantial direct effects on one or more Indian Tribes, the relationship between the Federal government and Indian Tribes, nor the distribution of power and responsibilities between the Federal government and Tribal governments.

G. Plain Language

E.O. 12866, E.O. 13563, and the Presidential Memorandum of June 1, 1998 (Plain Language in Government Writing), direct executive departments and agencies to use plain language in all rulemaking documents published in the **Federal Register**. The goal is to make the government more responsive, accessible, and understandable in its communications with the public. Accordingly, the Department drafted this final rule in plain language.

List of Subjects in 29 CFR Part 42

Law enforcement, Migrant labor, Occupational Safety and Health Administration.

PART 42—[REMOVED AND RESERVED]

For the reasons stated in the preamble, and under the authority of 5

U.S.C. 301, the Department removes and reserves 29 CFR Part 42.

Marek Laco,

Acting Assistant Secretary, Employment and Training.

David Keeling,

Assistant Secretary, Occupational Safety and Health.

Andrew B. Rogers,

Administrator, Wage and Hour Division.

[FR Doc. 2026–17726 Filed 8–28–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60–300

[Docket No. OFCCP–2025–0002]

RIN 1250–AA19

Modifications to the Regulations Implementing the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as Amended; Correction

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule; correction.

SUMMARY: The U.S. Department of Labor published a final rule in the **Federal Register** on August 21, 2026, revising its implementing regulations for the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA). This document corrects amendatory instructions included in the final rule.

DATES: These corrections are effective September 21, 2026.

FOR FURTHER INFORMATION CONTACT: Kenneth Wolfe, Director, OFCCP, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: 202–693–0101. Email: ofccp_guidance@dol.gov.

SUPPLEMENTARY INFORMATION:

Correction

The U.S. Department of Labor makes the following correction to the final rule (FR Doc. 2026–17116) published on August 21, 2026 (91 FR 54234):

§ 60–300.2 [Corrected]

■ 1. On page 54237, column 3, in amendatory instruction 3 for § 60–300.2, the instruction "Amend § 60–300.2 by revising paragraphs (f), (o), (p), and (aa) to read as follows:" is corrected to read "Amend § 60–300.2 by revising paragraph (f), the introductory text of paragraph (o), paragraph (p), and paragraph (aa) to read as follows:"

Dated: August 27, 2026.

Kenneth Wolfe,

*Director, Office of Federal Contract
Compliance Programs.*

[FR Doc. 2026–17757 Filed 8–28–26; 8:45 am]

BILLING CODE 4510-CM-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA–2025–0083]

RIN 2130–AD44

Repealing Outdated Railroad Workplace Safety Requirements and Making Other Improvements

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule repeals several roadway workplace safety requirements that have become obsolete. In addition, FRA establishes a new special approval procedure to enable regulated entities, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety. Also, this rule clarifies that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT:

Timothy Presser, Track Specialist,
Office of Railroad Safety, FRA,
telephone: (208) 241–9458, email:
timothy.presser@dot.gov; or Aaron
Moore, Senior Attorney, FRA,
telephone: (202) 853–4784, email:
aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed to amend some of the

requirements in part 214 to reduce burdens, to make technical or conforming changes, to repeal aged-out regulations, or otherwise to adjust to advancing technology or recent incidents, without any adverse effect on railroad safety. 90 FR 28629 (July 1, 2025). During the comment period that closed on September 2, 2025, FRA received comments from the Brotherhood of Maintenance of Way Employees Division (BMWED)¹ and the Transportation Trades Department, AFL–CIO (TTD).²

In summary, BMWED and TTD generally supported most proposals FRA made in the NPRM, including the proposed special approval procedure for alternative bridge worker safety systems in section 214.119. Both commenters recommended that this proposed procedure be amended to require third-party verification of proposed alternative safety systems and direct consultation with labor representatives, and that FRA issue formal guidance on its review process for petitions requesting special approval of alternative bridge worker safety proposals. In addition, both commenters expressed concern with the repeal of section 214.515(b), arguing that if machines in service lack adequate overhead protection, workers should retain the right to request such protection. FRA disagrees with the recommended changes to the proposed special approval procedure, but the agency agrees with the concerns about eliminating section 214.515(b). FRA discusses the comments it received further in the *Section-by-Section Analysis*. FRA finalizes the NPRM as proposed, except FRA retains existing 49 CFR 214.515(b), based on BMWED's and TTD's comments.

II. Section-by-Section Analysis

This section-by-section analysis addresses only the specific sections that were commented on directly and that FRA is amending in a way that differs from FRA's proposal in the NPRM. Please reference the NPRM's section-by-section analysis for further information regarding the sections FRA is adopting as proposed in the NPRM—that is, sections 214.331, 214.333, 214.335, 214.347, 214.513, 214.517, and 214.533.

¹ <https://www.regulations.gov/comment/FRA-2025-0083-0003>; <https://www.regulations.gov/comment/FRA-2025-0083-0004>; <https://www.regulations.gov/comment/FRA-2025-0083-0006>.

² <https://www.regulations.gov/comment/FRA-2025-0083-0007>.

Section 214.119 Special Approval Procedure

Because 49 CFR part 214, subpart B is highly prescriptive and therefore discourages innovation or the deployment of advancing technology in bridge worker safety systems, this final rule adds a new section 214.119 that provides for a special approval procedure similar to the procedure provided in 49 CFR 238.21. The special approval procedure enables a regulated entity, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety. The comments received from BMWED and TTD both recommended that FRA revise the proposed rule to require third-party safety verification of proposed alternative bridge worker safety systems. FRA notes that the final rule, in paragraph (b)(3), requires a railroad to include in its petition appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety. A railroad could include, as part of its petition, a third-party safety verification of the railroad's proposal. To provide a petitioner with appropriate flexibility to establish that its proposal would result in at least an equivalent level of safety, FRA declines to revise the proposal as suggested.

BMWED and TTD also recommended that FRA require the proposing railroad to consult with the affected labor representatives directly, including to solicit input, not only to notify the affected labor representatives, as the NPRM proposed. FRA disagrees. This special approval procedure generally mirrors other special approval procedures used elsewhere in FRA's regulations (e.g., 49 CFR 238.21), and FRA sees no need to deviate from this consistent framework. A railroad must provide notice of the petition to the designated representatives of its employees, under new paragraph (b)(4), and a railroad may coordinate with such representatives earlier, including during the development of the railroad's proposed alternative bridge worker safety standard.

Section 214.357 Training and Qualification for Operators of Roadway Maintenance Machines Equipped With a Crane

This final rule amends paragraph (b) of this section to clarify that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance. FRA expects that issues such

as vertical clearance should be addressed in the employer's training and qualification program. Under current section 214.357(b), employers are required to include procedures for determining that the operator of such crane machines has the skills and knowledge to operate safely. However, FRA expects that highlighting issues such as vertical clearance in the regulatory text may help to avoid future incidents of crane machines striking structures, such as bridges. FRA does not expect this clarification to result in any additional burdens.

Comments from BMWED and TTD supported the proposed clarification. In addition, BMWED and TTD generally urged FRA to refer 49 CFR 213.357 to the Railroad Safety Advisory Committee for review and modernization. FRA will take this recommendation under consideration.

Section 214.515 Overhead Covers for Existing On-Track Roadway Maintenance Machines

This final rule amends paragraph (a) of this section to remove reference to the date (March 28, 2005) that overhead covers must be repaired or reinstalled on existing on-track roadway maintenance machines currently or previously equipped with such covers. That date has long passed.

In addition, in the NPRM, FRA proposed to remove paragraph (b) and redesignate existing paragraph (c) as new paragraph (b). Comments from BMWED and TTD opposed the removal of paragraph (b), arguing that this provision may still apply, and that if machines currently in service lack adequate overhead protection, workers should continue to have the right to request such covers. FRA agrees, and the final rule makes no changes to existing paragraphs (b) and (c).

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.³ The Office of Information and Regulatory Affairs within the Office of

Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. This final rule simplifies the regulation by creating a special approval procedure in new section 214.119 consistent with a similar procedure in existing section 238.21; removes certain regulations rendered irrelevant by the passage of time in sections 214.331, 214.333, 214.335, 214.347, 214.513, 214.515, and 214.517; clarifies training requirements in section 214.357; and simplifies record retention rules in section 214.533.

A railroad carrier may take advantage of the voluntary flexibility of the special approval procedure in new section 214.119; if this were to occur, the cost savings to that railroad carrier would outweigh the minimal time required for submitting the petition. This rule provides additional clarity to regulated entities and eliminates unnecessary, outdated requirements while continuing to ensure workplace safety, substantive compliance, and availability of information related to railroad maintenance activities. This rule will provide cost savings to regulated entities. In addition, this rule will provide some qualitative benefits to regulated entities and the U.S. Government by creating a special approval procedure, eliminating outdated requirements from part 214, clarifying training requirements, and simplifying record retention rules.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁴ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁵

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule will have total

costs less than zero, and therefore it will be considered an E.O. 14192 deregulatory action upon issuance of this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Fairness Act of 1996,⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses. 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 government jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. By extending this regulatory relief, many regulated entities, including small entities, will experience cost savings. Consequently, FRA certifies that this final rule will not have a significant impact on a substantial number of small entities.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, FRA is seeking approval from OMB to revise the information collection estimates in previously approved OMB Control Number 2130–0539, corresponding to part 214. On May 31, 2022, OMB approved FRA's last information collection request (ICR) corresponding to part 214, containing 5,619 burden hours.⁷

With this final rule, the burden will increase by 10 hours annually, to 5,620 hours annually. The table below details the new information collection requirements that will apply when this final rule becomes effective, and the estimated time to fulfill each new requirement.

³ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

reliance-upon-sound-economic-analysis-department-transportation-policies-programs.

⁴ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

⁵ Executive Office of the President, OMB, Guidance Implementing Section 3 of E.O. 14192, Titled “Unleashing Prosperity Through

Deregulation,” Memorandum M–25–20 (Mar. 26, 2025).

⁶ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

⁷ For comparison with the revised burden estimates in this final rule, the supporting justification for the May 2022 ICR is available for review at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202203-2130-002.

CFR section	Respondent universe	Total annual responses (A)	Average time per response (hours) (B)	Total annual burden hours (C) = A * B	Total annual dollar cost equivalent (D) = C * wage rates ⁸
§ 214.119 Special approval procedure (New): —(a) Petition for special approval (New requirement).	800 railroads	1 submission	10	10	\$891.30

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: 757-897-9908.

OMB is required to decide concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this document. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in

accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁹ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt Tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a Tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related

activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 214 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 214—RAILROAD WORKPLACE SAFETY

- 1. Revise the authority citation for part 214 to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 21304, 28 U.S.C. 2461 note; and 49 CFR 1.89.

- 2. Add § 214.119 to subpart B to read as follows:

§ 214.119 Special approval procedure.

(a) *General.* The following procedures govern consideration and action upon requests for special approval of alternative standards or for alternative compliance under §§ 214.103, 214.105, 214.107, 214.109, 214.111, 214.113, 214.115, and 214.117.

(b) *Petitions for special approval of alternative standard or of alternative compliance.* Each petition for special approval of an alternative standard or for alternative compliance shall contain—

(1) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to review of the petition;

⁸ The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using the employee group 200 (Professional & Administrative) hourly wage rate of \$50.93 and group 300 (Maintenance of Way & Structures) hourly wage rate of \$39.88. The total burden wage rates (Straight time plus 75%) used in the table are \$89.13 (\$50.93 × 1.75 = \$89.13), and \$69.79 (\$39.88 × 1.75).

⁹ 66 FR 28355 (May 22, 2001).

(2) The alternative proposed, in detail, to be substituted for the particular requirements of this part;

(3) Appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety; and

(4) A statement affirming that the railroad or railroad contractor has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served; or alternatively, a statement affirming that the railroad or railroad contractor has provided an alternative means of notice, together with a description of the notice provided.

(c) **Federal Register notice.** FRA will publish a notice in the **Federal Register** concerning each petition under this section.

(d) **Public comment.** Not later than 30 days from the date of publication of the notice in the **Federal Register** concerning a petition under this section, any person may comment on the petition.

(1) Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment shall be submitted 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, and shall contain the assigned docket number for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Federal Docket Management System and posted on its website at <http://www.regulations.gov>.

(e) **Disposition of petitions.** (1) FRA will conduct a hearing on a petition in accordance with the procedures provided in § 211.25 of this chapter.

(2) If FRA finds that the petition complies with the requirements of this section or that the proposed plan is acceptable or changes are justified, or both, the petition will be granted, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the approval of the petition. FRA may approve an alternative standard or alternative compliance in lieu of the relief requested by the petition. Following the approval of a petition, FRA may reopen consideration of the petition for cause stated.

(3) If FRA finds that the petition does not comply with the requirements of this section, or that the proposed plan is not acceptable or that the proposed changes are not justified, or both, the petition will be denied, normally within 90 days of its receipt.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice is sent to the petitioner and other interested parties.

§ 214.331 [Removed and Reserved]

■ 3. Remove and reserve § 214.331.

§ 214.333 [Removed and Reserved]

■ 4. Remove and reserve § 214.333.

■ 5. Amend § 214.335 by revising paragraph (a) to read as follows:

§ 214.335 On-track safety procedures for roadway work groups, general.

(a) No employer subject to the provisions of this part shall require or permit a roadway worker who is a member of a roadway work group to foul a track unless on-track safety is provided by either working limits or train approach warning in accordance with the applicable provisions of § 214.319, § 214.321, § 214.323, § 214.325, § 214.327, § 214.329, or § 214.336.

* * * * *

■ 6. Amend § 214.347 by revising paragraph (a)(3) to read as follows:

§ 214.347 Training and qualification for lone workers.

* * * * *

(a) * * *

(3) Rules and procedures prescribed by the railroad for individual train detection and establishment of working limits.

* * * * *

■ 7. Amend § 214.357 by revising paragraph (b)(1) to read as follows:

§ 214.357 Training and qualification for operators of roadway maintenance machines equipped with a crane.

* * * * *

(b) * * *

(1) Procedures for determining that the operator has the skills to operate safely each machine the person is authorized to operate, including but not limited to maintaining vertical clearance; and

* * * * *

■ 8. Amend § 214.513 by revising the section heading and paragraphs (b) and (c) to read as follows:

§ 214.513 Existing on-track roadway maintenance machines; general.

* * * * *

(b) Each existing on-track roadway maintenance machine shall be equipped with a permanent or portable horn or other audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device shall be clearly identifiable and within easy reach of the machine operator.

(c) Each existing on-track roadway maintenance machine shall be equipped with a permanent illumination device or a portable light that is securely placed and not hand-held. The illumination device or portable light shall be capable of illuminating obstructions on the track ahead for a distance of 300 feet under normal weather and atmospheric conditions when the machine is operated during the period between one-half hour after sunset and one-half hour before sunrise or in dark areas such as tunnels.

■ 9. Amend § 214.515 by revising paragraph (a) to read as follows:

§ 214.515 Overhead covers for existing on-track roadway maintenance machines.

(a) For existing on-track roadway maintenance machines either currently or previously equipped with overhead covers for the operator's position, defective covers shall be repaired and maintained in accordance with the provisions of § 214.531.

* * * * *

■ 10. Amend § 214.517 by revising the section heading and the introductory text to read as follows:

§ 214.517 Existing on-track roadway maintenance machines manufactured on or after January 1, 1991.

In addition to meeting the requirements of § 214.513, each existing on-track roadway maintenance machine manufactured on or after January 1, 1991, shall have the following:

* * * * *

■ 11. Amend § 214.533 by revising paragraph (d) to read as follows:

§ 214.533 Schedule of repairs subject to availability of parts.

* * * * *

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the

on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer, including an electronic system.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026-17789 Filed 8-28-26; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA-2025-0119]

RIN 2130-AD55

Regulatory Relief for End of Car Cushioning Units

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends freight car draft arrangement and end-of-car cushioning unit (EOCC) regulations to make permanent relief currently provided by waiver. The amendments will allow a freight car to remain in service if the EOCC is operative and equipped with a unit condition indicator (UCI) that indicates a non-discharged EOCC. This change will permit such EOCCs to remain in service despite the presence of clearly formed oil droplets on the unit. The amendments preserve the requirement to repair or replace an EOCC with clearly formed oil droplets if the unit does not have a UCI.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Caleb Rogers, Mechanical Engineer, Office of Railroad Safety, at email: caleb.rogers@dot.gov or telephone: 202-579-5198 or Elliott Gillooly, Attorney Adviser, at email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Comments Received in Response to the NPRM

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory

requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) to address a request from the Association of American Railroads (AAR) to incorporate regulatory relief currently granted through an FRA waiver¹ into part 215 by allowing freight cars with an EOCC that has leaked clearly formed droplets to remain in service if the cushioning unit is otherwise operational and equipped with a UCI that shows the unit has adequate pressure despite the presence of leaked oil on the exterior of the unit. 90 FR 28636 (July 1, 2025).

An EOCC is a device installed on the ends of railroad freight cars designed to absorb shocks and forces during rail operations (similar in purpose to shock absorbers on motor vehicles). An EOCC must contain sufficient oil for the unit to function as designed (*i.e.*, for the unit to absorb energy adequately from in-train forces and potential impacts). Accordingly, FRA's Railroad Freight Car Safety Standards, 49 CFR part 215, prohibit a rail car from continuing in service if its EOCC is broken or inoperative (§ 215.129), which is a requirement that remains in force. FRA is removing § 215.127(c), which prohibits a freight car continuing in service if the EOCC is leaking "clearly formed droplets," even though the EOCC may still be operational. FRA is making conforming changes to § 215.129, to address the difference between EOCCs that have a UCI and those that do not and apply this approach to both EOCCs and center-of-car cushioning units (COCCs). As amended in this final rule, § 215.129 now applies the same standards to both EOCCs and COCCs, specifically when evaluating whether there is a fluid leak indicative of a defective cushioning unit.

FRA received six comment letters responding to the NPRM. In support of the amendments proposed in the NPRM, Amsted Rail Company, Inc. (Amsted Rail)² stated that it is the largest manufacturer of EOCCs for the North American freight railroad industry. Amsted Rail observed that EOCCs are typically installed in railcars carrying expensive or fragile lading and that approximately 16.75 percent (over 274,000 cars) in the overall railcar fleet are equipped with EOCCs. According to Amsted Rail, UCIs now in service meet

AAR specification M-921H and, thus, provide a reliable indication of whether cushioning units to which they are applied are acceptable for rail service or require maintenance. Unnecessary EOCC removals from service are costly to both the railroad and the freight car owner, and Amsted Rail supports codifying the regulatory relief provided by waiver since 2013 because UCIs have been proven reliable over time.

AAR and the American Short Line and Regional Railroad Association (ASLRRA) filed comments jointly.³ AAR and ASLRRA commented that UCIs operate as a gauge of sufficient internal pressure to monitor the condition of a railcar's EOCC. The use of UCIs allows railroads to make more accurate determinations than relying on visual observations of "clearly formed droplets" when assessing if the EOCC is defective. AAR data shows that, since the waiver allowing railroads to rely on UCIs for the determination that an EOCC lacks sufficient pressure has been in place, the number of EOCCs removed from service has increased. AAR and ASLRRA commented that effective use of UCIs protects railroad employees from needless exposure to switching hazards and hazards related to jacking freight cars and removing and replacing heavy cushioning units because railroads can leave fully functioning cushioning units in place. They also noted that the regulatory relief proposed in the NPRM would relieve the associations from the costs of submitting waiver petitions every five years.

Four organizations filed comments in opposition to the regulatory relief proposed in the NPRM: the Brotherhood Railway Carmen Division of the Transportation Communications Union (BRC),⁴ the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (BLET),⁵ the Transportation Trades Department, AFL-CIO (TTD),⁶ and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD).⁷ Each of these organizations raised concerns with allowing EOCCs to remain in service despite the presence of clearly formed oil droplets. The organizations generally

³ <https://www.regulations.gov/comment/FRA-2025-0119-0007>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0119-0005>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0119-0003>.

⁶ <https://www.regulations.gov/comment/FRA-2025-0119-0006>.

⁷ <https://www.regulations.gov/comment/FRA-2025-0119-0004>.

¹ Available at <https://www.regulations.gov> under Docket No. FRA-2013-0077.

² <https://www.regulations.gov/comment/FRA-2025-0119-0002>.

challenged the effectiveness of UCIs as accurate indicators of EOCC condition and highlighted the safety issues associated with defective EOCCs.

BLET commented that an EOCC leaking oil in any amount indicates that the seal has degraded and there is less oil in the cylinder to cushion in-train forces. According to BLET, while a single drop of leaked oil may not degrade the condition of the EOCC to an unacceptable level, it does indicate that the EOCC is deteriorating and that additional steps are necessary to test the device to ensure it is safe. Similarly, SMART-TD stated that when an EOCC leaks oil, it signals a loss of sealing integrity and a degradation of its designed ability to absorb forces. TDD stated that a single drop of leaked oil indicates the EOCC is deteriorating, the seal within the device has degraded, and there is less oil in the cylinder. BRC stated even minor oil leakage can indicate internal seal degradation or pressure loss, both of which compromise the cushioning system's shock absorption ability. In sum, the commenters believe that EOCC effectiveness should be confirmed as soon as oil droplets are detected.

Each organization opposing the NPRM argued that UCIs are imperfect indicators of EOCC condition under particular operating conditions, or that they do not confirm the safety of the equipment under all conditions. BRC stated that UCIs only verify minimum hydraulic pressure and do not measure dynamic performance under load, temperature, or stress. BRC also asserts that its members have found defective in-train EOCCs with UCIs that fail to indicate discharged pressure in the EOCC. TTD adds that UCIs can fail to function, so the use of a UCI does not necessarily prove that an EOCC is safe. TTD believes that no EOCC leaking oil should be allowed to remain in service (i.e., that it "should be proven safe prior to leaving the initial terminal—not leaking").

Each organization commenting in opposition to the NPRM also highlighted the importance of functioning EOCCs for safe train handling. TTD commented that EOCC malfunction can lead to cascading mechanical issues and that an EOCC without the proper amount of oil pressure can cause abnormal wear on the other coupler components. In addition, normal slack and tension motion during travel or coupling without a properly functioning EOCC may result in freight load shifts. SMART-TD commented that a degraded EOCC will allow more violent run-ins/outs, amplified slack action that will

break knuckles, drawbars and trigger derailments, and a loss of predictable train dynamics, and conductors riding equipment during switching may be exposed to sudden shocks that will increase the risk of injury. BRC commented that trains are longer and heavier than ever, and that these extended consists produce intense longitudinal forces during braking, acceleration, and slack action. BRC added that an EOCC that leaks and operates marginally under these conditions can elevate the risk of in-train derailments, coupler separations, or car body damage.

FRA agrees that a defective EOCC is a safety issue. However, 12 years of experience under the current waiver allowing the use of UCIs as a primary indicator of EOCC condition has shown that visible oil droplet seepage does not accurately identify a defective EOCC. Hydraulic seals within EOCCs require a lubricating film of fluid across the piston rod interface to ensure low friction and extended service life. The appearance of small amounts of weeping oil is considered normal.

This final rule maintains the prohibition on placing a freight car in service if it is equipped with a broken or inoperative EOCC, even if the UCI indicates acceptable internal pressure. For example, a unit is broken or inoperative if the front or rear lugs are broken or missing, or if it is otherwise not performing its intended function of absorbing shocks and impacts. A striker casting that exhibits fresh "batter marks" is generally an indication of a defective draft system component.

The UCI is the means of testing the EOCC to ensure it has adequate internal pressure, despite the observation of oil droplets. The hydraulic fluid and the nitrogen gas pre-charge operate within a single, sealed chamber in the EOCC. An impairment of the sealing system that permits the escape of the nitrogen gas charge will concurrently allow the loss of hydraulic fluid. Therefore, the indication of the unit's inability to maintain adequate internal gas pressure, as confirmed by the UCI, serves as the confirmation that the system has failed containment, and that excessive fluid loss has occurred. The UCI allows this test to be completed without setting the car out of a train and adds a more reliable means of determining EOCC condition than visual observation for the presence of leaked oil, which is not itself a dispositive indicator of EOCC functionality.

FRA has also considered that railroad operating rules generally guide the placement and number of cars with EOCCs based on train length and

territorial conditions. FRA agrees with comments that average train length on some railroads has increased over time and that defective EOCCs can contribute to other mechanical failures or adversely affect in-train dynamics. However, the regulatory relief provided by this rule will not permit defective EOCCs to remain in service.

This rule is focused on allowing the use of UCIs as a more reliable means of testing internal pressure than visual observation of oil droplets. Commenters opposing this rule have correctly observed the importance of operational EOCCs without supporting their predictions that the continued use of UCIs, consistent with FRA's longstanding waiver on this subject, will cause more defective EOCCs to continue in service. To the contrary, data provided by AAR indicates that more EOCCs have been removed from service annually in the years since the waiver incorporated by this rule was issued in 2013.⁸ EOCCs are removed for several reasons, including that they are broken or that the UCI indicates that they are defective or, in some cases, because they are leaking. These and other indicators are all valid indicators or reasons to remove an EOCC. The presence of a small number of oil droplets on the EOCC is not.

II. Section-by-Section Analysis

For the foregoing reasons and the reasons discussed in the NPRM, FRA is adopting the revisions to sections 215.127 and 215.119 as proposed in the NPRM. See the Section-by-Section Analysis in the NPRM for further information.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.⁹ The Office of Information and

⁸ AAR submitted this data at <https://www.regulations.gov/document/FRA-2013-0077-0012> in support of its 2024 request to extend the waiver allowing the use of UCIs to determine EOCC condition and it resubmitted the data in response to the NPRM.

⁹ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. Railroads will benefit from this regulatory relief because they will not be obligated to withhold cars from service based solely on the presence of oil on the exterior of an EOCC. This will reduce costs associated with those freight cars equipped with a UCI that have safe and operational EOCCs by eliminating unnecessary downtime and unnecessary replacement of EOCCs that still have a useful service life. In addition, railroads or their industry associations will no longer be required to submit periodic, repetitive waiver requests related to the current regulatory requirement. By making the waiver permanent, stakeholders will see a cost savings in opportunity costs associated with the time previously spent completing and submitting waiver requests. The Government will also see some cost savings by no longer having to allocate resources to process these waivers.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹⁰ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹¹

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This rule is expected to have total costs less than zero, and it will therefore be considered an E.O. 14192 deregulatory action upon issuance.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹² requires Federal agencies to consider the effects of the

regulatory action on small business and other small entities and to minimize any significant economic impact.

Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. The regulatory relief provided by this rule will result in cost savings for many regulated entities, including small entities. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). Therefore, an information collection submission to OMB is not required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹³ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

¹⁰ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹¹ Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20. (Mar. 26, 2025).

¹² Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

¹³ 66 FR 28355 (May 22, 2001).

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

■ 2. Amend § 215.127 by removing paragraph (c) and redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), to read as follows:

§ 215.127 Defective draft arrangement.

A railroad may not place or continue in service a car, if—

- (a) The car has a draft gear that is inoperative;
- (b) The car has a broken yoke;
- (c) A vertical coupler pin retainer plate—
 - (1) Is missing (except by design); or
 - (2) Has a missing fastener;
- (d) The car has a draft key, or draft key retainer, that is—
 - (1) Inoperative; or
 - (2) Missing; or
- (e) The car has a missing or broken follower plate.

■ 3. Amend § 215.129 by redesignating paragraph (c) as paragraph (e), and adding new paragraphs (c) and (d) and to read as follows:

§ 215.129 Defective cushioning device.

A railroad may not place or continue in service a car if it has a cushioning device that is—

- (a) Broken;
- (b) Inoperative;
- (c) Leaking clearly formed droplets, when not equipped with a unit condition indicator (UCI);
- (d) Equipped with a UCI that indicates a discharged cushioning unit; or
- (e) Missing a part, unless its sliding components have been effectively immobilized.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026–17782 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 215**

[Docket No. FRA–2025–0117]

RIN 2130–AD46

Repealing Special Approval Requirement for Freight Cars More Than 50 Years Old

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends FRA's freight car safety regulations to repeal the requirement for special approval to place or to continue a freight car in service if it is more than 50 years old or equipped with any design or type component listed in appendix A to part 215. This final rule allows railroads to continue or to place such cars in service with notice to FRA, providing certain information that has previously been required in petitions for special approval.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Check Kam, Mechanical Engineer, Office of Railroad Safety, at email: check.kam@dot.gov or Elliott Gillooly, Attorney Adviser, at email: elliott.gillooly@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Discussion of Comments and FRA's Conclusions**

Consistent with Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing requirements that are outdated and redundant.

A. Overview of Comments

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) intended to reduce the burden on railroads associated with FRA's approval process for placing or continuing in service freight cars more than 50 years of age or equipped with any design or type of component listed in appendix A to part 215. The NPRM proposed to rescind the requirement for FRA approval for those cars and to

replace the approval process with special inspection and testing requirements (90 FR 28633, July 1, 2025). The proposed requirements were based on FRA's longstanding practice of requiring such inspections and tests as part of the approval process.

FRA received nine comment letters during the 60-day NPRM public comment period.¹ Two comment letters were also received after the comment period closed. FRA has considered all comments received to date and docketed any that were not directly filed by the commenters at www.regulations.gov. Four organizations opposed the regulatory relief proposed in the NPRM in its entirety and advocated for FRA to maintain the current requirements in § 215.203. These commenters included the Brotherhood Railway Carmen Division of the Transportation Communications Union (BRC) (joined by the Brotherhood of Locomotive Engineers and Trainmen (BLET)); the Transportation Trades Department, AFL–CIO (TTD); and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART–TD).

Other commenters supported FRA's elimination of the special approval requirement for freight cars over 50 years old but recommended that FRA completely exclude such cars from coverage under § 215.203. These commenters oppose the requirements that FRA proposed as the conditions necessary to place or to keep overage cars in service: a shop inspection, brake testing, and certification by the owner that overage cars are safe for service. They include the Association of American Railroads (AAR); the American Short Line and Regional Railroad Association (ASLRRRA);² AITX Corporation, GATX Corporation, Intermodal Association of North America, National Grain and Feed Association, and National Railroad Construction & Maintenance Association;³ The Greenbrier Companies (Greenbrier); and Herzog Railroad Services, Inc. (Herzog).

In addition, FRA received comments from the U.S. Small Business Administration, Office of Advocacy, and the U.S. House of Representatives Committee on Transportation and Infrastructure, which are addressed with other comments below.

¹ <https://www.regulations.gov/document/FRA-2025-0117-0001/comment>.

² AAR and ASLRRRA filed comments jointly, and ASLRRRA filed its own supplemental comments separately.

³ The foregoing companies and associations filed comments jointly.

After consideration of all comments, FRA has adopted its proposal with some changes, as detailed in the below Section-by-Section Analysis. FRA finds that repealing the special approval process and replacing it with a uniform notice requirement provides equivalent safety outcomes while reducing burdens on railroads and eliminating the added delay involved in petitioning FRA for a special approval.

B. Comments Opposing the NPRM in Its Entirety

Commenters seeking the withdrawal of this rulemaking in its entirety argued that FRA should maintain oversight through its existing special approval process due to potential safety concerns related to older cars—for example, “the risks of structural fatigue, outdated component designs, and catastrophic mechanical failures increase with age” (SMART-TD); “[a]ging cars often experience corrosion and internal deterioration” such as cracking in the frame and bolster structures or corrosion of underframes and weld seams (TTD); and older cars are subject to microcracking and brittle fractures in frame and bolster structures, corrosion of underframes and weld seams, issues with the structural integrity of handholds, and other exterior safety appliance securing points, oversized bolt holes, and brake connection points causing binding and fouling (BRC/BLET). TTD and BRC/BLET also believe that retrofitting older cars can cause problems, such as weakening frames when drilling and welding to make modifications. In addition, commenters stated that the NPRM made no provision for mandatory speed or load restrictions on older cars, independent verification of inspections, or public reporting of inspection results.

FRA appreciates the comments provided by each of the labor organizations. However, after considering the comments and reevaluating the proposals in the NPRM, FRA determined that a streamlined notification process, as opposed to specific inspection requirements, will not compromise safety and will enable FRA to provide sufficient oversight.

All freight cars in service must be inspected for compliance with FRA’s Freight Car Safety Standards during routine pre-departure mechanical inspections under § 215.13. These inspections include, at a minimum, examination of each car in a train for any condition likely to cause an accident or casualty before the train arrives at its destination, including the conditions listed in appendix D to part 215. If an older car has any condition

not in compliance with part 215, it may not be placed or continued in service.

Though frequent pre-departure inspections are intended to identify freight car defects, railroads are not relieved of liability for non-compliance by virtue of completing the inspection. Though FRA inspectors have inspected cars routinely that are the subject of special approval applications under the existing regulation, those examinations are not a substitute for a railroad’s obligation to ensure that any freight cars in service on a railroad are in compliance with part 215. FRA understands that ensuring the compliance of older freight cars or freight cars equipped with components identified in appendix A to part 215 often requires those cars to be inspected and maintained with heightened care. At any rate, part 215 defects found in-train may be cited by FRA inspectors at any time the cars are in service, and railroads must repair any such defects that they or FRA identifies.

To ensure older freight cars remain in compliance with part 215, FRA anticipates that railroads and car owners will inspect older freight cars as needed for issues that are potentially more likely to develop due to the age of the cars. A comprehensive shop inspection may be appropriate to identify concerns related to the structural integrity of older cars, but FRA is not mandating the specific schedule or frequency of such inspections because part 215 compliance is a constant requirement for freight cars in service.

For cars that are interchanged among railroads, AAR Field Manual Rules 88 and 90 are more comprehensive than FRA’s own regulations. The AAR application for approval for increased life status (ILS) requires proof of compliance and verification that the units do not have any structural defects or weaknesses. A thorough structural inspection is performed, including but not limited to the superstructure, underframe (including car bodies, body bolsters, side sills, center sills, draft sills, and draft pockets), and truck castings. FRA understands AAR Rule 88 also requires that railroads obtain FRA’s authorization to operate freight cars beyond 50 years from the date originally built. FRA assumes this requirement is intended to reflect the historical requirement for FRA approval under 49 CFR 215.203, which is being rescinded in this rule.

In response to commenters’ concern that this rule does not include speed and load limitations, FRA notes that railroads will be required to provide to FRA all the same types of information that have been required in petitions for

special approval prior to this rule. Based on a review of FRA special approvals, FRA has determined that the speed and load restrictions in those approvals have generally corresponded to the existing use of the car at the time of the application. Railroads will most often designate overage cars for a particular type of service, accounting for operating conditions and allowable speeds on the territory. FRA anticipates that will remain industry practice. Moreover, with the information this rule requires railroads to provide, FRA will be able to monitor usage of the cars effectively and target inspections for compliance with part 215 requirements.

C. Comments Recommending Overage Cars Be Completely Excluded From Coverage Under Section 215.203

1. AAR and ASLRRA

In their jointly filed comment letter, AAR and ASLRRA stated that current regulations were developed to address a transitional era when many freight cars featured wooden structural elements, and fragile cast iron or otherwise obsolete components were still in operation. They also stated that overage cars today are safe and suitable for service because AAR’s technical committees have developed the technical standards necessary for the safe operation of railroad rolling stock under AAR Field Manual Rule 88 and prohibited specific components in interchange, including on older cars, under AAR Rule 90. Therefore, the associations recommended that FRA repeal § 215.203(a)(1) (listing cars 50 years old or older as restricted cars) because it places what they consider to be unnecessary burdens on railroads, car owners, and shippers “that would otherwise use cars more than 50 years old.”

The associations also commented that FRA may not have considered all the burdens associated with the rulemaking in its analysis, citing the requirements for a “comprehensive shop inspection” every two years and the cost of a single-car air brake test (SCABT). The associations noted that “all freight cars are inspected frequently while in service,” and that “any car that has been in service for many years has undergone regular maintenance and upgrades, including upgrades required by the car owner and/or by the AAR.” Commenting on the proposed requirement that overage cars receive an SCABT every two years, the associations asserted that AAR Rule 90 requires air brake components to meet current interchange requirements, so these components would be expected to be

newer than 50 years old. Therefore, they do not believe there is a safety justification to require an older car to undergo an SCABT more frequently than other, newer cars.

In supplemental comments, ASLRRRA stated that its joint comments with AAR focused on cars in interchange service subject to AAR Rules 88 and 90, but that many short line railroads utilize rail cars in captive service, meaning they are not interchanged. ASLRRRA stated that FRA did not provide the detailed elements of the comprehensive shop inspection proposed in the NPRM but, if the inspection would require a car to go to a freight car shop facility where the trucks can be removed, short line railroads would have to deliver the car to a Class I railroad, which would then transport the car to a shop facility because many short line railroads do not have such facilities. ASLRRRA also commented that requiring an SCABT every two years is unnecessary because SCABT intervals are already established by 49 CFR 232.305 and “[b]ecause brake control valves and other components are changed out when needed, a 50-year-old railcar often has newer brake components than a younger car.”

In response to the associations, FRA agrees that cars meeting AAR Rule 88 ILS standards are generally safe for service, provided they pass pre-departure inspection requirements like all other freight cars. With respect to older cars in captive service, FRA has determined that these cars are also generally appropriate for the type of captive service that is common in the industry, often at lower speeds over limited territories, based on FRA’s experience from decades of reviewing special approvals. Therefore, this rule does not impose speed and load limit restrictions on older cars. Generally, speed and load limitations will be determined in accordance with the type of car, type of commodity, class of track, terrain, intended routes, and railroad operating rules. FRA reminds railroads, however, that part 215 sets the minimum standards for freight cars and any freight car not meeting those minimum standards, whether it is operated under capacity, at slow speed, or over a limited territory, must comply with part 215.

2. AITX Corporation, GATX Corporation, Herzog, Intermodal Association of North America, National Grain and Feed Association, National Railroad Construction & Maintenance Association, and Greenbrier

Seven companies and associations submitted a joint comment letter stating that freight cars are already subject to

frequent inspections, modern defect detection systems, and strict component standards that ensure safety regardless of age.⁴ They maintain that additional requirements for older cars are unnecessary, that AAR Rules 88 and 90 ensure that older cars meet modern safety standards before being allowed to continue in service, and that the safety standards in part 215 also govern the safe movement and handling of freight cars, regardless of age.

Herzog joined in the above comment letter and submitted a separate comment⁵ in support of the rule as proposed in the NPRM but requested that FRA consider full repeal of § 215.203, rather than requiring inspections and related recordkeeping for overage cars. Herzog stated that railcars today are built of high-strength, corrosion-resistant materials and are subject to rigorous, routine inspection and maintenance under FRA regulations and industry standards. Herzog also requested that FRA “make it clear through the proposed changes to the 50-year ban that Maintenance-of-Way (MOW) modified freight cars are explicitly included in the rule’s scope, including ballast cars, tie gondolas, rail-handling equipment, and other infrastructure support assets, as this will [be] very beneficial when they are interchanged between distinct railroads.”

In addition, Greenbrier commented in detail that AAR rules and industry practices already provide sufficient standards for overage cars, making FRA inspection and reporting requirements redundant and unnecessary. Greenbrier recommended that instead of the rule that FRA proposed, it would be better to establish a procedure to approve an existing industry safety standard, similar to the process available for safety appliances in 49 CFR 231.33. Alternatively, Greenbrier proposed incorporating by reference AAR Rule 88 ILS standards.

In response to Greenbrier’s suggestions, FRA believes that the special approval process for adopting an industry safety standard related to safety appliances in § 231.33 is not an appropriate process to address the restricted freight cars that are the subject of this rule. FRA’s intent is to remove the burden of seeking special approval for overage freight cars.

With respect to Herzog’s comment that MOW cars should be included in the rule’s scope, FRA directs attention

to § 215.3(c)(3), which provides that MOW equipment (including self-propelled MOW equipment) is excluded from coverage by part 215 if that equipment is not used in revenue service and is stenciled in accordance with § 215.305. Otherwise, this rule requires notice to FRA with the information specified in § 215.203 for all freight cars over 50 years old and freight cars with restricted components.

3. U.S. Small Business Administration Office of Advocacy

The U.S. Small Business Administration (SBA) Office of Advocacy is an independent office that seeks to ensure small business concerns are heard in the Federal regulatory process. FRA staff met with an SBA representative on August 28, 2025, as documented in the docket for this rulemaking. SBA submitted written comments on the NPRM on September 15, 2025. SBA stated that it hosted a small business regulatory roundtable on April 14, 2025, to hear directly from small businesses and their representatives about which DOT regulations are most burdensome and in need of review, and it met with ASLRRRA on August 27, 2025.

Consistent with its work on behalf of small businesses and its outreach to stakeholders, SBA commented that “a 50-year limit is not distinctly special from some other age limit, does not account for modern technology and maintenance practices, and does not factor existing regulatory provisions (such as 49 CFR 215.13) that already require that freight cars be inspected every time they are placed in service. Further, the modern rail industry operates on comprehensive industry consensus standards which dictate that all rail cars must be inspected and repaired before they can be placed in service.” Therefore, SBA advised that FRA should adopt the approach proposed by ASLRRRA, removing any regulation specific to 50-year-old cars from § 215.203.

SBA also disagreed with FRA’s certification under the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)) that the NPRM would not have a significant economic impact on a substantial number of small entities. SBA believes that the NPRM would impose a new, de facto mandatory process and, therefore, would not be voluntary. SBA recommended FRA evaluate the cost of the proposed regulation compared to the existing baseline and answer the question “what does a regulated entity do now and what would they be required to do if the proposed rule was finalized?” SBA

⁴ <https://www.regulations.gov/comment/FRA-2025-0117-0007>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0117-0006>.

commented that FRA should consider “repeal[ing] the 50-year threshold in [section] 215.203(a)(1)” and that it believes the proper test under the RFA to be whether an impact is significant, regardless of whether the impact is positive or negative. SBA suggested that FRA consider the status quo (what regulated entities must do before this rule is finalized) and compare those impacts to regulatory requirements after § 215.203 has been amended.

FRA maintains that it did indeed consider this no-action baseline in the NPRM and continues to consider this no-action baseline in this final rule. FRA is confident that this rule reduces burdens on industry in meaningful ways, and to a greater extent than the NPRM. Repealing the special approval process and replacing it with a notice requirement provides equivalent safety outcomes while reducing burdens on railroads and eliminating the added delay involved in petitioning FRA for a special approval. FRA reaffirms that these qualitative factual statements assess a no-action baseline and provide the basis for FRA’s certification.

A regulatory flexibility analysis is required when an NPRM or final rule is expected to have a significant economic impact on a substantial number of small entities. We certified the regulatory flexibility analysis in the NPRM because the rule will not have a significant impact (positive or negative) on a substantial number of small entities. Though some small entities may be impacted by this final rule, FRA does not believe that impact will be significant. FRA did consider both the positive and negative impacts for significance consideration. Railroads that were previously required to follow the existing special approvals process will have reduced costs under this rule. For those that have not previously sought special approval, or that avoided the special approval process due to its costs or any other reason, FRA expects the costs of providing the information required by this rule to be minimal. The Paperwork Reduction Act (PRA) analysis in this final rule (section III.D) also supports this certification. The PRA analysis states that the rule does not add any new information because the information collected is not changing and the PRA analysis corrects for a reduction in burden. The cost in the PRA analysis per railroad is approximately \$133. A total of \$133 is not likely to have a significant impact on any small railroad. As SBA did not provide any quantitative data to support the significant impact on small entities, FRA continues to maintain that this final rule will not have a significant

economic impact on a substantial number of small entities and therefore a certification is appropriate to comply with the RFA.

4. U.S. House of Representatives Committee on Transportation and Infrastructure

The House Committee on Transportation and Infrastructure (Committee), in a letter dated November 24, 2025 and signed by the Chair of the Committee, expressed support for the NPRM.⁶ The Committee also urged FRA to “remove new and separate requirements, such as biennial shop inspections and redundant air brake tests.” FRA appreciates the Committee’s attention to this rulemaking and its comments and notes that this rule adopts the recommendation to repeal the special approval process without adding new or redundant inspection requirements.

II. Section-by-Section Analysis

Section 215.203—Restricted Cars

Prior to this rule, § 215.203 restricted the operation of any railroad freight car that is more than 50 years old, and any car of a design or equipped with a component listed in appendix A to this part, by prohibiting its placement or continuance in service, except under conditions approved by FRA. A railroad was required to petition FRA to obtain the required special approval.

This final rule revises § 215.203 to provide uniform notice requirements for all freight cars more than 50 years old. Accordingly, because they are otherwise covered by the rule due to their age, the rule removes as unnecessary the specific identification of railroad freight cars that are “[e]quipped with a Duryea underframe constructed before April 1, 1950, except for a caboose which is operated as the last car in a train” as a type of restricted freight car under former § 215.203(a)(3), as proposed in the NPRM. In addition, the appendix C defect code associated with § 215.203 has been updated to reflect the changes made by this rule.

FRA recognizes that there are many restricted cars now in service under previously issued special approvals. Each special approval has an expiration date, generally five years from issuance. At the same time, this rule allows railroads to operate restricted cars with notice to FRA, rather than special approval. Therefore, railroads may continue to operate restricted cars under the terms of an existing special approval, or they may comply with the

new notice requirement in § 215.203. FRA has added subsection (c) to make clear that existing special approvals may still be relied on after this rule is effective. If a railroad chooses to comply with the new notice requirement for any restricted car now in service under a special approval, the existing special approval and its associated conditions will be superseded by this rule, but only as to conditions that relate to the car’s restricted status under § 215.203. Any other FRA approvals or waivers and their associated conditions that are not directly based on the car’s age or the presence of restricted components under appendix A to part 215 are not affected by this rule and remain in effect. FRA invites railroad car owners to contact FRA should they have any questions about the requirements applicable to any car or the car’s regulatory status.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT’s rulemaking procedures, 49 CFR part 5, subpart B. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. Railroads will benefit from this regulatory relief because they will be able to keep certain older cars in service, provided they submit notice to FRA with information about those cars. This notice includes readily available information and can be provided via email, so the associated costs will be minimal. Currently, cars over 50 years old are subject to the special approval process and must comply with the conditions of approval in addition to the general requirements of part 215. Under this final rule, following notice to FRA, these older cars will only have to comply with the general requirements of part 215. Therefore, railroads will avoid the compliance costs associated with the special approval conditions. Further, railroads will avoid the costs associated with filing petitions for special approval with FRA, including the time and expense required to complete the petitions and have employees present for FRA inspections prior to FRA’s decision. The Government will avoid costs associated with processing special

⁶ <https://www.regulations.gov/comment/FRA-2025-0117-0013>.

approvals, including the time and expense required to do so.

Cars that are interchanged are subject to AAR Interchange Rules regardless of FRA's regulation of overage cars and railroads with cars that are approved under AAR's ILS process will avoid all costs of compliance with § 215.203 for up to 65 years from the date of original construction (15 years beyond the age of 50).

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁷ Implementation guidance for E.O. 14192 issued by OMB defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁸

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This rule is expected to have net benefits, and it will therefore be considered an E.O. 14192 deregulatory action upon issuance.

C. Regulatory Flexibility Act and E.O. 13272

The RFA, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁹ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that

agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). FRA received an SBA comment letter and has addressed SBA's comments in section I.C.3 of this preamble.

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). This final rule replaces the special approval process for cars over 50 years old with a requirement that railroads provide notice to FRA with specific information. The general requirements of part 215 continue to apply to these cars. Therefore, railroads will see a cost savings: they will no longer have to navigate the special approvals process or comply with the associated conditions of a special approval for overage cars. Though they must submit notice to FRA including information about the relevant cars, this notice includes readily available information and can be provided via email, so the associated costs will be minimal. In addition, the PRA analysis of this final rule states that the rule does not add any new information because the information collected is not changing and the PRA analysis corrects for a reduction in burden. The cost in the PRA analysis per railroad is approximately \$133. A total of \$133 is

not likely to have a significant impact on any small railroad. Overall, FRA expects the minimal costs of compliance to be outweighed by the avoided costs of navigating the special approval process and subsequent compliance with the conditions of that approval, resulting in cost savings for small entities. Therefore, some small entities may be impacted by this final rule, but FRA does not anticipate significant impacts. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,¹⁰ FRA is seeking OMB approval to revise the information collection estimates in OMB Control No. 2130–0519, corresponding to part 215, which was last approved April 24, 2023.¹¹

This rule does not add any new information collection requirements because the type of information collected under § 215.203 is not changing. Information that was previously required to be included in petitions for special approval will now be required in notices to FRA. However, FRA has determined that the information collection request associated with OMB Control No. 2130–0519 should be updated to reflect anticipated burden changes, including reductions in burden, associated with § 215.203 as revised by this rule. The table below contains the revised information collection requirements associated with § 215.203 and the estimated time to fulfill the requirement.

CFR section	Respondent universe	Total annual responses (A)	Average time per response (hours) (B)	Total annual burden hours (C) = A * B	Total annual dollar cost equivalent (D) = C * Wage Rates ¹²
215.203 Restricted cars: —(a) Notice by railroad to FRA of intent to operate a freight car that is over 50 years old or equipped with a restricted component (<i>Revised requirement</i>).	754 railroads	30 notifications to FRA.	1.5	45	\$4,010.85
Total	754 railroads	30 responses .....	.....	45	4,010.85

⁷ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

⁸ Executive Office of the President, OMB, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,” Memorandum M–25–20 (Mar. 26, 2025).

⁹ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

¹⁰ 44 U.S.C. 3501 *et seq.*

¹¹ See OMB Control No. 2130–0519, Bad Order and Home Shop Card and Stenciling Reporting Mark, https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202301-2130-003.

¹² The dollar equivalent cost throughout this table is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional & Administrative) hourly wage rate of \$50.93. The total burden wage rate (straight time plus 75 percent) used in the table is \$89.13 (\$50.93 × 1.75 = \$89.13).

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: 757-897-9908.

OMB is required to decide concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this document. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹³ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 is revised to read as follows:

¹³ 66 FR 28355 (May 22, 2001).

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 215.203 to read as follows:

§ 215.203 Restricted cars.

(a) Except as provided in paragraphs (b) and (c) of this section, a railroad may place or continue in service a railroad freight car that is more than 50 years old, measured from the date of original construction, or a freight car that is equipped with any design or type component listed in appendix A to this part, only after providing notice to FRA at FRARRSMPE@dot.gov. The notice must include the following information:

(1) The name and principal business address of the operating railroad.

(2) The name and address of the entity that controls the operation and maintenance of each car involved.

(3) The type, capacity, reporting marks, and car number of each car, and its condition, status, and age measured from the date of original construction.

(4) The design, type component, or other item that causes each car to be restricted.

(5) The maximum load each car will carry.

(6) The maximum speed at which each car will be operated.

(7) The territorial limits within which each car will be operated and the name of each railroad that will receive each car in interchange.

(b) Railroad freight cars approved under a standard such as the Office Manual of the Association of American Railroads' Interchange Rule 88 Increased Life Status process (ILS) are exempt from the requirements of this section for up to 65 years from the date of original construction, provided that the month and year the car was made available for service under the appropriate standard and the abbreviation of the standard (such as “ILS”) must be stenciled on the car in characters at least 1 inch high, immediately following “R-AGE.”

(c) For purposes of compliance with this section—

(1) A railroad with freight cars that have received FRA approval as specified in this section in effect on September 29, 2026 may place or continue the cars in service under the terms of the approval until it expires.

(2) Such railroad may at any time provide notice to FRA as specified in this section in effect on September 30, 2026, and the notice will supersede the FRA approval.

Appendix C to Part 215 [Amended]

■ 3. In appendix C to part 215, under the heading “Description of Defects”, remove the phrase “215.203 Operating a

restricted car, except under conditions approved by FRA” and add in its place the phrase “215.203 Improperly operating a restricted car”.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026–17787 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0128]

RIN 2130–AD18

Enhancing Railroad Discretion in Sounding Locomotive Horns at Passenger Stations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends safety standards related to the use of the locomotive horn to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station. The final rule clarifies that a railroad has discretion to determine policies for sounding a locomotive horn at a passenger station through railroad operating rules. The final rule also provides that if a railroad decides to sound a locomotive horn at a passenger station, the minimum sound level requirements in FRA’s Railroad Locomotive Safety Standards do not apply to the sound produced by the horn.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Payne, Staff Director, Grade Crossing and Trespasser Outreach, FRA, telephone: (202) 441–2787, email: James.Payne@dot.gov; or Kathryn Gresham, Attorney Adviser, FRA, telephone: (202) 577–7142, email: Kathryn.Gresham@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Comments Received in Response to the NPRM

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President’s “Department of*

Government Efficiency” Deregulatory Initiative (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

The requirements related to the use of locomotive horns by FRA-regulated entities are established in 49 CFR part 222, “Use of Locomotive Horns at Public Highway-Rail Grade Crossings.” Although part 222 focuses on the use of locomotive horns at public highway-rail grade crossings, it also provides clarification regarding the use of locomotive horns in emergencies and other situations.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station and that a railroad has discretion to determine policies for sounding a locomotive horn at a passenger station through railroad operating rules. In addition, if a railroad decides to sound a locomotive horn at a passenger station, the minimum sound level requirements in FRA’s Railroad Locomotive Safety Standards would not apply to the sound produced by the horn. 90 FR 28643 (July 1, 2025).

In response to the NPRM, FRA received comments submitted by the Brotherhood of Locomotive Engineers and Trainmen (BLET)¹ and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART–TD).² Although BLET supports the proposed rule and encourages FRA to implement a rule that is clear and unambiguous, BLET expresses concern whether permitting an exception to the locomotive horn sound level requirements in 49 CFR 229.129(a) would allow use of noncompliant locomotive train horns. In its comments, SMART–TD opposes the proposed rule and contends that the rule would increase the likelihood of public safety incidents, resulting in train crew trauma and psychological harm, as well as increased operational and economic costs. SMART–TD also contends that the rule would allow railroads to shield themselves from financial and other liability in the event of pedestrian strikes around passenger stations.

In response to this feedback, FRA notes that the rule is intended to clarify existing discretion for railroads over

locomotive horn use at passenger stations; it imposes no change on this existing discretion. Accordingly, there is no reason to expect any increase in public safety incidents in connection with railroads’ exercise of this discretion whether to sound the locomotive horn at passenger stations under their own operating rules. Nor will a railroad’s exercise of this discretion when sounding the locomotive horn under their operating rules make a railroad non-compliant with the requirements of 49 CFR 229.129(a) if a railroad chooses to use a locomotive horn that emits a sound below the decibel level in § 229.129(a). FRA clarifies that the locomotive must still be equipped with a horn that produces a minimum sound level in compliance with the requirements of § 229.129(a).

As noted in the NPRM, railroads have sounded the locomotive horn at passenger stations as one method of warning passengers of approaching trains and safeguarding passenger movements at passenger stations. The railroad industry has developed additional methods for providing such warning to passengers and safeguarding their movements at passenger stations, including advancements in station design, providing physical separation of passengers from train movements, and providing other forms of warnings and measures for increasing situational awareness, including both audible and visual station announcements. It is in the context of this more robust array of methods to warn passengers of approaching trains and to safeguard passenger movements at passenger stations, and in consideration that different methods may be employed depending on whether trains are stopping at a station, moving through a station without stopping, or moving over tracks adjacent to a station, that the rule will enhance a railroad’s discretion in using the locomotive horn at passenger stations—not diminish railroad safety.

II. Section-by-Section Analysis

Please refer to the discussion in the NPRM, as FRA has generally adopted the rule text as proposed in the NPRM. 90 FR 28643 (July 1, 2025).

In § 222.23(d), FRA modified the proposed regulatory text by adding the words “at a passenger station” in the second sentence to clarify that the decision to sound a locomotive horn at a passenger station is subject to railroad discretion and railroad operating rules, as opposed to other locations where train horn sounding is required by FRA

¹ <https://www.regulations.gov/comment/FRA-2025-0128-0002>.

² <https://www.regulations.gov/comment/FRA-2025-0128-0003>.

regulation. The final rule text is otherwise as proposed in the NPRM.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.³ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. This final rule will provide transparency regarding Federal locomotive horn sounding requirements and eliminate any confusion to the public, rail labor organizations, and the rail industry by clarifying that no Federal regulation requires the sounding of a locomotive horn because of the presence of a passenger station. In addition, this final rule clarifies that railroads may exercise discretion to sound a locomotive horn in accordance with railroad operating rules without being subject to the minimum sound level requirement for locomotive horns in 49 CFR 229.129(a). This rule provides railroads greater clarity regarding existing flexibility to operate their businesses without adversely impacting railroad safety.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁴ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁵

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and it will therefore be considered an E.O. 14192 deregulatory action upon issuance.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will not preclude small entities from continuing existing practices that comply with part 222 or another Federal regulation; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, will experience cost savings. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 became effective when it was approved by OMB on January 19, 2026. The OMB Control

Order 14192, Titled “Unleashing Prosperity Through Deregulation,” Memorandum M–25–20 (Mar. 26, 2025).

⁶ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

Number is 2130–0560, and OMB approval expires on January 31, 2029.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁷ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not

⁷ 66 FR 28355 (May 22, 2001).

³ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

⁴ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation* 90 FR 9065–9067 (Feb. 6, 2025).

⁵ Executive Office of the President, OMB, Guidance Implementing Section 3 of Executive

impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt Tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a Tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 222.9 by adding the definition of “passenger station” in alphabetical order to read as follows:

§ 222.9 Definitions.

* * * * *

Passenger station means a location designated in a railroad’s timetable where passengers are regularly scheduled to get on or off any train.

* * * * *

■ 3. Amend § 222.23 by adding paragraph (d) to read as follows:

§ 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?

* * * * *

(d) Nothing in this part requires the use of the locomotive horn at a passenger station or for purposes other

than highway-rail crossing safety. Unless a Federal regulation requires the use of a locomotive horn because of conditions present at a specific passenger station, the decision to sound a locomotive horn at a passenger station is subject to railroad discretion and railroad operating rules adopted under part 217 of this chapter. A locomotive horn used pursuant to this discretion is not subject to the minimum sound level requirement specified in 49 CFR 229.129(a).

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026–17786 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0121]

RIN 2130–AD39

Regulatory Relief From Locomotive Horn Sounding Pattern at Public Highway-Rail Grade Crossings

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends safety standards related to use of the locomotive horn to provide regulatory relief from the required pattern of sounding the locomotive horn in two long blasts, one short blast, and one long blast for locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing. This final rule allows locomotive engineers to vary the locomotive horn sounding pattern to one single blast of the horn as they enter the nearby public highway-rail grade crossing.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Payne, Staff Director, Grade Crossing and Trespasser Outreach Division, FRA, telephone: (202) 441–2787, email: James.Payne@dot.gov; or Kathryn Gresham, Attorney Adviser, FRA, telephone: (202) 577–7142, email: Kathryn.Gresham@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Comments Received in Response to the NPRM

Consistent with Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

The requirements related to the use of locomotive horns by FRA-regulated entities are established in 49 CFR part 222, “Use of Locomotive Horns at Public Highway-Rail Grade Crossings.” On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) seeking to amend 49 CFR 222.21(d) to provide regulatory relief from the required horn sounding pattern of two long blasts, one short blast, and one long blast for locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing. 90 FR 28641 (July 1, 2025).

Currently, paragraph (d) of § 222.21 permits locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing to approach the nearby crossing and sound the locomotive horn for less than the 15-second minimum horn sounding duration required by paragraph (b)(2) of that section. However, engineers operating this equipment that have stopped in close proximity to a public highway-rail grade crossing are not permitted to vary the horn sounding pattern of two long blasts, one short blast, and one long blast, unless the engineer is at a location where public highway-rail grade crossings are spaced closely together.¹ Therefore, in the NPRM, FRA proposed to allow engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing to vary the required locomotive horn sounding pattern (to include providing one single blast of the locomotive horn) as they enter the nearby public highway-rail grade crossing.

FRA received 12 comments in response to the NPRM.² Nine comments were submitted anonymously³ and

¹ See § 222.21(a).

² <https://www.regulations.gov/docket/FRA-2025-0121/comments>.

³ <https://www.regulations.gov/comment/FRA-2025-0121-0005>; <https://www.regulations.gov/>

eight of these anonymous comments supported the flexibility provided by the NPRM. One anonymous comment opposed the NPRM, expressing concern with the adequacy of the warning provided by a single blast of the locomotive horn. FRA also received a comment from an individual, self-described as a person who has been living near a gated crossing for more than 30 years, in full support of the changes proposed in the NPRM.⁴

The Brotherhood of Locomotive Engineers and Trainmen (BLET) submitted comments in support of the flexibility proposed in the NPRM. Although BLET recommended that FRA retain the locomotive horn sounding pattern required by § 222.21(a) as the default rule for use in most situations, BLET also commented that its locomotive engineer members “would welcome the allowance to use discretion to use one single horn blast when they enter onto a crossing at grade, after being stopped in close proximity.”⁵

The Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) submitted comments opposing the NPRM. SMART-TD noted that the horn sounding pattern required by § 222.21(a) provides motorists, pedestrians, and communities with a predictable and recognizable warning that a train is approaching. The comment asserted that the proposed flexibility would introduce ambiguity and reduce the clarity of the warning provided at grade crossings. Further, SMART-TD challenged FRA’s assertion that the NPRM would reduce burdens on railroads and surrounding communities, contending that the existing horn sounding pattern requirement carries no meaningful cost to railroads and that the changes proposed in the NPRM would weaken FRA’s safety regulations and result in social and economic costs from increased collisions, injuries, fatalities, and subsequent litigation.⁶

In response, FRA notes that § 222.21 currently allows locomotive engineers to sound the locomotive horn for less

than 15 seconds in two very different scenarios. Locomotive engineers are permitted to sound the locomotive horn for less than 15 seconds when initiating movement after having been stopped in close proximity to a public highway-rail grade crossing.⁷ Locomotive engineers are also permitted to sound the locomotive horn for less than 15 seconds when traveling at speeds in excess of 60 miles per hour (mph) on approach to a public highway-rail grade crossing.⁸ Moreover, a commuter railroad obtained regulatory relief similar to the proposal through an FRA waiver permitting its train crews to vary the locomotive horn sounding pattern required by § 222.21(a) when initiating train movement after having stopped at certain specified passenger stations located in close proximity to public highway-rail grade crossings.⁹ This waiver has been in effect since 2009 without negatively impacting public safety or the safety of railroad operations.

FRA disagrees with SMART-TD’s assertion that the horn sounding pattern required by § 222.21(a) carries no meaningful cost to railroads. Without the regulatory flexibility proposed, each entity seeking to vary the required locomotive horn sounding pattern by train crews would be required to prepare and submit a waiver petition for regulatory relief.

SMART-TD also noted concern that the proposed language may create liability for locomotive engineers, who might be scapegoated in the event of a grade crossing collision. In response, FRA is amending § 222.21(d) to clarify that FRA is authorizing locomotive engineers to exercise their discretion when determining whether to vary the locomotive horn sounding pattern if the engineer can determine that the nearby public highway-rail grade crossing is not obstructed and, in the locomotive engineer’s sole judgment, at least one of the conditions set forth in § 222.21(d)(1) and (2) has been met.

II. Section-by-Section Analysis

Please refer to the discussion in the NPRM, as FRA is generally adopting the rule text as proposed in the NPRM. 90 FR 28641 (July 1, 2025). However, as noted above, in this final rule, FRA is adding the phrase, “in the locomotive engineer’s sole judgment” to § 222.21(d) to clarify that FRA is authorizing locomotive engineers to exercise their discretion when determining whether to

vary the locomotive horn sounding pattern when entering a nearby public highway-rail grade crossing, after having stopped in close proximity to the crossing.

FRA is also replacing the reference to “conflicting highway movements” in § 222.21(d)(2) with “conflicting motorist or pedestrian traffic” to clarify that FRA expects locomotive engineers to look for motorists and pedestrians who may be approaching the nearby public highway-rail grade crossing. Thus, prior to exercising the discretion authorized by § 222.21(d), locomotive engineers must determine that either the crossing gates at the nearby unobstructed public highway-rail grade crossing are fully lowered (in compliance with the condition set forth in § 222.21(d)(1)) or there is no conflicting motorist or pedestrian traffic approaching the nearby unobstructed public highway-rail grade crossing (in compliance with the condition set forth in § 222.21(d)(2)).

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹⁰ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule and concluded that it reduces the burden on railroads and communities by providing greater flexibility in rules concerning train horns near public highway-rail grade crossings. In addition, this final rule eliminates the need for railroads seeking to vary the mandatory locomotive horn sounding pattern to prepare and submit a waiver petition for regulatory relief to FRA.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory

⁴ [comment/FRA-2025-0121-0006](https://www.regulations.gov/comment/FRA-2025-0121-0006); <https://www.regulations.gov/comment/FRA-2025-0121-0008>; <https://www.regulations.gov/comment/FRA-2025-0121-0009>; <https://www.regulations.gov/comment/FRA-2025-0121-0010>; <https://www.regulations.gov/comment/FRA-2025-0121-0002>; <https://www.regulations.gov/comment/FRA-2025-0121-0007>; <https://www.regulations.gov/comment/FRA-2025-0121-0011>; <https://www.regulations.gov/comment/FRA-2025-0121-0004>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0121-0003>.

⁵ Docket No. FRA–2025–0121–0003, p. 1.

⁶ Docket No. FRA–2025–0121–0013.

⁷ 49 CFR 222.21(d).

⁸ 49 CFR 222.21(a)(3).

⁹ Docket No. FRA–2008–0045 available at <https://www.regulations.gov/docket/FRA-2008-0045>.

¹⁰ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

action] issued, at least ten prior regulations be identified for elimination.”¹¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it is considered an E.O. 14192 deregulatory action. This final rule will provide additional flexibility for the use of train horns near public highway-rail grade crossings, and waivers will no longer be necessary for those railroads that otherwise would petition FRA for relief from such rules.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will allow for regulatory relief in certain situations from the pattern of horn soundings in FRA train horn regulation. By extending this regulatory relief, many regulated entities, including small entities, will experience benefits. Some small entities will experience cost savings from no longer having to submit waivers.

¹¹ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹² Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,” Memorandum M–25–20 (Mar. 26, 2025).

Although some small entities may be impacted by this final rule, FRA does not anticipate that those impacts will be significant.

Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 became effective when it was approved by OMB on January 19, 2026. The OMB Control Number is 2130–0560, and OMB approval expires on January 31, 2029.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect*

Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹³ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

¹³ 66 FR 28355 (May 22, 2001).

■ 2. Amend § 222.21 by revising paragraph (d) to read as follows:

§ 222.21 When must a locomotive horn be used?

* * * * *

(d) A locomotive engineer operating a train, locomotive consist, or individual locomotive that has stopped in close proximity to a public highway-rail grade crossing may approach the crossing and sound the horn for less than 15 seconds, and may vary the sounding pattern set forth in paragraph (a) of this section, before the train, locomotive consist, or locomotive enters the highway-rail grade crossing, if the locomotive engineer is able to determine that the public highway-rail grade crossing is not obstructed and, in the locomotive engineer's sole judgment, either:

(1) The public highway-rail grade crossing is equipped with flashing lights and gates and the gates are fully lowered; or

(2) There is no conflicting motorist or pedestrian traffic approaching the public highway-rail grade crossing.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA-2025-0123]

RIN 2130-AD58

Miscellaneous Amendments to FRA's Accident Reporting Regulations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes miscellaneous amendments to FRA's accident reporting regulations. Specifically, these amendments promote submitting documents to FRA electronically, eliminate redundant regulations, and allow railroads with additional time to complete certain forms.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Wissman, Railroad Safety Specialist, Part 225, FRA, telephone:

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michael.wissman@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, FRA, telephone: 202-713-7671, email: *michael.spinnicchia@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and updating requirements that are outdated.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed miscellaneous amendments to FRA's accident reporting regulations which included promoting the submission of documents to FRA electronically, eliminating redundant regulations, and allowing railroads additional time to complete certain forms.¹

FRA received four comments. An individual commenter commended FRA for promoting the electronic submission of documents, removing redundant regulations, and providing railroads with more time to complete certain forms to ensure comprehensive accident reporting.² The Brotherhood of Locomotive Engineers and Trainmen (BLET),³ the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART-TD),⁴ and the Transportation Trades Department, AFL-CIO (TTD)⁵ (collectively, “the labor organizations”) each submitted a comment opposing the NPRM. The labor organizations expressed concerns that the changes proffered in the NPRM would reduce transparency and cause confusion without providing a safety benefit. They also alleged that giving railroads additional time to complete certain accident reporting forms would lead to the forms being less accurate which would harm safety.

In response to this feedback, FRA is proceeding with the changes it proposed in the NPRM. FRA discusses these

comments further in the Section-by-Section Analysis.

II. Section-by-Section Analysis

Except as otherwise noted below, FRA has adopted the rule text as proposed, and readers may refer to the NPRM's Section-by-Section Analysis for extensive discussion of FRA's rationale for the revisions.

Section 225.5 Definitions

In the NPRM, FRA stated that the definitions of “railroad” and “railroad carrier” are duplicative and proposed revising the definition of “railroad” and removing the definition of “railroad carrier.” All three labor organizations opposed this change stating that it would create confusion by providing a definition that conflicts with the Railway Labor Act (RLA). SMART-TD argued that removing the word “carrier” from part 225 would allow railroads to exploit gray areas and decide when they wanted to be subject to the RLA's protections and when they wanted to be immune from the RLA. SMART-TD described this change as “deregulation by stealth” and said it would allow railroads to “chip away at worker rights” and undermine labor protections in the rail industry.⁶

FRA is unconvinced that this change would cause confusion or adversely affect labor protections in any meaningful way. This change maintains the status quo as this section currently states that “[r]ailroad means a railroad carrier.” The logical conclusion from that statement is that the two terms are interchangeable for purposes of part 225. Thus, FRA is eliminating confusion by removing a term (“railroad carrier”) that has the same meaning as another term in part 225 (“railroad”). Furthermore, since FRA is not making any substantive change to the definition of “railroad,” it is not creating any new conflict with the RLA.

FRA also notes that SMART-TD did not offer any specific explanation for how removing the word “carrier” from this part would adversely affect worker rights and would allow railroads to exploit gray areas in the law. Instead, SMART-TD only provided vague assertions. However, there are several other parts in FRA's regulations that contain a definition of “railroad,” but not a definition of “railroad carrier.” For example, 49 CFR part 240 has included a definition of “railroad,” but not “railroad carrier,” since 1991. As the labor organizations have not provided any specific evidence that the change

¹ 90 FR 28654 (July 1, 2025).

² <https://www.regulations.gov/comment/FRA-2025-0123-0002>.

³ <https://www.regulations.gov/comment/FRA-2025-0123-0003>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0123-0005>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0123-0004>.

⁶ <https://www.regulations.gov/comment/FRA-2025-0123-0005>.

will result in harmful effects, FRA amends § 225.5, as proposed.

Section 225.6 Consolidated Reporting

FRA proposed reducing FRA's review period for consolidated reporting requests from 90 day to 60 days. BLET opposed this change stating that it created unnecessarily tight deadlines for the agency, especially if those deadlines do not accommodate the need to request additional information. BLET also alleged that no safety justification had been provided for expediting this review process.⁷

In response, FRA notes that BLET's comment is, in part, based on the false premise that FRA's deadline for deciding such requests will not be delayed if FRA requests additional information from the railroad. However, proposed paragraph (d) of this section in the NPRM states this 60-day period "will be tolled pending any FRA requests to the parent corporation or subsidiary railroads for missing or additional information needed for the agency to reach a decision." Further, FRA, through its experience in reviewing these requests, has concluded that 60 days is sufficient time for the agency to perform a thorough review of the request and to issue a decision without being rushed.

FRA, however, is making a minor change to the proposed language in the NPRM for paragraph (b)(2)(iv) of this section. FRA is changing "and/or" in the NPRM to "or" in this final rule.

Section 225.7 Use of Reports

The NPRM proposed removing paragraph (a) of this section which explains how to obtain accident/incident reports by making a Freedom of Information Act (FOIA) request. BLET objected to removing this paragraph as it claimed this change reduces transparency while not meaningfully reducing any burden. BLET argued this change would make the public less aware of how to request copies of these reports.

FRA finds BLET's argument unpersuasive. Existing paragraph (a) is duplicative as its main purpose is to direct readers to DOT's FOIA regulations in 49 CFR part 7. FRA does not find that removing this paragraph reduces transparency as the information in this paragraph is readily available in part 7. Further, if individuals or organizations are seeking information about making a FOIA request, they are more likely to search for such information on FRA's website as

opposed to in the CFR. Thus, removing this information from this section should eliminate redundancy in FRA's regulations without harming transparency. In addition, current paragraph (a) contains a mailing address and a web address which are subject to change. By removing this paragraph, FRA is reducing the likelihood of having outdated information in its regulations and reducing the potential future burden of having to amend this section if these addresses change. Therefore, FRA amends § 225.7, as proposed.

Section 225.12 Rail Equipment Accident/Incident Reports Alleging Employee Human Factor as Cause; Employee Human Factor Attachment; Notice to Employee; Employee Supplement

FRA proposed revising paragraph (h)(2) of this section to remove the fixed \$5,000 fine amount and instead state that such persons be subject to a fine under title 18 of the U.S. Code. BLET expressed its opposition to this change as it would increase the potential penalty for employees without any justification. BLET contended that title 18 provides for up to five years in prison and does not provide a maximum fine amount which is a significant departure from the current practice of limiting the fine amount for false statements. In addition, BLET claimed that FRA has not provided evidence that employees making false statements is such a considerable issue that stronger penalties are needed. In summary, BLET is concerned that "FRA is relying on [t]itle 18 of the U.S. Code for enforcement of civil and criminal penalties when these infractions are inherently transportation related and [t]itle 49 of the U.S. Code already contains adequate remedies and methods for addressing civil and criminal actions." BLET predicted that this change could lead FRA to shift the enforcement of other sections to title 18 as well.

As an initial matter, BLET is incorrect that this change would increase the maximum prison sentence as the proposed text in the NPRM maintains two years as the maximum period of imprisonment for knowingly and willfully filing a false supplemental statement. Next, BLET's concern that this revision will lead FRA to rely on title 18 instead of title 49 is misguided as FRA already relies on title 18. The current text of paragraph (h)(2) cites 49 U.S.C. 21311 as authority for assessing a fine, imprisonment, or both, and 49 U.S.C. 21311 states such fines shall be assessed under title 18. In 1994,

Congress amended 49 U.S.C. 21311(a) to state that a person shall be "fined under title 18" instead of "fined not more than \$5,000." The proposed change in the NPRM simply makes paragraph (h)(2) of this section consistent with the statute it references. FRA also notes that the \$5,000 fine amount has been in this paragraph since 1990, and finalizing this paragraph as proposed allows for inflationary adjustments to this figure without having to amend the regulation.

In conclusion, BLET's claim about the overall impact of this proposed change is overstated as title 18 already serves as the basis for issuing fines in accordance with this paragraph. Thus, FRA amends § 225.12, as proposed.

Section 225.13 Late Reports

FRA proposed revising this section to instruct railroads to submit their late reports via email. An individual commenter commended FRA for this proposed change stating that promoting electronic submissions improves efficiency and data accuracy.⁸ FRA amends § 225.13, as proposed.

Section 225.25 Recordkeeping

Paragraph (f) of this section states that railroads must enter each accountable injury and illness and each accountable rail equipment accident/incident on the appropriate record no later than "seven working days" after receiving information or acquiring knowledge that such accident/incident occurred. The NPRM proposed extending this deadline to "15 calendar days."

An individual commenter supported this proposed change noting that allowing railroads additional time to complete certain forms will help ensure comprehensive reporting, which will improve safety. However, the labor organizations uniformly opposed this change. BLET, SMART-TD, and TTD all argued that completing these forms as soon as possible after an accident/incident will ensure accuracy. SMART-TD noted that giving railroads more time to complete these forms will give more time for memories to fade, facts to become muddled, and paperwork to be lost. The labor organizations also contended that providing additional time for the railroads to complete these forms will delay FRA's receipt of important safety information, which will harm railroad worker safety and weaken the public's ability to remedy concerning data trends.

In addition, BLET argued that FRA did not provide evidence that these reports had declined in accuracy, and if

⁷ <https://www.regulations.gov/comment/FRA-2025-0123-0003>.

⁸ <https://www.regulations.gov/comment/FRA-2025-0123-0002>.

the reports have declined in accuracy, the labor organization would like to work with FRA to determine the root cause and a solution. SMART-TD stated its concerns that this proposed change would give railroads more time to pressure injured workers into not reporting their injuries. In support of this argument, it asserted that the Occupational Safety and Health Administration has put railroads under heightened scrutiny for what SMART-TD called a long record of whistleblower retaliation and intimidation. SMART-TD also said giving railroads more time to complete these forms would be hypocritical because railroad workers live under threat that if they do not report their injury on the same day it occurs, their credibility will be challenged. Lastly, TTD objected to this change because it said there was no recent evidence that railroads needed more time to complete these forms.⁹

The overriding concern from the labor organizations is that this change would delay FRA's receipt of important safety information in these forms. However, this concern is misguided. This proposed extension of time only applies to a railroad's completion of Form FRA F 6180.97 (Form 6180.97) and Form FRA F 6180.98 (Form 6180.98) (or the alternative railroad-designed records for these forms). Railroads are not required to submit these forms to FRA. While an FRA representative may ultimately view these forms, such as during an audit, this viewing does not happen typically until months, or even years, after an accident or incident occurred. Therefore, providing railroads with a short amount of additional time to complete these forms will not result in any delay of FRA receiving safety information.

Regarding the labor organizations' concerns that this change would diminish the accuracy of these forms, FRA is unpersuaded. This change would only give railroads approximately an additional week to complete these forms, which should not significantly impact the memories of those persons involved in an accident or incident. However, this additional time should be helpful to railroads in obtaining relevant medical records and cost estimates, which will lead to these forms containing more accurate data. Although SMART-TD contended this will give railroads additional time to pressure workers into not reporting injuries, this is incorrect because the timeline to complete these forms,

whether it is "seven working days" or "15 calendar days," does not begin to run until *after* the railroad receives information or acquires knowledge that an injury or illness occurred. Therefore, this change does not give railroads additional time to pressure workers into not reporting an injury, because the injury has already been reported.

FRA also concludes this change is beneficial because it removes ambiguity over how to calculate "seven working days" properly. Different railroad workers have different work schedules and paragraph (f) of this section does not specify whether "working days" refers to the work schedule of the injured worker, the reporting officer, or someone else. By amending this deadline to "15 calendar days," FRA establishes a clear standard that is easy for the railroads to apply. Thus, FRA amends § 225.25, as proposed.

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with the changes to part 225 finalized in this rulemaking.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹⁰ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. This final rule makes administrative changes such as revising definitions, allowing railroads to submit information to FRA electronically, and removing redundant regulations. Therefore, this final rule will impose no additional burdens on regulated entities. Moreover, this final rule will provide some qualitative benefits to regulated entities and the U.S. government by clarifying, simplifying, and updating the language of part 225. This final rule will also provide flexibility to regulated entities by increasing the time given to railroads

for completing certain forms from seven working days to 15 calendar days, and remove ambiguity over how to calculate working days. In addition, this final rule will expedite the speed at which documents are delivered while reducing costs that would otherwise exist from having to print, mail, and process documents.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."¹¹ Implementation guidance for E.O. 14192 issued by the OMB (Memorandum M-25-20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹²

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This final rule will have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹³ requires Federal agencies to consider the effects of the regulatory action on small businesses and other small entities, and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses. The term "small entities" comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency, or an appropriate designee, certifies that the rule will not have a

¹¹ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹² Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation,"* Memorandum M-25-20 (Mar. 26, 2025).

¹³ Public Law 104-121, 110 Stat. 857 (Mar. 29, 1996).

⁹ <https://www.regulations.gov/comment/FRA-2025-0123-0004>.

¹⁰ 49 CFR part 5; see also DOT Order 2100.6B, *Policies and Procedures for Rulemakings*, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, *Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities*, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

significant economic impact on a substantial number of small entities. The regulatory relief provided by this rule will result in cost savings for many regulated entities, including small entities. This rule clarifies and simplifies regulations, as well as reduces the need to print or mail documents. FRA does not expect that this impact to small entities will be significant. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it does not impose any new information collection requirements. Therefore, an information collection submission to OMB is not required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* The recordkeeping and reporting requirements already contained in part 225 were approved by OMB on December 5, 2023. The information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0005, and OMB approval expires on December 31, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with

section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹⁴ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

¹⁴ 66 FR 28355 (May 22, 2001).

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 225.5 by:

■ a. Removing the word “carrier” from paragraph (2) of the definition of “Highway-rail grade crossing”;

■ b. Putting the definition for “Privacy concern case” after the definition of “Person”;

■ c. Revising the definition of “Railroad”; and

■ d. Removing the definition for “Railroad carrier”.

The revision reads as follows:

§ 225.5 Definitions.

* * * * *

Railroad means a person providing railroad transportation.

* * * * *

■ 3. Revise § 225.6 to read as follows:

§ 225.6 Consolidated reporting.

(a) A parent corporation may request in writing that FRA treat its commonly controlled railroads, which operate as a single, seamless, integrated United States rail system, as a single railroad for purposes of this part.

(b) The written request must include all of the following:

(1) A list of the subsidiary railroads controlled by the parent corporation.

(2) An explanation as to how the subsidiary railroads operate as a single, seamless, integrated United States railroad system as opposed to separate and independent entities. This explanation should address factors such as:

(i) Whether all of the properties are physically connected, and by what means (*i.e.*, is the track contiguous, are the properties connected by track rights);

(ii) Whether the parent and its subsidiaries are held out to the public as a single entity;

(iii) Whether the parent is involved in the decision-making of its subsidiaries, and to what extent;

(iv) Whether the parent or subsidiaries share officers, equipment, or other personnel;

(v) Whether the operation of trains and crews are seamless, as trains and crews move over various properties with most employees unaware that they have changed property owners;

(vi) Whether there is a single set of operating rules over all of the properties

(there may be different signal and train control systems);

(vii) Whether there is a single Internal Control Plan or a single reporting or claims officer; and

(viii) Whether there is a single dispatching center.

(3) Supporting evidence or documentation, to the extent reasonably practicable, to support the parent corporation's assertion that the subsidiary railroads operate as a single, seamless, integrated railroad system. If it is not practical to submit documentation for certain factors, the parent corporation should identify the location of the supporting evidence.

(4) A point of contact at the parent corporation and all subsidiary railroads to address agency questions related to the consolidated reporting petition.

(c) The request must be sent via email to *RsisAiReports@dot.gov*. Each request received shall be acknowledged in writing via email and shall contain the docket number assigned to the request.

(d) FRA will notify the applicant parent corporation of the agency's decision within 60 days of receipt of the application. This deadline will be tolled pending any FRA requests to the parent corporation or subsidiary railroads for missing or additional information needed for the agency to reach a decision.

(e) If FRA approves the request, the parent corporation must enter into a written agreement with FRA specifying which subsidiaries are included in its railroad system, agreeing to assume responsibility for compliance with this part for all named subsidiaries making up the system, and consenting to guarantee any monetary penalty assessments or other liabilities owed to the United States government that are incurred by the named subsidiaries for violating Federal accident/incident reporting requirements. Any change in the subsidiaries making up the railroad system requires immediate notification to FRA and execution of an amended agreement. Executed agreements will be published in the docket for the petition.

■ 4. Revise and republish § 225.7 to read as follows:

§ 225.7 Use of reports.

49 U.S.C. 20903 provides that monthly reports filed by railroads under § 225.11 may not be admitted as evidence or used for any purpose in any action for damages growing out of any matters mentioned in these monthly reports. The Employee Human Factor Attachment, Notice, and Employee Supplement under § 225.12 are part of the reporting railroad's accident report to FRA pursuant to 49 U.S.C. 20901 and,

as such, shall not "be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report * * *." 49 U.S.C. 20903.

■ 5. In § 225.12, revise paragraph (h)(2) to read as follows:

§ 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor Attachment; notice to employee; employee supplement.

* * * * *

(h) * * *

(2) Any person who knowingly and willfully files a false Supplement is subject to a fine under title 18 of the U.S. Code, imprisonment for up to two years, or both, in accordance with 49 U.S.C. 21311(a).

■ 6. In § 225.13, revise the first sentence to read as follows:

§ 225.13 Late reports.

Whenever a railroad discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately by email to *RsisAiReports@dot.gov*. * * *

§ 225.25 [Amended]

■ 7. In § 225.25, in paragraph (f), remove "seven working days" and add in its place "15 calendar days".

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026-17791 Filed 8-28-26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA-2025-0124]

RIN 2130-AD59

Retiring Form FRA F 6180.107 and Form FRA F 6180.150

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule retires Form FRA F 6180.107, "Alternative Record for Illnesses Claimed to be Work-Related" (Form 6180.107), and Form FRA F

6180.150, "Highway User Injury Inquiry Form" (Form 6180.150). This rule also changes the record retention period required under FRA's accident reporting regulations and makes other technical corrections.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT:

Michael Wissman, Railroad Safety Specialist, Part 225, FRA, telephone: 610-314-5729, email: michael.wissman@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, FRA, telephone: 202-713-7671, email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed retiring Form 6180.107 and Form 6180.150 and changed the record retention period for most accident reporting forms to three years.¹

FRA received four comments. The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRRA) (in a joint comment)² and Fort Worth & Western Railroad (FWWR) in a separate comment³ wrote in support of this NPRM. They contended that these forms are rarely used and that this rule would eliminate an unnecessary administrative burden that did not produce any safety benefit. The Brotherhood of Locomotive Engineers and Trainmen (BLET)⁴ and the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART-TD)⁵ (collectively, "the labor organizations") both submitted a comment opposing the NPRM. The labor organizations asserted that even if these forms are rarely used, they can

¹ 90 FR 28651 (July 1, 2025).

² <https://www.regulations.gov/comment/FRA-2025-0124-0005>.

³ <https://www.regulations.gov/comment/FRA-2025-0124-0003>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0124-0002>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0124-0004>.

still provide important data, and the elimination of these forms could reduce the accuracy of the safety data FRA receives.

In response to this feedback, FRA is proceeding with the changes it proposed in the NPRM. FRA discusses these comments further in the Section-by-Section Analysis.

II. Section-by-Section Analysis

Section 225.21 Forms; Section 225.25 Recordkeeping

In the NPRM, FRA proposed retiring Form 6180.107 which is an alternate form railroads can use to record illnesses that are claimed by an employee to be work-related, but where there is insufficient information for the railroad to determine work-relatedness. AAR, ASLRRA, and FWWR supported FRA retiring this form. They all commented that retiring this form would reduce redundancy and they agreed with FRA that the form had not achieved its desired goals as it is rarely used.⁶ They also noted that under 49 CFR 225.21(h), railroads are allowed to use alternative designed forms from the Form FRA F 6180.98, "Railroad Employee Injury and/or Illness Record" (Form 6180.98). Therefore, if a railroad wanted to use Form 6180.107 after the form is retired, it could create a form that is designed like the Form 6180.107.

In contrast, both BLET and SMART-TD opposed retiring this form. BLET asserted that even if the form is rarely used, there is no rationale for removing an option for workers to document injuries and illnesses, and in doing so, this proposed change would reduce the accuracy and reliability of FRA safety data.⁷ BLET also contended that if FRA intends to permit the use of railroad-designed forms in lieu of Form 6180.107, it should maintain the regulatory text found in 49 CFR 225.21(j) and 225.25(i) and (j) to facilitate such reporting. SMART-TD asserted that the low use of this form does not equate to a lack of value and is more likely due to railroad resistance or a lack of training about this form.⁸ In addition, SMART-TD lauded Form 6180.107 as a neutral way to record illnesses where work-relatedness is undetermined and to preserve an auditable trail for FRA.

FRA finds the labor organizations' arguments unconvincing. As FRA noted

in the NPRM and AAR, ASLRRA, and FWWR mentioned in their comments, if railroads find Form 6180.107 helpful with their accident reporting, they are welcome to continue using a variation of this form even after it is retired. Although some railroads may continue to use a variation of Form 6180.107 after this final rule goes into effect, the fact that one railroad and two associations representing railroads commented in support of retiring this form is illustrative. Further, after this final rule goes into effect, if railroads wish to refer to the regulatory text addressing Form 6180.107 (49 CFR 225.21(j) and 225.25(i) and (j)), as BLET suggested, they can find this language in previous versions of the CFR. FRA sees no reason to maintain regulatory text for a form the agency is retiring.

Next, BLET's contention that this change reduces the accuracy and reliability of FRA safety data is not supported by any evidence. With respect to SMART-TD's comment that this form preserves an auditable trail for FRA, FRA's part 225 audit team has found that because this form has more onerous requirements (as described in 49 CFR 225.25(i)) than the Form 6180.98, it is rarely used by railroads. Thus, the Form 6180.107 has minimal value during part 225 audits and retirement of the form is warranted. Although SMART-TD's comment that the low use of this form is more likely due to railroad resistance or lack of training, unless FRA were to mandate the use of this form, any railroad resistance to this form would be difficult to overcome. As FRA has found very limited benefits to this form, the agency sees no reason to mandate its use or to apply resources towards training railroads about this form.

FRA also proposed retiring Form 6180.150, which railroads are required to send to highway users that are potentially injured in highway-rail grade crossing accidents. AAR, ASLRRA, and FWWR supported retiring this form. They agreed with FRA that the purported goals of this form (making it easier for railroads to determine whether a highway user incurred a reportable injury) have not been attained. AAR and ASLRRA noted that their member railroads advised them that they very rarely, if ever, receive a response from the highway user. AAR, ASLRRA, and FWWR stated that this form does not provide any safety benefit and retiring the form will reduce paperwork and administrative burdens for railroads.

Both BLET and SMART-TD opposed retiring this form. BLET asserted that even if only one percent of highway

users return the form, that one percent is providing valuable safety information. BLET also alleged that FRA has not provided any evidence that these forms are overly burdensome or provide inaccurate data, and the labor organization would discuss with FRA additional ways to capture more data. SMART-TD commented that Form 6180.150 ensures railroads make diligent efforts when making reportability determinations and that FRA should modernize how highway users can access and submit the form. Specifically, SMART-TD asserted that FRA should allow highway users to access the form through a Quick Response code, have fillable web forms, and submit the form electronically. In addition, the form should be multilingual and railroads should have to document their outreach attempts and report them to FRA. SMART-TD alleged that eliminating this form will make it more difficult to hold railroads accountable for highway-rail grade crossing accidents.

After reviewing the comments on FRA's proposal to retire Form 6180.150, FRA determined retiring this form is warranted. AAR, ASLRRA, and FWWR all supported FRA's argument in the NPRM that this form is rarely returned by highway users and the labor organizations did not dispute this contention. BLET asserted that despite a low response rate, such forms provide valuable safety information, but FRA must be mindful of the burden it places on railroads and the safety benefit that results from such burden. Currently, railroads must hand deliver, or send by first class mail, this form to every potentially injured highway user, or their representative, involved in a highway-rail grade crossing accident. Railroads must also maintain records of their efforts to contact highway users. This represents a significant burden for railroads with very little safety benefit. During part 225 audits, FRA representatives have reviewed some of the forms that highway users returned and based on that review, FRA has determined that even when these forms are returned, they do not provide a substantial enough safety benefit to warrant the continued burden on the railroads.

SMART-TD suggested that instead of eliminating this form, FRA should modernize the form by allowing highway users to complete the form electronically and making the form multilingual. FRA is unaware of any evidence that such changes would lead to a significant increase in returned forms. FRA would also have to expend substantial resources towards

⁶ <https://www.regulations.gov/comment/FRA-2025-0124-0003>; <https://www.regulations.gov/comment/FRA-2025-0124-0005>.

⁷ <https://www.regulations.gov/comment/FRA-2025-0124-0002>.

⁸ <https://www.regulations.gov/comment/FRA-2025-0124-0004>.

modernizing this form and making it multilingual. Without any confidence that such efforts would provide a tangible safety benefit, the agency declines to proceed in this manner. FRA is also unpersuaded by SMART-TD's argument that eliminating this form will make it more difficult to hold railroads accountable for highway-rail grade crossing accidents. Even after the Form 6180.150 is retired, railroads will still be required to report any highway-rail grade crossing accident on Form FRA F 6180.57, "Highway-Rail Grade Crossing Accident/Incident Report." Therefore, it is unclear how this change will harm railroad accountability.

FRA also received general comments both in support of and in opposition to retiring these forms. AAR, ASLRRA, and FWWR stated that retiring these forms is consistent with the President's deregulatory agenda as it reduces unnecessary administrative burdens that do not produce any safety benefits. FRA agrees and is proceeding with retiring these forms.

SMART-TD expressed concern that these proposed changes will give railroads more control over the content and format of their forms which may lead to the suppression of information that FRA and workers rely upon. The labor organization also stated that this will degrade the ability to compare part 225 data across railroads which will adversely affect trend analysis, research, rulemaking efforts, and worker safety. SMART-TD contended that while the NPRM overstated the cost savings of these proposed changes, it also failed to consider the costs that will accrue from eliminating these forms due to underreporting of accidents, litigation exposure, and delays to hazard abatement.

FRA disagrees that these changes will give railroads more control over the content and format of their forms because this rule is simply eliminating two forms; it is not providing railroads greater discretion with respect to the forms they use. Since most railroads were not using Form 6180.107, the only change for most railroads will be not having to send Form 6180.150 to highway users, but this will have no bearing on the "content and format" of the other forms the railroads still use. FRA also finds SMART-TD's argument that this will degrade the ability to compare part 225 data across railroads unavailing for two reasons. First, railroads were not required to submit these two forms to FRA; thus, FRA was typically only privy to the data in these forms during audits where FRA's main purpose in reviewing the forms was to ensure compliance with part 225, not to

use the data for research purposes or trend analysis. Second, since Form 6180.107 was rarely used and Form 6180.150 was rarely returned by highway users, these forms provided minimal data. Thus, retiring these forms will have minimal costs, and SMART-TD's claim that there will be an adverse effect on safety is unsupported. Even though SMART-TD argued that FRA overstated the cost savings, AAR, ASLRRA, and FWWR all agreed with FRA that these forms impose administrative burdens on railroads and their elimination will lower costs for railroads.

Lastly, SMART-TD argued that retiring these forms will shift a railroad's burden from completing these forms to performing ad hoc correspondence and follow-up. Instead of retiring these forms, SMART-TD seemed to suggest FRA should impose more stringent requirements if a railroad chooses to use an alternative-designed form. In particular, SMART-TD stated FRA should only allow alternative-designed forms if the railroad could demonstrate equal or better response rates and data completeness compared to the FRA forms. FRA does not agree that retiring these forms will lead to railroads spending more time performing ad hoc correspondence and follow-up, but even if that was true, this additional time spent would pale in comparison to the time railroads will save by not filling out these forms and not mailing the Form 6180.150 to highway users. If this rule was likely to increase the paperwork and administrative burden on railroads, it is unlikely AAR, ASLRRA, and FWWR would have submitted comments in support of this rule. Since FRA is proceeding with retiring these forms, it is not adopting SMART-TD's suggestion of imposing more stringent requirements on alternative versions of these forms. Thus, FRA amends §§ 225.21 and 225.25 as proposed.

Section 225.27 Retention of Records

In the NPRM, FRA proposed creating a three-year retention period for all forms listed in paragraph (a) of this section. SMART-TD asserted that shortening the retention period will increase the burden on small contractors and short line railroads who must navigate non-uniform carrier demands while still satisfying FRA audits. SMART-TD requested that FRA keep the retention period at five years for illness/injury and human factor records. FRA is unclear how this change will increase the burden on small contractors and short line railroads as SMART-TD did not elaborate on this claim.

ASLRRA, who represents short line railroads, did not raise this concern in its comment, and if any railroad finds a shorter record retention period will somehow increase its administrative burden, that railroad can always choose to retain its records longer than the FRA-imposed minimum requirement. In response to SMART-TD's request that FRA keep the retention period at five years for certain forms, FRA notes that this final rule increases the retention period for human factor forms from two years to three years.⁹ As for illness/injury forms, SMART-TD did not provide any explanation for why these forms should be retained for five years. FRA finds this burden unnecessary as a retention period of three years is sufficient to meet FRA's audit needs. Thus, FRA amends § 225.27 as proposed.

Section 225.33 Internal Control Plans

Since FRA proposed retiring Form 6180.107, and paragraph (a)(11) of this section pertains to that form, FRA proposed removing this paragraph. SMART-TD commented that FRA should keep this paragraph to maintain clear accountability for contested illness records and it should update the FRA Guide for Preparing Accident/Incident Reports "to reinforce the neutral status and required content for contested-illness documentation." Because FRA is proceeding with retiring Form 6180.107, there is no need to adopt these suggestions from SMART-TD. Thus, FRA amends § 225.33 as proposed.

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with the changes to part 225 finalized in this rulemaking.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹⁰ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a

⁹ See 49 CFR 225.27(a)(2)(ii)–(iii).

¹⁰ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this rule and considered comments from the public. FRA concluded that this rule may impart minimal additional burden on regulated entities, but overall would provide greater relief to railroads. Regulated entities may see a minimal increased burden to retain certain forms for an additional year under the final rule. However, those same entities would also see a decreased burden by other forms that have a shorter retention period (three years instead of five years). FRA expects any potential additional burden to be outweighed by the benefits of this final rule, and therefore estimates the rule to be overall cost beneficial. Because this rule would retire two FRA forms and change the retention period under § 225.27(a), this rule would provide qualitative benefits by requiring regulated entities to complete fewer forms and require less storage and retention. This rule will also provide flexibility by clarifying, simplifying, and updating the language of part 225.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹¹ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹²

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹³ requires Federal agencies to consider the effects of the

regulatory action on small business and other small entities and to minimize any significant economic impact.

Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule may impart minimal additional burden under part 225 to some railroads, but overall would provide greater relief to railroads. This rule offers flexibilities that would result in cost savings. By extending this regulatory relief, many regulated entities, including small entities, will experience a cost savings.

A commenter mentioned that Form 6180.107 provides a neutral way to record illnesses claimed as work-related when work-relatedness is undetermined, especially for the short line railroads (which may be considered small entities). FRA restates that this rule reduces redundancy because under § 225.21(h), railroads are allowed to use alternative designed forms from the Form 6180.98. Therefore, if a railroad wanted to use Form 6180.107 after the form is retired, it could create a form that is designed like the Form 6180.107.

For the reasons stated in the preamble and elsewhere in this rule, while some small entities may be impacted by this final rule, FRA does not anticipate any of the impacts to be significant. Consequently, FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, FRA is seeking approval from OMB to revise the information collection estimates in previously approved OMB Control Number 2130–0500, corresponding to part 225. On December 5, 2023, OMB approved FRA’s last information collection request (ICR) corresponding to part 225, containing 30,284 burden hours.

With this final rule, the paperwork burden in 49 CFR part 225, by retiring

Form 6180.107 and Form 6180.150, will reduce the currently approved total burden of 30,284 by 877 hours for a revised estimate of 29,407 hours.

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: 757–897–9908.

OMB is required to notify the agency involved of its decision on the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this document. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2

¹¹ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹² Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,”* Memorandum M–25–20 (Mar. 26, 2025).

¹³ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹⁴ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 225.3(b) introductory text to read as follows:

§ 225.3 Applicability.

* * * * *

(b) The Internal Control Plan requirements in § 225.33(a)(3) through (a)(10) do not apply to:

* * * * *

§ 225.21 [Amended]

■ 3. Amend § 225.21 by removing paragraphs (i) and (k).

§ 225.25 [Amended]

■ 4. Amend § 225.25 by removing paragraphs (i) and (j).

■ 5. Revise § 225.27(a) to read as follows:

§ 225.27 Retention of records.

(a) Each railroad shall retain all of the following records for at least three years after the end of the calendar year to which they relate:

(1) Form FRA F 6180.98, “Railroad Employee Injury and/or Illness Record.”

(2) Monthly List of Injuries and Illnesses required by § 225.25.

(3) Form FRA F 6180.97, “Initial Rail Equipment Accident/Incident Record” required by § 225.25.

(4) The Employee Human Factor Attachments (Form FRA F 6180.81, “Employee Human Factor Attachment”) required by § 225.12, that have been received by the railroad.

(5) The written notices to employees required by § 225.12 (Part I of Form FRA F 6180.78, “Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report”), that have been received by the railroad.

(6) The employee statements supplementing railroad accident reports described in § 225.12(g) (Part II of Form FRA F 6180.78, “Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report”), that have been received by the railroad.

* * * * *

§ 225.33 [Amended]

■ 6. Amend § 225.33 by removing paragraph (a)(11).

■ 7. Revise § 225.35(b) to read as follows:

§ 225.35 Access to records and reports.

* * * * *

(b) Each railroad subject to this part shall also provide to any representative of the Federal Railroad Administration or of a State agency participating in investigative and surveillance activities under part 212 of this chapter or any other authorized representative access to relevant medical and claims records for examination and photocopying in a reasonable manner during normal business hours. Such representatives shall display proper credentials when requested. Each railroad shall identify the locations where a copy of any record and report required under this part is accessible for inspection and photocopying by maintaining a list of such establishment locations at the office where the railroad’s reporting officer conducts his or her official business. A copy of any record and report required under this part shall be accessible within four business hours after the request. FRA will not assess a monetary penalty against the railroad for its failure to provide the requested documentation when circumstances outside the railroad’s control preclude it from fulfilling the four-business-hour time limit and the railroad has made a reasonable effort to correct the problem. Should a railroad assert a legal privilege with respect to certain claims and medical records, failure to provide FRA access to such records would not constitute a violation of this section. FRA retains the right to issue a subpoena to obtain such records under 49 U.S.C. §§ 20107 and 20902 and §§ 209.7(a) and 225.31(a)(2) of this title, and the railroad may contest that subpoena.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026–17790 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

¹⁴ 66 FR 28355 (May 22, 2001).

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 229**

[Docket No. FRA–2025–0126]

RIN 2130–AD50

Expanding Certain Locomotive Wheel Set Diameter Variations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends FRA's locomotive safety regulations to expand the maximum permitted variation in diameter for locomotive wheel sets using alternating current technology, in response to a Class I railroad's May 2019 petition for rulemaking and innovations in traction motor control.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Gary Fairbanks, Staff Director, Motive Power & Equipment Division, FRA, telephone: (202) 230–9594, email: gary.fairbanks@dot.gov; or Michael Masci, Attorney Adviser, FRA, telephone: (202) 302–7177, email: michael.masci@dot.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed to amend 49 CFR 229.73(b) to expand the maximum permitted variation in diameter for locomotive wheel sets using alternating current (AC) technology. 90 FR 28658 (July 1, 2025). During the comment period, which closed on September 2, 2025, FRA received comments from the following five entities: the American Short Line and Regional Railroad Association (ASLRRA);¹ the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International

Brotherhood of Teamsters (BLET);² the International Association of Machinists and Aerospace Workers (IAM Union);³ the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART–TD);⁴ and the Transportation Trades Department, AFL–CIO (TTD).⁵

In summary, ASLRRA supports the proposed regulatory change, whereas BLET, IAM Union, SMART–TD, and TTD oppose the rulemaking. FRA discusses the comments it received further in the *Section-by-Section Analysis* of this final rule.

II. Section-by-Section Analysis*Section 229.73 Wheel Sets*

As proposed in the NPRM, in this final rule, FRA is amending paragraph (b) of this section to expand the maximum permitted variation in diameter for locomotive wheel sets using AC technology. In May 2019, Union Pacific Railroad (UP) submitted a petition for rulemaking under 49 CFR part 209 on the basis that “[n]ew technology with individual axle control developed and placed in service after 1980 provides the basis for change which will result in better customer service through a reduction of locomotive out of service time and increased wheel life without impacting safety.”⁶

Existing paragraph (b) of § 229.73 specifies that the maximum variation in the diameter between any two wheel sets on different trucks on a locomotive that has three-powered-axle trucks may not exceed 1¼ inches. This final rule separates the existing requirement in current paragraph (b) into new paragraphs (b)(1) and (2), generally continuing the current 1¼-inch maximum variation for wheel sets on, for example, older locomotives equipped with direct current (DC) traction motors. This final rule adds a new paragraph (b)(3), generally allowing a 1½-inch maximum variation for wheel sets on newer locomotives equipped with AC traction motors that utilize individual truck or single axle control technology. New paragraph (b)(3) eliminates the wheel set variation requirement of this section for wheel

sets on non-powered axles on locomotives equipped with AC traction motors that utilize individual truck or single axle control technology because FRA does not expect wheel variation to have a significant impact on truck dynamics in that case. FRA modified the final rule text from the NPRM to simplify the language and address a potential regulatory gap in the proposed framework.

Specifically, FRA decided not to include the proposed reference to DC traction motors in paragraph (b) in this final rule. The revised language is intended to help clarify that the existing requirement (*i.e.*, the default 1¼-inch maximum variation)—now in paragraphs (b)(1) and (2)—continues to apply to wheel sets in general, unless the wheel sets meet the criteria in new paragraph (b)(3).

In its comments, ASLRRA offers support for this regulatory change and states that it “agrees with FRA that this proposal would better accommodate new technology while maintaining current levels of safety.” In addition, ASLRRA notes that short line railroads expect the change to “save a tremendous amount of time and additional wheel cuts on 24-wheel sets in the industry's new fleets of AC traction systems.”

In its comments, BLET opposes this rulemaking and UP's 2019 petition for rulemaking. BLET expresses concerns about the potential risks associated with excessive wheel size variation. For example, BLET states that uneven weight distribution on the trucks can cause an uneven load and increase the risk of derailment simply due to the difference in wheel diameters, and that can lead to more wheel slip as there may be fewer contact points with the rail. BLET states they have seen documentation from manufacturers recommending less than one inch of variation in wheel diameters, in contrast to UP's proposed 1½ inches. BLET expresses interest in the safety studies UP, other Class I railroads, or FRA, conducted to support an increase in wheel diameter variation beyond what the manufacturer recommended. BLET indicates its members believe the current practice at multiple railroads is for AC locomotives to have a smaller variation in wheel diameter than DC locomotives.

In its respective comments, the IAM Union and TTD assert that FRA's existing limit of 1¼ inches reflects sound engineering practice and remains necessary for safe operation, and raising the limit to 1½ inches or eliminating it for non-powered axles introduces additional mechanical risk, contravenes

¹ <https://www.regulations.gov/comment/FRA-2025-0126-0007>.

² <https://www.regulations.gov/comment/FRA-2025-0126-0005>.

³ <https://www.regulations.gov/comment/FRA-2025-0126-0003>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0126-0004>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0126-0006>.

⁶ UP's petition for rulemaking is available in Docket No. FRA–2025–0126 at <https://www.regulations.gov/document/FRA-2025-0126-0002>.

manufacturer specifications, and lacks evidentiary justification.

FRA notes that Appendices A and B to UP's petition for rulemaking include a white paper and presentation by General Electric (GE), the original equipment manufacturer (OEM). The document in Appendix A to UP's petition is titled, "Expanding the limits of CFR 49 Part 229.73 Wheel Sets for GE AC Traction Single Axle Locomotives (AC4400CW, ES44AC, ET44AC models)," and it supports the expanded wheel diameter variation in this final rule, based on a detailed technical analysis.⁷ GE presented various simulations of extreme curving examples and concluded that the derailment coefficients (L/V),⁸ after increasing the wheel diameter difference from $\frac{3}{4}$ of an inch to $1\frac{1}{2}$ inches, were still within FRA's Vehicle/Track Interaction Safety Limits for GE AC locomotives with individual axle control.⁹ It is not clear what documentation from other manufacturers BLET, the IAM Union, and TTD are referencing in their comments, and it is possible that documentation refers to the existing standards regarding DC-powered locomotives, which are still applicable and are not rescinded in this rulemaking.

IAM Union asserts that increasing the permissible wheel size variation to $1\frac{1}{2}$ inches disregards operational hazards, involving truck dynamics, bearing and gearbox stress, wheel wear, and adhesion and control systems, as further described in its comments.¹⁰ FRA disagrees that the amendment to 49 CFR 229.73(b) will amplify side-to-side imbalance, as IAM Union and TTD contend because the amendment does not modify the standard for wheel diameters on the same axle. Furthermore, FRA does not understand IAM Union's argument about bearing and gearbox stress because the diameter of the wheel has no bearing on lateral tolerances. IAM Union presents no data that the regulatory amendment will create more wear, rather than less wear and unnecessary wheel truing, as presented in GE's white paper. The only indication in GE's white paper that the

expanded wheel diameter variation could cause instability is if the smallest wheelset is the lead wheelset, and the general practice is never to place the smallest wheelset in the lead position.

In its comments, SMART-TD urges FRA to withdraw the proposal and reinstate the Railroad Safety Advisory Committee (RSAC) to provide a rigorous safety analysis on this subject. FRA appreciates SMART-TD's support in general for RSAC and agrees that RSAC may be the appropriate forum for the agency's various stakeholders to exchange information about certain issues relating to the safety of rail operations in the future.

In its comments, SMART-TD highlights that FRA acknowledged in the NPRM that excessive wheel size variation poses risks to wheel slip, truck dynamics, and ultimately derailment potential. SMART-TD contends that those risks do not disappear simply because newer locomotives are equipped with AC traction motors, stating that allowing greater tolerance in wheel set variation will increase lateral forces, create more vibration, and cause greater truck instability. According to SMART-TD, this instability translates directly into a rougher ride in the locomotive cab, amplifying shocks and lateral motion that its members endure for long hours on duty.

FRA disagrees with SMART-TD's comment because it fails to consider the safety benefit of axle control technology on wheel slip and truck dynamics. Section 229.73(b)(3) in this final rule permits increased wheel variation for only wheel sets "on locomotives equipped with alternating current traction motors that utilize individual truck or single axle control technology." As explained in GE's white paper, the axle control technology mitigates any safety risks caused by the small increase in wheel size variation permitted in this final rule. GE asserts that its traction "locomotives with individual axle control utilize a wheel slip control system which includes one speed sensor per traction motor. Each traction motor is powered by an exclusive inverter which applies a frequency and voltage appropriate for the wheel diameter and vehicle speed."¹¹ GE explains further that the "inverter for each axle regulates tractive effort regardless of the other axles so variation in axle to axle wheel diameters do not result in tractive effort or current imbalance risk nor a shift in the thermal duty toward any traction motors due to its axle's wheel diameter."¹²

FRA's Motive Power and Equipment (MP&E) Compliance Manual reiterates that § 229.73, *Wheel sets*, applies only to three-powered-axle trucks.¹³ FRA's MP&E Compliance Manual also acknowledges that the wheel slip control system brings into play either manual sanding by the engineer or automatic sanding triggered as the response to arrest the wheel slip, and in either case, sanding may substantially increase the ratio of lateral to vertical forces creating a derailment possibility. However, GE maintains that "variation in axle to axle wheel diameters do not impair the wheel slip control system nor influence the automatic sanding in a manner which would increase the use of this sand." FRA believes this also would not influence the ratio of lateral to vertical forces. FRA continues to rely on GE's analysis and is adopting the rule text as proposed.

SMART-TD's comment also asserts that increases to lateral forces, vibration, and truck instability will result in a rougher ride, but does not provide any details showing how, or to what extent, these changes will occur, or explain how any such changes would impact safety or result in noncompliance with current safety regulations. FRA expects that any increase in lateral forces, vibration, or truck instability will be consistent with current levels of railroad safety and is adopting the rule text as proposed.

In its comments, TTD echoes the comments from BLET, the IAM Union, and SMART-TD, including opposing the rulemaking and requesting that FRA withdraw the NPRM. In TTD's view, to increase variation in wheel set diameter is arbitrary and not based on practical applications in railroading. TTD argues that FRA has not provided test data, peer-reviewed studies, or operational safety analyses demonstrating that the proposed increase to a $1\frac{1}{2}$ -inch wheel diameter variation poses no additional risk.

Generally, excessive wheel size variation is a safety concern due to the potential impact on wheel slip and truck dynamics. For older locomotives equipped with DC traction motors, excessive wheel size variation causes current imbalance and triggers wheel slip corrections, including unnecessary sanding, removing tractive effort, and removing power. These corrections can have adverse effects on the equipment and efficiency of operations but are necessary to prevent more serious safety

⁷ GE, FRA Part 229.73 Waiver, For GE North American Locomotives, White Paper, available at <https://www.regulations.gov/document/FRA-2025-0126-0002>.

⁸ The L/V ratio is the numerical ratio of lateral (L) load applied at a point on the rail to the vertical (V) load applied at that same point.

⁹ FRA's Vehicle/Track Interaction Safety Limits are listed in 49 CFR 213.333.

¹⁰ Similarly, TTD states a quarter-inch expansion beyond the existing limit amplifies side-to-side imbalance, reducing suspension effectiveness and increasing derailment risk.

¹¹ GE White Paper at 18.

¹² *Id.* at 20.

¹³ Federal Railroad Administration, Motive Power and Equipment Compliance Manual (July 2012), available at <https://railroads.dot.gov/sites/fra.dot.gov/files/2020-05/MPEComplianceManual2013.pdf>.

hazards like damage to the rail (e.g., rail burn) that can lead to rail failure. Newer locomotives equipped with AC traction motors utilize single axle control technology to apply voltage and control current more precisely to each wheel set based on operating conditions. As such, the AC traction motors function as an independent wheel slip correction system that does not use wheel size variation as a trigger for correction.

Despite the improvements to prevent wheel slip, wheel sets on locomotives equipped with AC traction motors still need to minimize wheel size variation to help maintain proper truck dynamics. Excessive wheel size variation can decrease the effectiveness of weight distribution from corresponding trucks, and the trucks' inability to help absorb the impact of a shifting load could lead to a derailment.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹⁴ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA has considered the potential costs and benefits of this final rule. This final rule amends FRA's locomotive safety regulations to expand the maximum permitted variation in diameter for wheel sets using alternating current technology. FRA expects that this final rule will result in cost savings to the industry as it will increase a maximum threshold for certain locomotives under 49 CFR 229.73(b) due to innovations in traction motor control. This will, in turn, result in a reduction of locomotive out-of-service time and increased wheel life without impacting safety. The increased allowable variation will help reduce the regulatory burden on the railroad industry while maintaining proper truck dynamics. FRA does not anticipate any costs associated with this final rule.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."¹⁵ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹⁶

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This final rule is expected to have total costs less than zero, and therefore, it is considered an E.O. 14192 deregulatory action upon issuance of this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Fairness Act of 1996,¹⁷ requires a Federal agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions).

Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses. 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 government jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

In the NPRM, FRA certified that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received on this certification.

This final rule will not preclude small entities from continuing practices that comply with part 229; it merely offers flexibilities that will result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this

regulatory relief, many regulated entities, including small entities, will experience benefits. FRA does not expect these impacts to be significant. Consequently, FRA holds to its previous certification that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it does not impose any new information collection requirements or modify any existing information collection requirements. Therefore, an information collection submission to OMB is not required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any "significant

¹⁴ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

¹⁵ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065-9067 (Feb. 6, 2025).

¹⁶ Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation," Memorandum M-25-20 (Mar. 26, 2025).

¹⁷ Public Law 104-121, 110 Stat. 857 (Mar. 29, 1996).

energy action.”¹⁸ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 229 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 229.73 by revising paragraph (b) to read as follows:

§ 229.73 Wheel sets.

* * * * *

(b) The maximum variation in the diameter between any two wheel sets (the average diameter of the two wheels on an axle) shall not exceed the following:

(1) Within the same three-powered-axle truck, $\frac{3}{4}$ inch, except that when shims are used at the journal box springs to compensate for wheel diameter variation, the maximum variation may not exceed $1\frac{1}{4}$ inches.

(2) On different trucks on a locomotive that has three-powered-axle trucks, $1\frac{1}{4}$ inches.

(3) For powered axles on locomotives equipped with alternating current traction motors that utilize individual truck or single axle control technology, $1\frac{1}{2}$ inches, with or without shims. For non-powered axles in the middle of two powered axles, this paragraph (b) does not apply.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,

Administrator.

[FR Doc. 2026–17788 Filed 8–28–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 229, 232, and 238

[Docket No. FRA–2025–0130]

RIN 2130–AD24

Amendments to Brake System Maintenance and Inspection Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends mechanical equipment safety standards related to brake inspections for passenger and freight rail equipment and incorporates longstanding waivers for locomotive brake system maintenance and inspection requirements. The amendments are consistent with the mandates of the Infrastructure Investment and Jobs Act (IIJA), which require FRA to review and analyze certain longstanding waivers to determine whether incorporating the waivers into FRA’s regulations is justified, and Executive Order 14219, *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency”* *Deregulatory Initiative*.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Gary Fairbanks, Staff Director, Motive Power & Equipment Division, FRA, telephone: (202) 230–9594, email: Gary.Fairbanks@dot.gov; or James M. Mecone, Senior Attorney Adviser, Office of the Chief Counsel, FRA, telephone: (202) 380–5324, email: James.Mecone@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency”* *Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) to update brake maintenance and inspection requirements contained in 49 CFR parts 229, 232, and 238 by codifying certain waivers to make permanent the safety benefits of these waivers and eliminate uncertainty about potential extensions. 90 FR 28660 (July 1, 2025).

FRA received ten comments in response to the NPRM. Sonoma Marin Area Rail Transit,¹ the Commuter Rail Coalition (CRC),² the American Short Line and Regional Railroad Association (ASLRRA),³ and BNSF Railway Company (BNSF)⁴ commented in support of the proposed rule, acknowledging that: codification of the provisions reflects years of equipment testing that demonstrates improved safety and reliability under the waivers; advancements in brake technology reduce the opportunities for development of the types of contaminants that presented reliability challenges for early generation brake valves; and the proposed rule reduces uncertainty and provides cost savings to railroads through the elimination of waiver applications required for railroads to continue utilizing safe and efficient industry standards.

¹ <https://www.regulations.gov/comment/FRA-2025-0130-0009>.

² <https://www.regulations.gov/comment/FRA-2025-0130-0007>.

³ <https://www.regulations.gov/comment/FRA-2025-0130-0010>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0130-0011>.

¹⁸ 66 FR 28355 (May 22, 2001).

The Brotherhood of Locomotive Engineers and Trainmen (BLET),⁵ the Transportation Trades Department, AFL-CIO (TTD),⁶ the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD),⁷ and the Brotherhood Railway Carmen Division of the Transportation Communications Union and IAM District 19 (BRC)⁸ filed comments in opposition to the proposed rule. BLET focused its opposition on (1) the proposed extension of the air flow method (AFM) indicator calibration interval from 92 days to 184 days; and (2) the proposed extension of the periodic brake system inspection period interval for electronic air brake (EAB) systems manufactured by New York Air Brake (NYAB) and Wabtec from 1,472 days to 3,680 days, based on BLET's assertion that there is insufficient data and labor input to support the safety of these interval extensions and BLET's allegation of a reduced inspection capability for the railroad industry. BLET also expressed concerns about the proposed removal of requirements to record the date of AFM indicator calibration on Form FRA F 6180-49A (the blue card), citing an alleged lack of alternate or redundant methods for air pressure measurement on trains without an end-of-train (EOT) device and the lack of self-calibration capability for AFM indicators with needle gauges.

In addition, TTD commented that the proposed rule faced an insufficient level of scrutiny from Federal transportation advisory committees, and TTD and SMART-TD objected to the advancement of the proposed rule without approval by a Federal transportation committee like the Railroad Safety Advisory Committee (RSAC). Further, SMART-TD asserted that the use of longer, heavier, and faster trains justifies more frequent maintenance and inspection, and reduced maintenance and inspection intervals, and BRC alleged that, even under current maintenance and inspection intervals, brake systems sustain a number of defects that require repair for proper functioning of the brake system.

Multiple other commenters suggested revisions to the proposed rule. The American Public Transportation

Association (APTA)⁹ and CRC contended that many locomotives have no capability to self-test the condition of an EAB system, and that the cost analysis in the NPRM failed to account for the increased cost of retrofitting these locomotives with a self-test feature. To address the issue, APTA proposed a revision that limits the applicability of the self-testing requirements to locomotives that possess a self-test feature, and CRC proposed permitting compliance through testing methods other than self-testing. CRC also requested that FRA consider an established process for more efficient review and approval of new brake system design variants without the need for a special approval or waiver. Finally, BNSF suggested revising proposed § 232.205(c)(1)(iii) to reflect language recommended by the test waiver committee¹⁰ on August 28, 2025, and NYAB suggested replacing “EE-26 (26-C emulation brake system)” with “EP-60/26 Electro-Pneumatic Brake System” in proposed § 238.309(d).

FRA appreciates support for RSAC from TTD and SMART-TD and agrees that RSAC is often a useful forum for the agency's various stakeholders to exchange information relating to the safety of rail operations. However, FRA notes that the proposed rule, including the proposed maintenance interval extensions, reflects the conditions of longstanding waivers—waivers that have been in place for approximately 15 years and have been subject to extensive scrutiny and testing. Further, test committees organized similar to RSAC working groups, comprised of labor organizations,¹¹ industry, and government representatives, performed oversight of these waivers and collected and reviewed data over a 15-year period. For example, over a 12-year period, one test committee tested six locomotives and disassembled two locomotives' air brake systems every six months and examined the brake system components for degradation and loss of functionality. Representatives of labor organizations and brake system manufacturers observed and participated in these inspections, and, as part of the test committee process, had an opportunity to object to continuation of the waivers and the extended inspection intervals based on

the results of these inspections and other data collected by each test committee. During each test committee meeting, committee members had the opportunity to discuss the results of the inspections conducted and the testing only progressed to next interval if consensus was reached among all participating test committee members.

FRA also notes that other comments presented by the labor organizations appear to overlook technological advancements and the benefits of distributed power, particularly as they apply to longer, heavier, and faster trains, and also the current, and continuing, presence of an AFM indicator calibration recording requirement for Form FRA F 6180-49A (the blue card) in § 232.205(c)(1)(iv) and the existing process addressing the introduction of new brake system technology in part 232, subpart F. The comments also provide a generic list of potential brake defects without offering any specific instances of significant brake defects discovered on equipment operated under the current, longer maintenance and inspection intervals.

With respect to comments Industry members raised about the application of self-testing requirements, the NPRM states repeatedly that the self-testing requirements of §§ 229.205 and 238.307 would apply only to equipment with EAB systems, which, in most cases, include a self-diagnostic capability. FRA is adopting this approach in the final rule but welcomes interested parties to approach FRA, on a case-by-case basis, should they have questions or concerns about application of the rule to any exceptional equipment with EAB systems that do not have self-diagnostic capability.

In response to BNSF's comments, FRA is incorporating the test waiver committee's recommended language for § 232.205(c)(1)(iii), finding that this language provides clarification, and avoids potential confusion, without impacting the intended purposes of the regulatory revision.

Finally, concerning the proposal to replace “EE-26 (26-C emulation brake system)” with “EP-60/26 Electro-Pneumatic Brake System” in proposed § 238.309(d), FRA notes that the current reference (EE-26) is broader and more inclusive, and encompasses the EP-60/26 Electro-Pneumatic Brake System. Passenger electronically controlled pneumatic (ECP) braking is an emerging technology; as future hardware is developed FRA will consider providing a list of the brake valves covered by § 238.309(d).

⁵ <https://www.regulations.gov/comment/FRA-2025-0130-0003>.

⁶ <https://www.regulations.gov/comment/FRA-2025-0130-0006>.

⁷ <https://www.regulations.gov/comment/FRA-2025-0130-0008>.

⁸ <https://www.regulations.gov/comment/FRA-2025-0130-0004>.

⁹ <https://www.regulations.gov/comment/FRA-2025-0130-0005>.

¹⁰ <https://www.regulations.gov/document/FRA-2016-0086-0044>. Conditions 2, 6, 9, and 10 outline the functions of the test committee.

¹¹ At least 15 individuals representing BLET, TTD, and other labor organizations served as members of the test committee.

II. Section-by-Section Analysis

Part 229—Locomotive Safety Standards

Section 229.5 Definitions

In this final rule, FRA is adding the abbreviation “EAB” to the existing definition of “electronic air brake” in part 229 for consistency with the adoption of this same definition in parts 232 and 238, as proposed in the NPRM. The definition is intended to be identical in each of these CFR Parts.

Section 229.29 Air Brake System Calibration, Maintenance, and Testing

With one exception, FRA has adopted the rule text as proposed in the NPRM without substantive change. The one exception is the addition of paragraph (h) to § 229.29. That paragraph, consistent with paragraphs (f) and (g), reflects a critical condition of the existing waiver, requiring the execution and passing of a self-test of all EAB systems as part of a locomotive’s periodic mechanical inspection. This new paragraph (h) is consistent with paragraph (b)(1) of § 229.29 proposed in the NPRM and adopted in this final rule and paragraph (d)(4) of § 238.307 proposed in the NPRM and adopted in this final rule. Accordingly, please refer to the discussion of this section in the NPRM’s Section-by-Section Analysis. 90 FR 28660, 28661.

Part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices

Section 232.205 Class I Brake Test-Initial Terminal Inspection

The test committee for the AFM waiver (Docket No. FRA–2016–0086) met on August 28, 2025, and by consensus, voted to support the proposed rule change with a clarification that an AFM must be “verified” and a digital AFM must also have “auto calibrating functionality” to extend to 184 days between mandatory inspections.¹² The additional wording was proposed to ensure that, to receive 184-day consideration, a digital AFM must be equipped to the latest standard calibration software, as was developed through the test committee. FRA accepts the modifications proposed by the test committee in whole.

Part 238—Passenger Equipment Safety Standards

Section 238.307 Periodic Mechanical Inspection of Passenger Cars and Unpowered Vehicles Used in Passenger Trains

FRA has adopted the rule text as proposed in the NPRM without substantive change, making only conforming changes to this section’s punctuation due to the addition of new paragraph (d). Please refer to the discussion of this section in the NPRM’s Section-by-Section Analysis. 90 FR 28660, 28661–28662.

Section 238.309 Periodic Brake Equipment Maintenance

FRA has adopted the rule text as proposed in the NPRM without substantive change. Accordingly, please refer to the discussion of this section in the NPRM’s Section-by-Section Analysis. 90 FR 28660, 28662–28663.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹³ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA expects that this final rule will result in cost savings to the industry as it will codify longstanding waivers and save railroads the need to submit waiver petitions (and repeated requests for extensions of those waivers every five years) to FRA for continued relief of various applicable regulations. It will likewise eliminate the burden on the Federal Government to review the individual waiver petitions and extension requests. This final rule will also provide clarity to railroads regarding regulatory maintenance and inspection requirements.

¹³ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹⁴ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹⁵

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule will have total costs less than zero and therefore is considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

In the NPRM, FRA certified that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received on this certification.

This final rule will not preclude small entities from continuing practices that comply with parts 229, 232, or 238; it merely offers flexibilities that will result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. By extending this regulatory relief, many regulated entities, including small entities, will

¹⁴ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹⁵ Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.” Memorandum M–25–20, (Mar. 26, 2025).

¹⁶ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

¹² https://downloads.regulations.gov/FRA-2016-0086-0046/attachment_1.pdf.

experience benefits. FRA does not expect these impacts to be significant. Consequently, FRA holds to its previous certification that the final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it contains no new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520); therefore, an information collection submission to OMB is not required.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹⁷ FRA has evaluated

this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination With Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects

49 CFR Part 229

Locomotives, Railroad safety, Remote control locomotives.

49 CFR Part 232

Power brakes, Railroad safety, Securement, Two-way end-of-train devices.

49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends parts 229, 232, and 238 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 229.5 by revising the definition of “Electronic air brake” to read as follows:

§ 229.5 Definitions.

* * * * *

Electronic air brake (EAB) means a brake system controlled by a computer which provides the means for control of the locomotive brakes or train brakes or both.

* * * * *

■ 3. Revise and republish § 229.29 to read as follows:

§ 229.29 Air brake system calibration, maintenance, and testing.

(a) A locomotive’s air brake system shall receive the calibration, maintenance, and testing as prescribed in this section. The level of maintenance and testing and the intervals for receiving such maintenance and testing of locomotives with various types of air brake systems shall be conducted in accordance with paragraphs (c) through (e) of this section. Records of the maintenance and testing required in this section shall be maintained in accordance with paragraph (h) of this section.

(b) Except for DMU or MU locomotives covered under § 238.309 of this chapter, the extent of air brake system maintenance and testing that is required on a locomotive shall be in accordance with the following levels:

(1) *Level one.* Locomotives shall have the filtering devices or dirt collectors located in the main reservoir supply line to the air brake system cleaned, repaired, or replaced. Locomotives equipped with EAB control valves must execute and pass a self-test of the operational health of the brake system.

(2) *Level two.* Locomotives shall have the following components cleaned, repaired, and tested: brake cylinder relay valve portions; main reservoir safety valves; brake pipe vent valve portions; and feed and reducing valve portions in the air brake system (including related dirt collectors and filters).

(3) *Level three.* Locomotives shall have the components identified in this paragraph removed from the locomotive and disassembled, cleaned and lubricated (if necessary), and tested. In addition, all parts of such components

¹⁷ 66 FR 28355 (May 22, 2001).

that can deteriorate within the inspection interval as defined in paragraphs (c) through (e) of this section shall be replaced and tested. The components include: all pneumatic components of the locomotive equipment's brake system that contain moving parts and are sealed against air leaks; all valves and valve portions; electric-pneumatic master controllers in the air brake system; and all air brake related filters and dirt collectors.

(c) Except for MU locomotives covered under § 238.309 of this chapter, all locomotives shall receive level one air brake maintenance and testing as described in this section at intervals that do not exceed 368 days.

(d) Locomotives equipped with an air brake system not specifically identified in paragraphs (e)(1) through (6) of this section shall receive level two air brake maintenance and testing as described in this section at intervals that do not exceed 368 days, and level three air brake maintenance and testing at intervals that do not exceed 736 days.

(e) Level two and level three air brake maintenance and testing shall be performed on each locomotive identified in this paragraph in accordance with the following:

(1) At intervals that do not exceed 1,104 days for locomotives equipped with PS-68, 26-C, 26-L, PS-90, CS-1, RT-2, RT-5A, GRB-1, CS-2, or 26-R brake systems (26 type brake systems) (This listing of brake system types is intended to subsume all brake systems using 26 type, 6N, MC30, ABD, or ABDW control valves and PS68, PS-90, 26B-1, 26C, 26CE, 26-B1, 30CDW, or 30ECDW engineer's brake valves.);

(2) At intervals that do not exceed 1,472 days for locomotives equipped with an air dryer and a 26 type brake system and for locomotives not equipped with an air compressor and that are semi-permanently coupled and dedicated to locomotives with an air dryer;

(3) At intervals that do not exceed 1,840 days for locomotives equipped with KB-HL1, KB-HS1, or EPIC 1 (formerly EPIC 3102) brake systems;

(4) At intervals that do not exceed 2,944 days for locomotives equipped with EPIC 3102(D2) or EPIC 2 brake systems;

(5) At intervals that do not exceed 3,128 days for locomotives equipped with CCB-1 brake systems; or

(6) At intervals that do not exceed 3,680 days for locomotives equipped with CT-1, CCB-26, or Fastbrake brake systems.

(f) All systems for the discharge or removal of moisture, such as automatic

drain valves and air dryers, must be maintained to function as intended.

(g) The air compressor (if equipped) must be maintained to function as intended with emphasis on detection and elimination of oil contamination of the main reservoir air.

(h) For locomotives equipped with an EAB system, a self-test of the operational health of the brake system must be performed and successfully passed as part of the periodic mechanical inspection.

(i) Records of the air brake system maintenance and testing required by this section shall be generated and maintained in accordance with the following:

(1) The date and place of the cleaning, repairing and testing required by this section shall be recorded on Form FRA F 6180-49A, and the work shall be certified. A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the railroad's files or in the cab of the locomotive.

(2) At its option, a railroad may fragment the work required by this section. In that event, a separate record shall be maintained under a transparent cover in the cab. The air record shall include: the locomotive number; a list of the air brake components; and the date and place of the inspection and testing of each component. The signature or unique employee identifier of the person performing the work and the signature or unique employee identifier of that person's supervisor shall be included for each component. A duplicate record shall be maintained in the railroad's files.

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

■ 4. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102-20103, 20107, 20133, 20141, 20301-20303, 20306, 21301-20302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 5. Amend § 232.5 by adding, in alphabetical order, the definition of "Electronic air brake (EAB)" to read as follows:

§ 232.5 Definitions.

Electronic air brake (EAB) means a brake system controlled by a computer which provides the means for control of the locomotive brakes or train brakes or both.

* * * * *

■ 6. Amend § 232.205 by revising paragraph (c)(1)(iii) to read as follows:

§ 232.205 Class I brake test-initial terminal inspection.

* * * * *

(c) * * *

(1) * * *

(iii) AFM indicators must be accurate to within ± 3 standard cubic feet per minute (CFM) at 60 CFM air flow. An analog AFM indicator must be verified for accuracy at periodic intervals not to exceed 92 days. A digital AFM indicator with auto-calibrating functionality must be verified for accuracy at periodic intervals not to exceed 184 days. Any AFM indicator found out of tolerance must be calibrated. AFM indicators and all test orifices must be calibrated at temperatures of not less than 20 °F.

* * * * *

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 7. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302-20303, 20306, 20701-20702, 21301-21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 8. Amend § 238.5 by adding, in alphabetical order, the definition of "Electronic air brake (EAB)" to read as follows:

§ 238.5 Definitions.

* * * * *

Electronic air brake (EAB) means a brake system controlled by a computer which provides the means for control of the locomotive brakes or train brakes or both.

* * * * *

■ 9. Amend § 238.307 by adding paragraph (d)(4) to read as follows:

§ 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains.

* * * * *

(d) * * *

(4) For passenger equipment equipped with an EAB system, a self-test of the operational health of the brake system must be performed and successfully passed as part of the periodic mechanical inspection.

* * * * *

■ 10. Amend § 238.309 by:

■ a. Revising paragraphs (b), (d), and (e);

■ b. Redesignating paragraph (f) as paragraph (h);

■ c. Adding a new paragraph (f) and paragraph (g); and

■ d. Revising newly redesignated paragraph (h).

The revisions and additions read as follows:

§ 238.309 Periodic brake equipment maintenance.

* * * * *

(b) *DMU and MU locomotives.* The brake equipment and brake cylinders of each DMU or MU locomotive shall be cleaned, repaired, and tested, and the filtering devices or dirt collectors located in the main reservoir supply line to the air brake system cleaned, repaired, or replaced in accordance with the following schedule:

(1) At intervals that do not exceed 736 days if the DMU or MU locomotive is part of a fleet that is not 100 percent equipped with air dryers;

(2) At intervals that do not exceed 1,104 days if the DMU or MU locomotive is part of a fleet that is 100 percent equipped with air dryers and is equipped with a brake system not listed in paragraphs (b)(3) through (7) of this section;

(3) At intervals that do not exceed 1,472 days if the DMU or MU locomotive is part of a fleet that is 100 percent equipped with air dryers and is equipped with a PS-68, 26-C, 26-L, PS-90, CS-1, RT-2, RT-5A, GRB-1, CS-2, or 26-R brake system (26 type brake system) (This listing of brake system types is intended to subsume all brake systems using 26 type, 6N, MC30, ABD, or ABDW control valves and PS68, PS-90, 26B-1, 26C, 26CE, 26-B1, 30CDW, or 30ECDW engineer's brake valves.);

(4) At intervals that do not exceed 1,840 days if the DMU or MU locomotive is equipped with a KB-HL1, KB-HS1, or EPIC 1 (formerly EPIC 3102) brake system;

(5) At intervals that do not exceed 2,944 days if the DMU or MU locomotive is equipped with an EPIC 3102(D2) or EPIC 2 brake system;

(6) At intervals that do not exceed 3,128 days if the DMU or MU locomotive is equipped with a CCB-1 brake system; or

(7) At intervals that do not exceed 3,680 days if the DMU or MU locomotive is equipped with a CT-1, CCB-2, CCB-26, or Fastbrake brake system.

* * * * *

(d) *Passenger coaches and other unpowered vehicles.* The brake equipment on each passenger coach and each unpowered vehicle used in a passenger train shall be cleaned, repaired, and tested in accordance with following schedule:

(1) At intervals that do not exceed 1,104 days for a coach or vehicle equipped with a brake system not

specifically identified in paragraphs (d)(2) through (4) of this section;

(2) At intervals that do not exceed 1,472 days for a coach or vehicle equipped with a 26 type brake system listed in paragraph (b)(3) of this section or equivalent brake system;

(3) At intervals that do not exceed 2,208 days for a coach or vehicle equipped with an AB type brake system;

(4) At intervals that do not exceed 2,944 days for a coach or vehicle equipped with EE-26 (26-C emulation brake system) or any locomotive EAB control valve listed in paragraphs (b)(5) through (7) of this section when used for brake cylinder control only; or

(5) At intervals that do not exceed 3,680 days for a coach or vehicle equipped with EE-26 (26-C emulation brake system), or any locomotive EAB control valve listed in paragraphs (b)(5) through (7) of this section when used for brake cylinder control only and operated in a fleet where continuous brake operational health information is displayed to the train operator.

(e) *Cab cars.* The brake equipment of each cab car shall be cleaned, repaired, and tested in accordance with the following schedule:

(1) At intervals that do not exceed 736 days for all types of a cab car brake system not specifically identified in paragraphs (e)(2) through (6) of this section;

(2) At intervals that do not exceed 1,472 days for a cab car brake system equipped with 26 type brake valves listed in paragraph (b)(3) of this section;

(3) At intervals that do not exceed 1,840 days for a cab car equipped with a KB-HL1, KB-HS1, KB-CT1, or EPIC 1 (formerly EPIC 3102) brake system;

(4) At intervals that do not exceed 2,944 days for a cab car equipped with an EPIC 3102(D2) or EPIC 2 brake system;

(5) At intervals that do not exceed 3,128 days for a cab car equipped with a CCB-1 brake system; or

(6) At intervals that do not exceed 3,680 days for a cab car equipped with a CT-1, CCB-2, CCB-26, or Fastbrake brake system.

(f) *Moisture discharge or removal system maintenance.* Automatic drain valve and air dryer maintenance. All systems for the discharge or removal of moisture, such as automatic drain valves and air dryers, must be maintained to function as intended.

(g) *Air compressor maintenance.* The air compressor (if equipped) must be maintained to function as intended with emphasis on detection and elimination of oil contamination of the main reservoir air.

(h) *Records of periodic maintenance.*

(1) The date and place of the cleaning, repairing, and testing required by this section shall be recorded on Form FRA 6180-49A or a similar form developed by the railroad containing the same information, and the person performing the work and that person's supervisor shall sign or mark the form with a unique employee identifier, if possible. Alternatively, the railroad may stencil the vehicle with the date and place of the cleaning, repairing, and testing and maintain an electronic record of the person performing the work and that person's supervisor.

(2) A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the railroad's files, the cab of the locomotive, or a designated location in the passenger car until the next such periodic test is performed.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

[FR Doc. 2026-17784 Filed 8-28-26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 232

[Docket No. FRA-2025-0127]

RIN 2130-AD51

Permitting Use of Computer-Based, Three-Dimensional Simulation for Periodic Refresher Training on Brake Systems

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule permits railroads to use a simulation that is instructor-led, computer-based, and three-dimensional (3D) to satisfy the hands-on portion of periodic refresher training under FRA's brake system training requirements, consistent with waivers FRA has granted to date. This computer-based 3D simulation training can provide employees with randomized scenarios that may not be readily available for hands-on training and facilitate real-time feedback on performance of duties.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Check Kam, Mechanical Engineer, Office of Railroad Safety, FRA, telephone: (202) 366-2139, email:

Check.Kam@dot.gov; or Elizabeth Gross, Attorney Adviser, FRA, email: Elizabeth.Gross@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and updating requirements to reduce unnecessary burdens without compromising transportation safety.

Under 49 CFR part 232, FRA prescribes Federal safety standards for freight and other non-passenger train brake systems and equipment. On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed to allow railroads to use “three-dimensional virtual simulation” to satisfy the hands-on portion of periodic refresher training under FRA’s brake system training requirements, consistent with waivers FRA has granted to date. See 90 FR 28667 (July 1, 2025).

During the comment period that closed on September 2, 2025, FRA received comments from the following six entities: the Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (jointly filed);¹ the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (BLET);² the Brotherhood of Railway Carmen Division (BRC) of the Transportation Communications Union;³ the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART-TD);⁴ and the Transportation Trades Department, AFL-CIO (TTD).⁵ For information on those comments, and FRA’s response, please review the Section-by-Section Analysis below.

II. Section-by-Section Analysis

Section 232.203 Training Requirements

FRA is amending paragraph (b)(8) of this section to permit railroads to use instructor-led, computer-based 3D simulation⁶ to meet the hands-on portion of the periodic refresher training requirement. Such a simulation alone would not be considered sufficient for initial training required by the remainder of this section, which generally requires railroads to adopt and comply with a training, qualification, and designation program for employees who perform brake system inspections, tests, or maintenance. Currently, paragraph (b)(8) of this section specifies, in part, that a railroad’s program must require periodic refresher training that includes classroom and hands-on training. Paragraph (b)(8) further provides that observation and evaluation of actual performance of duties may be used to meet the hands-on training requirement.

In the NPRM, FRA proposed amending paragraph (b)(8) specifically to include “three-dimensional virtual simulation” as another way to meet the hands-on refresher training requirement, in addition to observation and evaluation of actual performance of duties.

Generally, BLET, BRC, SMART-TD, and TTD oppose the rule as proposed, with many of them asserting that computer-based training cannot replace real-world, hands-on training and does not support environmental exposure to unpredictable elements, such as weather or physical and sensory inputs.

BLET asserts that even if the proposal promotes consistent training, it does not assure an equivalent level of quality or educational benefit. BLET also expresses a concern that computer-based training may be rushed, either with completion deadlines or under the threat of discipline, which could lead to a lack of understanding and retention. BLET notes that one Class I railroad did not continually provide feedback during the computer-based refresher training, but only a final score was generated at the end of the training. When discussing its members’ previous experience with computer-based refresher training, BLET underscores the importance of an

instructor’s involvement throughout the training to ensure, for example, interaction with the instructor and transfer of expertise.

In the final rule, FRA adopts its proposal from the NPRM but clarifies that an instructor qualified under 49 CFR part 232 must lead any three-dimensional simulation under paragraph (b)(8). This approach is generally consistent with waivers FRA has previously granted to several Class I railroads,⁷ and FRA alluded in the NPRM to the fact that an instructor would lead the three-dimensional simulation training. For example, in the NPRM, FRA indicated that one of the benefits of three-dimensional simulation training is it facilitates real-time feedback on an employee’s performance of duties. 90 FR 28667–68 (July 1, 2025). FRA agrees with BLET’s position that an instructor’s active involvement is essential to any computer-based training. In addition, in this final rule, FRA is adding the phrase “computer-based” to reflect better the current simulated training being used in accordance with the referenced waivers.

BLET and BRC state that computer-based training should only complement, not replace, hands-on training. According to BRC, brake system work is inherently physical, and a keyboard and mouse cannot provide the same experience as manipulating and inspecting equipment in person. Moreover, BRC notes that virtual training often generalizes brake system features, thus failing to reflect differences between railroads, and does not usually keep up with updated rail car designs. BRC expresses concerns about new hires with no prior field experience being especially vulnerable and about experienced carmen facing “skill atrophy” through primarily virtual training.

SMART-TD and TTD also oppose the NPRM and urge that it be rescinded, as railroading is a physical craft, not a virtual exercise. SMART-TD contends that hands-on training is important because the consequences of incorrect brake inspections or maintenance are catastrophic. According to SMART-TD, virtual tools can serve as supplements, not as adequate substitutes. Similarly, TTD asserts that virtual training cannot replicate hands-on training, including factors like weather conditions or physical and sensory inputs, and brake

¹ <https://www.regulations.gov/comment/FRA-2025-0127-0006>.

² <https://www.regulations.gov/comment/FRA-2025-0127-0003>.

³ <https://www.regulations.gov/comment/FRA-2025-0127-0004>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0127-0002>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0127-0005>.

⁶ FRA is transitioning from the use of “3D virtual simulation” to “computer-based 3D simulation” in this final rule. “Virtual” may be perceived to mean only the higher fidelity immersive virtual reality simulations that require use of head mounted displays and hand controllers, and may exclude the lower fidelity 3D simulations traditionally administered via desktop, laptop, or tablet form. Whereas “computer-based” would be generic enough to include of all 3D simulation types.

⁷ See Docket Nos. FRA–2011–0074 (BNSF Railway (BNSF)); FRA–2018–0100 (Norfolk Southern Railway (NS)); FRA–2020–0001 (Canadian Pacific Railway (CP)); FRA–2020–0008 (CSX Transportation, Inc. (CSX)); and FRA–2020–0087 (Canadian National Railway (CN)) on <https://www.regulations.gov>.

system inspections, tests, and maintenance involve physical work by nature. TTD contends that once virtual training becomes a regulatory standard, the burden will fall on workers to prove why real-world training remains necessary.

In their joint comments on the NPRM, AAR and ASLRRA cite to CSX's 2025 petition to renew its waiver, wherein CSX asserted that "attendees have reiterated their approval of exposing students to scenarios and conditions not easily [] replicated in the real world. . . . To date, there have been zero employees who have elected to opt-out of the detailed air brake simulation."⁸ FRA clarifies that computer-based 3D simulation training under paragraph (b)(8) must be as effective as other "hands-on" training methods under paragraph (b)(8). If any employee fails to demonstrate the requisite knowledge or abilities during any simulation method of refresher training, FRA expects that the railroad will supplement the simulation training with other refresher training that, for example, involves "manipulating and inspecting equipment in person,"⁹ as the labor organizations stated may be necessary for certain employees. FRA expects this approach will help ensure a railroad is providing sufficient, effective refresher training under paragraph (b)(8).

AAR and ASLRRA, on behalf of themselves and their member railroads, submitted comments, supporting the rule as proposed and stating that the use of simulation for refresher training is in the public interest and consistent with railroad safety, based on the waivers FRA has granted to date. AAR and ASLRRA assert that such training allows railroads to provide consistent, step-by-step, and content-based tools that can evaluate knowledge regarding a variety of rail cars and situations. AAR and ASLRRA note that virtual training provides opportunities to include situations in a low-stress environment that cannot be easily replicated in a physical environment without exposing employees to potential injuries in an active work setting.

AAR and ASLRRA assert that simulation training is not new to FRA, which has permitted railroads to use locomotive simulators to test knowledge, examine skills, and monitor locomotive engineer performance for purposes of engineer certification since

1991.¹⁰ Also, they flag that virtual simulation training is not unique to railroading, as it is widely used in the aviation, marine, and trucking sectors.¹¹

AAR and ASLRRA contend that the feedback for railroads' virtual simulation training programs has been "almost uniformly positive across the railroads," evidenced by the experience of some employees expressing more comfort in asking questions and by the receipt of positive feedback, including via exit surveys. Specifically, employee trainees have reported in their exit surveys to railroads, following such training, that they viewed the simulation experience favorably over the traditional means of demonstrating proficiency. Those survey results also indicate that the current and incoming generation of railroad employees connect easily with digital technology and willingly embrace simulations to reinforce existing skills.

FRA's final rule is generally consistent with waivers FRA has granted to several Class I freight railroads to use computer-based 3D simulation to meet the hands-on refresher training requirement.¹² FRA first granted this relief in 2012 in a waiver allowing BNSF to use web- and desktop-based three-dimensional virtual simulation software, called the Air Brake System Virtual Training Environment (ABSVTE), to satisfy the hands-on portion of the periodic refresher training requirement for train, yard, and engine service employees.¹³ Since that time, BNSF reports having provided such virtual refresher training using ABSVTE in over 72,000 training events, representing training provided to over 25,000 employees.

The data collected from that experience, and recent FRA research and analysis, show that the relief as proposed would be consistent with railroad safety and benefit the public interest.¹⁴ FRA has found that web-

based or low-fidelity simulated brake system refresher training effectively encourages knowledge retention, skill transfers, and performance outcomes. Computer-based 3D training also provides students with randomized scenarios that may not be readily available for hands-on training, as well as real-time performance feedback. Computer-based 3D training may also be more consistently applied to all employees and help reduce the risk of hazards or potential injury that may happen in a field training setting. FRA believes that, while the labor organizations raise worthy concerns, this final rule's limitation to refresher training provides adequate mitigation.

Different types of freight equipment move across the nation's rail network, freely interchangeable between railroads. As a result, FRA has found that instructor-led, computer-based 3D simulation provides employees with randomized scenarios on equipment types that may not otherwise be readily available for hands-on training, as well as allows for real-time feedback on employee performance of duties. Computer-based 3D simulation training may also provide for more consistent training across employees and reduce the risk of hazards or potential injury that may occur in a field training setting.

FRA notes that the existing data, including those under a more expanded inclusion of accident cause codes, show a downward trend across most critical safety metrics, including air brake-related accidents and incidents. For instance, operational test data provided by BNSF is consistent with the smaller sample size of data to which FRA had access. Notwithstanding the fact that BNSF used a narrower scope of search criteria that resulted in a slightly more positive accident outcome, FRA finds that the data still indicate safety improvement. Moreover, FRA's accident analysis shows significant improvement when compared to pre-waiver statistics.

In their joint comments, AAR and ASLRRA explain that since the railroads have implemented their simulation training programs, at least one Class I railroad has noted a reduction in certification revocations and brake testing failures. More specifically, AAR and ASLRRA claim the last decade was the safest on record, with virtual simulation being one tool driving accident and employee injury rates down.¹⁵

Literature%20Review%20-%20Web%20Simulator%20and%20Training_0.pdf.

¹⁵ <https://www.regulations.gov/comment/FRA-2025-0127-0006>.

⁸ <https://www.regulations.gov/comment/FRA-2025-0127-0006> (quoting <https://www.regulations.gov/document/FRA-2020-0008-0007>).

⁹ See, e.g., <https://www.regulations.gov/comment/FRA-2025-0127-0004>.

¹⁰ See 56 FR 28254 (June 19, 1991).

¹¹ See, e.g., Federal Aviation Administration, *FAA Continues Rollout of Tower Simulation Systems to Improve Controller Training* (May 13, 2025), available at <https://www.faa.gov/newsroom/faq-continues-rollout-tower-simulation-systems-improve-controller-training> (The Tower Simulation Systems "allow controllers to train for complex airport configurations, develop scenarios that address safety trends, practice runway crossing coordination and rehearse phraseology").

¹² See Docket Nos. FRA-2011-0074, FRA-2018-0100, FRA-2020-0001, FRA-2020-0008, and FRA-2020-0087 on <https://www.regulations.gov>.

¹³ See Letter from FRA to BNSF (Jan. 20, 2012), available at <https://www.regulations.gov/document/FRA-2011-0074-0011>.

¹⁴ See, e.g., Federal Railroad Administration, *Web-based Simulator Training and Skill Transfer: Literature Review* (April 2025), available at <https://railroads.dot.gov/sites/fra.dot.gov/files/2025-04/>

Accordingly, FRA amends § 232.203(b)(8) as proposed to provide railroads the flexibility to use instructor-led, computer-based 3D simulation to meet the hands-on refresher training requirement.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review*, and DOT Regulatory Policies and Procedures.¹⁶ The Office of Information and Regulatory Affairs within Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866. FRA is amending section 232.203(b)(8) to permit railroads to use computer-based 3D simulation to meet the hands-on refresher training requirement for employees who perform brake system inspections, tests, or maintenance.

FRA analyzed the costs and benefits of this final rule, which allows railroads to use computer-based 3D simulation to satisfy the hands-on portion of periodic refresher training for employees who perform brake system inspections, tests, or maintenance. This final rule provides some qualitative benefits as it enables training to become more consistent across employees, provides an alternative method to satisfy the hands-on portion of the periodic refresher training requirement, reduces the risk of potential hazards or injury that may occur in a field training environment, and facilitates real-time feedback on performance of duties. This final rule will result in cost savings for both the railroads and the Government. Through the elimination of submitting waiver requests, railroads will no longer have to allocate time to complete and submit such requests. Railroads will no longer be required to submit waiver requests to be able to use computer-based 3D simulation for hands-on training under section 232.203(b)(8). In addition, the Government will no longer have to allocate the resources to process these waivers. Moreover, all railroads, not just those granted a waiver, will have the

flexibility to use computer-based 3D simulation to satisfy the hands-on portion of the periodic refresher training requirement.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”¹⁷ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.¹⁸

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore, it is considered an E.O. 14192 deregulatory action upon issuance of this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹⁹ requires Federal agencies to consider the effects of the regulatory action on small businesses and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. The regulatory relief provided by this rule will result in cost savings for many regulated entities, including small entities. Consequently, FRA certifies

that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it does not impose any new information collection requirements or modify any existing information collection requirements. Therefore, an information collection submission to OMB is not required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, *Federalism* (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal Governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”²⁰ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final

¹⁶ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

¹⁷ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation* 90 FR 9065–9067 (Feb. 6, 2025).

¹⁸ Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,” Memorandum M–25–20 (Mar. 26, 2025).

¹⁹ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

²⁰ 66 FR 28355 (May 22, 2001).

rule is not a “significant energy action” within the meaning of E.O. 13211.

I. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian Tribal Governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 232

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 232 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

■ 1. The authority citation for part 232 continues to read as follows:

Authority 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 232.203 by revising the second sentence of paragraph (b)(8) to read as follows:

§ 232.203 Training requirements.

* * * * *

(b) * * *

(8) * * * Observation and evaluation of actual performance of duties, or a simulation that is instructor-led, computer-based, and three-dimensional, may be used to meet the “hands-on” portion of this requirement, provided that such testing or training is documented as required in paragraph (e) of this section; and

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,

Administrator.

[FR Doc. 2026–17792 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 534, and 535

[Docket No. NHTSA–2026–1948]

Resetting NHTSA’s Fuel Economy Program: Commercial Medium- and Heavy-Duty On-Highway Vehicles and Work Trucks

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Interpretive rule.

SUMMARY: The National Highway Traffic Safety Administration is issuing this interpretive rule regarding the scope of its authority to set fuel economy standards for commercial medium- and heavy-duty on-highway vehicles and work trucks. This rule describes NHTSA’s authority to set vehicle standards, which does not include the authority to set separate standards for engines. NHTSA will review its existing standards applicable to commercial medium- and heavy-duty on-highway vehicles and work trucks for consistency with this interpretation in a separate rulemaking. Pending the rulemaking process, NHTSA will exercise its enforcement authority with regard to affected standards in accordance with the interpretation set forth in this rule.

DATES: This interpretive rule is applicable as of August 31, 2026.

FOR FURTHER INFORMATION CONTACT:

Kerry Kolodziej, NHTSA Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W44–308, Washington, DC 20590; email: Kerry.Kolodziej@dot.gov.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) issues this

interpretive rule as part of its comprehensive effort to reset its fuel economy program to comply with the law.¹ NHTSA has reconsidered the scope of its authority to set fuel economy standards for commercial medium- and heavy-duty on-highway vehicles and work trucks. As NHTSA sets forth in this interpretation, the Energy Independence and Security Act of 2007 (EISA) requires NHTSA to set fuel economy standards for medium- and heavy-duty on-highway vehicles and work trucks but did not authorize NHTSA to set standards for engines on a standalone basis. In contrast to the Clean Air Act (CAA), which specifically authorizes EPA to set separate standards for engines, EISA specifically requires NHTSA set standards for vehicles, and authorized separate standards for different classes of vehicles, but did not authorize standalone engine standards. A related decision of the United States Court of Appeals for the District of Columbia Circuit further confirms that NHTSA’s authority was limited to setting vehicle standards.²

This interpretation will help ensure the efficient functioning of the market for these commercial vehicles by limiting regulation to its legally authorized scope. This interpretation will also help ensure that manufacturers have flexibility in how best to meet the standards and needs of their sophisticated commercial customers, who make business decisions that account for their own fuel economy needs. NHTSA will review its regulations for consistency with this interpretation in a separate rulemaking.

I. Statutory Background and Regulatory History

EISA established a statutory requirement for the Secretary of Transportation to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program, commonly known as the MDHD program.³ EISA requires NHTSA, by delegation from the Secretary of Transportation,⁴ to prescribe “average fuel economy standards for . . . work trucks and commercial medium-duty

¹ See, e.g., Interpretive Rule, *Resetting the Corporate Average Fuel Economy Program*, 90 FR 24518 (June 11, 2025).

² This interpretation is not applicable to light-duty vehicles. NHTSA has not established engine standards for light-duty vehicles separate from the CAFE standards, and NHTSA confirms that it does not have statutory authority to do so.

³ The MDHD program encompasses both commercial medium- and heavy-duty on-highway vehicles and work trucks, as defined in EISA. See 49 U.S.C. 32901(a)(7) and (19).

⁴ 49 CFR 1.95(j).

and heavy-duty on-highway vehicles in accordance with subsection (k).”⁵ Subsection (k) requires NHTSA to establish “a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program.”⁶ EISA defines “commercial medium- and heavy-duty on-highway vehicle” as “an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more,” and “work truck” as “a vehicle that—(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and (B) is not a medium-duty passenger vehicle”⁷ Pursuant to these definitions, medium- and heavy-duty on-highway vehicles and work trucks are all “vehicles” with certain specified characteristics.

To inform the fuel efficiency improvement program for these vehicles, EISA instructed the National Academy of Sciences (NAS) to publish a study “evaluating medium-duty and heavy-duty truck fuel economy standards,” including elements such as “an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks.”⁸ After NAS completed its study, the EISA directed NHTSA to “examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and work trucks.”⁹ Among other things, EISA required NHTSA to determine “the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks” and “the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance.”¹⁰

EISA then required NHTSA to “determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement.”¹¹ As part of that program, NHTSA “shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway

vehicles and work trucks.”¹² The statute specifies that NHTSA “may prescribe separate standards for different classes of vehicles under this subsection.”¹³ The statute also requires that “the commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard adopted pursuant to this subsection shall provide not less than—(A) 4 full model years of regulatory lead-time; and (B) 3 full model years of regulatory stability.”¹⁴

NHTSA first established the MDHD program through a September 2011 final rule, known as Phase 1, issued jointly with the Environmental Protection Agency (EPA).¹⁵ NHTSA and EPA generally set standards for the same vehicles and engines in the Phase 1 rule.¹⁶ Relying on its EISA authority, NHTSA adopted standards for different classes of commercial medium- and heavy-duty on-highway vehicles and work trucks and separate standards for engines used for certain of those vehicles (combination tractors and vocational vehicles).¹⁷ NHTSA’s standards generally were mandatory for Model Years 2016 and later.¹⁸ EPA also set separate emissions standards for vehicles and engines. EPA relied on its CAA authority to set air pollutant standards for “any class or classes of new motor vehicles or new motor vehicle engines.”¹⁹

NHTSA offered several explanations for its authority to set engine standards during the Phase 1 rulemaking despite the absence of the word “engine” in NHTSA’s standards-setting authority. In both the proposed and final rules, NHTSA asserted that its express authority to set “separate standards for

different classes of vehicles” also allowed it to set standards for engines.²⁰ NHTSA recognized that it was interpreting the statutory language “broadly.”²¹ In a footnote in the proposal, NHTSA also cited the statutory requirement to set maximum feasible standards as a basis for its authority to set engine standards.²² After several industry commenters argued that NHTSA lacked this claimed authority, the agency asserted that the statute “grants NHTSA broad authority to regulate this sector” and “does not . . . preclude[] the regulation of engines, but rather explicitly leaves the regulatory approach to the agency’s expertise and discretion.”²³

NHTSA and EPA issued a second, Phase 2, joint final rule for the MDHD program in October 2016.²⁴ In the Phase 2 rule, both agencies increased the stringency of the standards applicable to the vehicles and engines addressed by the Phase 1 rule and set separate standards for trailers designed to be

²⁰ Phase 1 Final Rules, 76 FR 57112; Proposed Rules, *Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles*, 75 FR 74152, 74158 (Nov. 30, 2010).

²¹ Phase 1 Final Rules, 76 FR 57112 (“Congress also stated that NHTSA may set separate standards for different classes of HD vehicles, which the agency interprets broadly to allow regulation of HD engines in addition to HD vehicles”); Phase 1 Proposed Rules, 75 FR 74158 (“Congress also stated that NHTSA may set separate standards for different classes of HD vehicles, which the agency interprets broadly to allow regulation of HD engines in addition to HD vehicles”).

²² Phase 1 Proposed Rules, 75 FR 74173 n.36 (“NHTSA interprets 49 U.S.C. 32902(k)(2) to include a grant of authority to establish engine standards pursuant to the broader statement of authority to establish standards that achieve the maximum feasible improvement in fuel efficiency.”).

²³ Phase 1 Final Rules, 76 FR 57114 (“Volvo and Daimler argued that EISA limited NHTSA’s authority to the regulation of completed vehicles and did not give NHTSA authority to regulate engines. 49 U.S.C. 32902(k)(2) grants NHTSA broad authority to regulate this sector NHTSA does not believe that this language precludes the regulation of engines, but rather explicitly leaves the regulatory approach to the agency’s expertise and discretion. See 75 FR 74173 n. 36 NHTSA continues to believe that the separate regulation of engines and vehicles is [] consistent with the agency’s statutory mandate to determine how to implement a regulatory program designed to achieve the maximum feasible improvement and facilitates coordination with EPA’s efforts to reduce greenhouse gas emissions.”).

²⁴ Final Rule, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2*, 81 FR 73478 (Oct. 25, 2016). In the Phase 2 proposed and final rules, NHTSA referred back to the explanation from the Phase 1 final rule for the assertion that EISA “includes authority to establish separate engine standards.” Phase 2 Final Rule, 81 FR 73491 n.51; Proposed Rule, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2*, 80 FR 40138, 40152 n.43 (July 13, 2015).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* § 32902(k)(3).

¹⁵ Final Rules, *Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles*, 76 FR 57106 (Sept. 15, 2011).

¹⁶ EPA set standards for recreational on-highway vehicles in Phase 1, while NHTSA did not. *Id.* at 57134.

¹⁷ *E.g., id.* at 57106.

¹⁸ *See id.*

¹⁹ See 42 U.S.C. 7521(a)(1); see Phase 1 Final Rules, 76 FR 57114 (“The Clean Air Act, of course, mandates standards for both ‘new motor vehicles’ and ‘new motor vehicle engines’, so there is no issue of authority for separate engine standards under the EPA GHG program.”). EPA has since “rescind[ed] the Administrator’s 2009 findings of contribution and endangerment and repealing all greenhouse gas (GHG) emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines to effectuate the best reading of Clean Air Act (CAA) section 202(a)(1).” Final Rule, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 FR 7686 (Feb. 18, 2026).

⁵ EISA, Public Law 110–140 § 102 (2007), 121 Stat. 1492, 1498–99; see 49 U.S.C. 32902(b)(1)(C).

⁶ 49 U.S.C. 32902(k).

⁷ 49 U.S.C. 32901(a)(7), (19).

⁸ EISA, Public Law 110–140 § 108 (2007), 121 Stat. 1492, 1505.

⁹ 49 U.S.C. 32902(k)(1).

¹⁰ *Id.*

¹¹ *Id.* § 32902(k)(2).

drawn by a motorized tractor.²⁵ NHTSA's Phase 2 standards generally applied to Model Years 2021 and later.²⁶ In a legal challenge to the agencies' trailer standards, the D.C. Circuit ruled the agencies exceeded their authorities under their respective enabling statutes to establish fuel economy or emissions standards for various categories of "vehicles."²⁷

II. EISA Required NHTSA To Set Vehicle Standards and Did Not Permit Engine Standards

"Start[ing] with the statutory text,"²⁸ NHTSA's standards-setting authority speaks only of setting fuel economy standards for *vehicles* and not their component parts. As part of NHTSA's "commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program," EISA instructs NHTSA to "prescribe separate average fuel economy standards for . . . work trucks and commercial medium-duty or heavy-duty on-highway vehicles."²⁹ A "work truck" is "a vehicle that—(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and (B) is not a medium-duty passenger vehicle"³⁰ In setting these vehicle standards, NHTSA must evaluate these vehicles as a whole. NHTSA must determine: "the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks"; "the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance"; and factors and conditions that may affect vehicle and work truck fuel efficiency.³¹ And NHTSA must establish "compliance and enforcement protocols for commercial medium- and heavy-duty on-highway vehicles and work trucks,"³² not for various sub-components of those vehicles.

Indeed, nowhere in NHTSA's standards-setting authority does Congress instruct NHTSA to set fuel economy standards for component parts. In addition to setting standards for commercial medium- and heavy-duty on-highway vehicles and work

trucks, NHTSA is also instructed to prescribe separate average fuel economy standards for "passenger automobiles" and "non-passenger automobiles,"³³ but not their component parts. And, unlike commercial medium- and heavy-duty on-highway vehicles and work trucks, NHTSA has never asserted authority to set standards for component parts of passenger and non-passenger automobiles when establishing fuel economy standards for those automobiles.

Congress has demonstrated that it understands the difference between vehicles and engines, and that when it wants an agency to have authority to regulate one or both, it says so.³⁴ For example, EISA mentioned engines in several unrelated statutory provisions.³⁵ The absence of any reference to engines in NHTSA's standards-setting authority confirms that NHTSA's authority was limited to setting standards for the types of vehicles referenced: work trucks and commercial medium-duty or heavy-duty on-highway vehicles. The Supreme Court has explained that when "Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."³⁶ NHTSA must give meaning to the fact that Congress did not mention engines in its standard-setting authority at the same time it enacted other engine-related provisions.

NHTSA must also give weight to the fact that Congress expressly granted authority to set engine standards to another Federal agency: the EPA. In the CAA, Congress expressly authorized EPA to set air pollutant standards for "any class or classes of new motor vehicles or new motor vehicle engines."³⁷ The differences in authority

granted to the two agencies are not arbitrary. The CAA was designed to provide EPA with broad authority to address harmful air pollutants, which originate from vehicle engines as well as tailpipes. The EISA provisions described above were designed to provide the Department of Transportation, through NHTSA, with different tools to achieve feasible petroleum conservation from motor vehicles, which is a function of a vehicle's entire design and construction. The CAA was not designed to require energy conservation, and EISA was not designed to mandate environmental improvements.³⁸ EPA is not a fuel economy regulator, and NHTSA is not an environmental regulator. The CAA and EISA granted EPA and NHTSA specific statutory authority appropriate to accomplish their respective goals. A desire by the agencies to achieve regulatory harmonization does not empower NHTSA to expand its statutory authority.

In *Loper Bright Enterprises v. Raimondo*,³⁹ the United States Supreme Court explained that "statutes . . . do—in fact, must—have a single, best meaning."⁴⁰ Interpreting a statute requires "determin[ing] the best reading of the statute," and not a so-called "permissible" interpretation.⁴¹

Consistent with *Loper Bright*, NHTSA asserts the best reading of the statute is that it lacks the authority to set fuel economy standards for engines of work trucks and commercial medium-duty or heavy-duty on-highway vehicles on a standalone basis. EISA commands NHTSA to set fuel economy standards for commercial medium- and heavy-duty on-highway vehicles and work trucks (which are defined as "vehicles"⁴²). The statute permits "separate standards for different classes of vehicles."⁴³ The statute did not, however, authorize separate standards for components of a vehicle, including a vehicle's engine. In contrast, Congress expressly granted authority to set engine standards to EPA.

NHTSA's interpretation is also supported by recent case law. As noted above, the D.C. Circuit found NHTSA's attempt to set fuel economy standards for trailers as a type of vehicle unlawful.⁴⁴ The court found that trailers

Emission Standards Under the Clean Air Act, 91 FR 7686 (Feb. 18, 2026).

³⁸ See 42 U.S.C. 7521(a)(1); 49 U.S.C. 32902(f).

³⁹ 603 U.S. 369 (2024).

⁴⁰ *Id.* at 400.

⁴¹ *Id.* ("In the business of statutory interpretation, if it is not the best, it is not permissible.")

⁴² 49 U.S.C. 32901(a)(7), (19).

⁴³ *Id.* § 32902(b)(1), (k)(2).

⁴⁴ *TTMA*, 17 F.4th at 1208.

²⁵ See generally Phase 2 Final Rule, 81 FR 73478. NHTSA also added standards for recreational vehicles in the Phase 2 rule and EPA added standards for gliders. See *id.* at 73521, 73584.

²⁶ See *id.* at 73493, 73504.

²⁷ *Truck Trailer Mfrs. Ass'n, Inc. ("TTMA") v. Env'tl. Prot. Agency*, 17 F.4th 1198 (D.C. Cir. 2021).

²⁸ *Garland v. Cargill*, 602 U.S. 406, 415 (2024).

²⁹ 49 U.S.C. 32902(b)(1)(C) (emphasis added).

³⁰ *Id.* § 32901(a)(7), (19) (emphasis added).

³¹ *Id.* § 32902(k)(1).

³² *Id.* § 32902(k)(2).

³³ *Id.* § 32902(b)(1)(A)–(B) (emphases added).

³⁴ See, e.g., *Bittner v. United States*, 598 U.S. 85, 94 (2023) ("When Congress includes particular language in one section of a statute but omits it from a neighbor, we normally understand that difference in language to convey a difference in meaning [I.].").

³⁵ See, e.g., EISA, Public Law 110–140 § 209 (requiring study of whether changes in vehicle and engine emissions of air pollutants adversely impact air quality); *id.* § 226 ("Study of Engine Durability and Performance Associated with the Use of Biodiesel"); *id.* § 251 (providing for waiver related to vehicle or engine emission standards).

³⁶ *Nken v. Holder*, 556 U.S. 418, 430 (2009) (quoting *INS v. Cardoza-Fonseca*, 480 U.S. 421, 432 (1987)).

³⁷ 42 U.S.C. 7521 (emphasis added). EPA has since rescinded its standards not because it found it lacked authority to regulate engines, but because it rescinded the endangerment finding for greenhouse gas emissions. See Final Rule, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas*

are not vehicles “when that term is used in the context of a vehicles’ fuel economy”; trailers “have no motor,” and “motorless vehicles use no fuel.”⁴⁵ Therefore, NHTSA’s delegation of authority to set fuel economy standards for vehicles did not include trailers.

Nor does it include engines. An engine is not a vehicle. To be sure, a vehicle’s engine necessarily impacts its fuel economy. So do tires, transmissions, and tailpipes. However, that does not grant NHTSA authority to set fuel economy standards for those components individually or separately from the entirety of a vehicle of which they comprise a part.⁴⁶ If that were the case, like NHTSA’s theory in *TTMA* that was rejected, “there is no principled limit to NHTSA’s theory.”⁴⁷ If NHTSA could set fuel economy standards for engines, NHTSA could also set standards for any component of a vehicle that impacts fuel economy, including tires, transmissions, and tailpipes.⁴⁸

The D.C. Circuit similarly rejected EPA’s argument that it could regulate significant components of a vehicle: “Perhaps sensing that it needs to offer a limiting principle, the EPA claims that it can regulate only ‘significant’ vehicle components. But that limit is atextual. . . . [W]e cannot endorse a hazy line mentioned nowhere in a statutory provision that allows the EPA to regulate ‘motor vehicles,’ not motor-vehicle components.”⁴⁹ The same argument applies to NHTSA’s claim of authority to set separate engine standards.

The D.C. Circuit set forth several other reasons why NHTSA could not set fuel economy standards for trailers as vehicles that inform NHTSA’s interpretation here. For example, the court stated that because the term “vehicles” in NHTSA’s standard setting authority is preceded by three other types of vehicles, all of which have engines and burn fuel—“passenger automobiles, non-passenger automobiles,” and “work trucks”—the term “vehicles” should be given a meaning similar to those other words with which it is associated. A vehicle

trailer, the court explained, did not have any meaningful similarity to passenger and non-passenger automobiles because trailers are not propelled by fuel, and trailers are not like work trucks that both “have an engine and burn fuel.”⁵⁰ Here, engines have no meaningful similarity to vehicles or passenger and non-passenger automobiles. They are not a type of vehicle or automobile.⁵¹

Because engines are not vehicles, NHTSA’s justification for regulating them separately has relied on the assertion that the agency is vested with broad discretion by EISA. NHTSA’s argument during its Phase 1 rulemaking—that its mandate to “set separate standards for different classes of HD vehicles” should be “interpret[ed] broadly to allow regulation of HD engines in addition to HD vehicles”—pushes the text beyond its natural reading.⁵² The ability to set standards for a vehicle does not logically include the authority to set standards for parts of a vehicle.⁵³

In the Phase 1 and Phase 2 rulemakings, NHTSA also identified other aspects of its standard setting authority, including the requirement to set maximum feasible standards and parts of the rulemaking mandate, to argue that the statute conferred broad discretion on the agency.⁵⁴ While NHTSA has the ability to exercise discretion in setting standards and other aspects of the MDHD program, NHTSA did not explain how standalone engine

standards were consistent with its mandate to “prescribe separate fuel economy standards for . . . work trucks and commercial medium-duty or heavy-duty on-highway vehicles.”⁵⁵ The general authority to establish various aspects of “a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency program” is insufficient to confer standard-setting authority on NHTSA beyond the plain text of the statute. EISA did not direct NHTSA to establish a MDHD vehicle *and* engines fuel efficiency program, and NHTSA cannot simply assume that authority through regulation.⁵⁶

Upon further consideration, NHTSA has determined that the statute did not authorize it to set separate standards for engines. Unlike EPA, NHTSA lacked express authority to set engine standards. The desire to have harmonized requirements is insufficient for NHTSA to exercise regulatory authority not given by statute.⁵⁷ It is insufficient to assert, as NHTSA has, that EISA did not “preclude[] the regulation of engines,” given that the statute refers expressly and repeatedly to NHTSA’s authority to establish fuel economy standards for specific categories of “vehicles.”

EISA requires NHTSA to set standards for vehicles, authorized separate standards for different classes of vehicles, set lead time and regulatory stability limits for those vehicle standards, and otherwise addressed the parameters of a regulatory program for improving the fuel efficiency of vehicles. For the reasons stated above, NHTSA does not have authority to set fuel efficiency standards for engines separately from vehicles.

III. Next Steps for MDHD Program Reset and Enforcement Considerations

As NHTSA explained in its June 2025 interpretive rule, *Resetting the*

⁵⁰ *Id.* at 1205–06.

⁵¹ The court also reasoned in a footnote that while a trailer affects fuel economy, so do other “attachments” to vehicles like bike racks that do not have a gross vehicle weight rating (GVWR) of 10,000 pounds or more as required by the statutory definition of “commercial medium- and heavy-duty on highway vehicle” at 49 U.S.C. 32901(a)(7). *Id.* at n.10. The same is true of the engine (which also does not have a GVWR of between 8,500 and 10,000 pounds as required by the statutory definition of “work truck” at 49 U.S.C. 32901(a)(19)). The court also noted that NHTSA regulations separately refer to the gross *combined* weight rating, defined as the “maximum load that the vehicle can haul, including the weight of a loaded trailer and the vehicle itself.” *Id.* at n.15.

⁵² See Phase 1 Final Rules, 76 FR 57112 (“Congress also stated that NHTSA may set separate standards for different classes of HD vehicles, which the agency interprets broadly to allow regulation of HD engines in addition to HD vehicles”); Phase 1 Proposed Rules, 75 FR 74158 (“Congress also stated that NHTSA may set separate standards for different classes of HD vehicles, which the agency interprets broadly to allow regulation of HD engines in addition to HD vehicles”).

⁵³ See, e.g., *TTMA*, 17 F.4th at 1207–08 (“[T]here is no principled limit to NHTSA’s theory.”).

⁵⁴ See Phase 1 Final Rules, 76 FR 57114; Phase 1 Proposed Rules, 75 FR 74173 n.36; see also Phase 2 Final Rule, 81 FR 73491 n.51 (citing to explanation of authority in Phase 1 final rule); Phase 2 Proposed Rule, 80 FR 40138, 40152 n.43 (same).

⁵⁵ See 49 U.S.C. 32902(b)(1)(C); see also Phase 2 Final Rule, 81 FR 73491 n.51; Phase 2 Proposed Rule, 80 FR 40138, 40152 n.43 (same); Phase 1 Final Rules, 76 FR 57114; Phase 1 Proposed Rules, 75 FR 74173 n.36.

⁵⁶ Cf. *Nat’l Fed’n of Indep. Bus. v. Dep’t of Labor*, 595 U.S. 109, 117 (2022) (“Administrative agencies are creatures of statute. They accordingly possess only the authority that Congress has provided.”); *Louisiana Pub. Serv. Comm’n v. F.C.C.*, 476 U.S. 355 (1986) (“[A]n agency literally has no power to act . . . unless and until Congress confers power upon it.”).

⁵⁷ See, e.g., Phase 1 Proposed Rules, 75 FR 74157 (“EPA’s and NHTSA’s proposed standards for the heavy-duty sector are largely harmonized with one another due to the close and direct relationship between improving the fuel efficiency of these vehicles and reducing their CO₂ tailpipe emissions.”); *id.* at 74177 (“NHTSA’s fuel consumption standards . . . [include] mandatory engine standards starting in 2017 model year, harmonized with EPA’s 2017 model year standards.”).

⁴⁵ See e.g., *id.* at 1200.

⁴⁶ While one reason the D.C. Circuit rejected the argument that trailers are “vehicles” was because “Congress put the term ‘vehicle’ in a context limited to machines that use fuel,” see *TTMA*, 17 F.4th at 1205, engines are plainly not vehicles despite their use of fuel.

⁴⁷ *Id.* at 1207–08 (finding that if a trailer is a vehicle there would be no principled limit; NHTSA could regulate bike racks, rooftop cargo carriers, or anything similar that would impact the fuel efficiency of a vehicle).

⁴⁸ *Id.*

⁴⁹ *Id.* at 1202.

Corporate Average Fuel Economy Program, a reset of the MDHD program is necessary to ensure the regulations are consistent with law. NHTSA will reconsider the engine standards consistent with this interpretive rule as part of its reset of that program and ensure that vehicle manufacturers have practicable means to comply in the absence of separate engine standards.⁵⁸

Resetting the MDHD program in compliance with law will help prevent market distortions. Commercial vehicle purchasers make business decisions that account for their own fuel economy needs. Focusing the MDHD program on vehicle standards, as the law requires, will help ensure that manufacturers have flexibility in how best to meet the standards and the needs of their customers.

The interpretation set forth in this rule clarifies the appropriate scope of NHTSA's authority to set fuel economy standards for the MDHD program. This interpretation does not change existing standards or any rights or obligations under the MDHD program. Instead, this interpretation lays the groundwork for notice-and-comment rulemaking to reset the agency's regulatory program as determined necessary to bring it into compliance with applicable substantive statutory requirements as codified in Chapter 329 of title 49 of the United States Code and Administration policy. NHTSA will also consider other issues as appropriate in resetting the MDHD program, including whether any adjustments to the vehicle standards are warranted. Among the matters under review is the relationship between potential NO_x emission reductions arising from EPA's 2023 NO_x emission standards (taking effect in model year 2027)⁵⁹ and fuel consumption.⁶⁰

In light of the legal interpretation set forth in this interpretive rule, NHTSA will reset the MDHD program consistent

with the law. Pending the rulemaking process, NHTSA will exercise its enforcement authority with regard to affected standards in accordance with the interpretation set forth in this rule.

Regulatory Analyses

A. Administrative Procedure Act

NHTSA issues this interpretive rule to explain the statute the agency administers and how the agency will apply its interpretation to subsequent substantive rules. This interpretive rule does not amend or alter the meaning of any regulations, and any costs and benefits of any subsequent proposed changes to regulations will be analyzed in a future rulemaking. As such, notice and comment under the Administrative Procedure Act is not required for this interpretive rule,⁶¹ and the rule similarly is not subject to a 30-day delay in effective date.⁶²

B. Executive Order 12866, Regulatory Planning and Review; Executive Order 14192, Unleashing Prosperity Through Deregulation; and Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative

Executive Order (E.O.) 12866, "Regulatory Planning and Review" (58 FR 51735, Oct. 4, 1993), provides for determining whether a regulatory action is "significant" and therefore subject to the Office of Management and Budget (OMB) review process and to the requirements of the E.O. This is a "significant regulatory action" under E.O. 12866. Accordingly, NHTSA submitted this action to OMB for review. However, there are no costs or benefits associated with this interpretive rule. Any costs and benefits of rules implementing the interpretation will be analyzed in those subsequent rulemakings.

E.O. 14192, "Unleashing Prosperity Through Deregulation" (90 FR 9065, Feb. 6, 2025), requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. As discussed above, there are no costs or benefits associated with

this interpretive rule. However, this interpretive rule, which sets forth NHTSA's interpretation of its statutory authority for the MDHD program ensures that, going forward, NHTSA will not regulate beyond its statutory authority. The costs and benefits of future MDHD rules will be analyzed in those rulemakings.

E.O. 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," requires agency heads to review their regulations and identify regulations that, among other things, are based on anything other than the best reading of the underlying statutory authority or prohibition, or that implicate matters of social, political, or economic significance that are not authorized by clear statutory authority. NHTSA has identified its MDHD engine standards as falling within an enumerated category or categories of E.O. 14219. NHTSA is issuing this interpretive rule to set forth the agency's interpretation that it lacks the authority to regulate engines. This rule describes NHTSA's interpretation of its authority to establish the necessary legal foundation for bringing the MDHD program into compliance with relevant statutory requirements.

C. Executive Order 13132, Federalism

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has "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." NHTSA has determined that this interpretive rule will not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this interpretive rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

D. Executive Order 12988, Civil Justice Reform

E.O. 12988, "Civil Justice Reform" (61 FR 4729, Feb. 7, 1996), requires that agencies promulgating new regulations or reviewing existing regulations take steps to minimize litigation, eliminate ambiguity, and to reduce burdens on the regulated public. NHTSA has reviewed this interpretive rule and determined that this action conforms to the applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform.

⁵⁸ See 90 FR 24518 (June 11, 2025). NHTSA addressed other aspects of its MDHD program in this interpretive rule. Specifically, NHTSA stated that: (1) EISA requires NHTSA to consider the factors in 49 U.S.C. 32902(f) in determining the maximum feasible standards; (2) NHTSA lacked authority to assess civil penalties for violations of MDHD standards; (3) NHTSA improperly established a credit trading program for MDHD vehicles, and (4) NHTSA considered credits and electric vehicles in setting the MDHD standards without express authority to do so.

⁵⁹ Environmental Protection Agency, Final rule, *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards*, 88 FR 4296 (Jan. 24, 2023).

⁶⁰ EPA has proposed to amend the 2023 rule. Environmental Protection Agency, Proposed rule, *Amendments and Nonconformance Penalties for Model Year 2027 and Later Heavy-Duty Highway Engines and Amendments to Inducement Provisions for SCR-Equipped Diesel Engines*, 91 FR 43154 (July 14, 2026).

⁶¹ See 5 U.S.C. 553(b)(A).

⁶² See 5 U.S.C. 553(d)(2).

E. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This interpretive rule does not have Tribal implications under E.O. 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.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. UMRA addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2025) or more in any 1 year. As discussed above, this interpretive rule by itself results in no expenditures and therefore the analytical requirements of UMRA do not apply. Any costs and benefits will be analyzed in future rules subject to the principles laid out in this notice.

G. Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to prepare a regulatory flexibility analysis for any rule where the agency is required by law to publish a general notice of proposed rulemaking.⁶³ NHTSA is not required to complete a regulatory flexibility analysis because, as discussed previously, this action is not subject to notice and public comment under the Administrative Procedure Act (APA)⁶⁴ or any other law.

H. Paperwork Reduction Act

This interpretive rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

I. National Environmental Policy Act of 1969

In accordance with 42 U.S.C. 4336, “[a]n agency is not required to prepare an environmental document with respect to a proposed agency action if the proposed agency action is not a final agency action within the meaning of such term in chapter 5 of title 5 [of the

United States Code].” As discussed above, this action is not a final agency action within the meaning of 5 U.S.C. Chapter 5. Any environmental effects will be analyzed in a future rulemaking resetting the MDHD program subject to the principles laid out in this notice.

J. Privacy

The Consolidated Appropriations Act, 2005 (Pub. L. 108–447, 118 Stat. 2809, 3268, Dec. 8, 2004 (5 U.S.C. 552a note)), requires certain parties (Federal agencies and any non-Federal entity that receives records contained in a system of records from a Federal agency for use in a matching program) to conduct a privacy impact assessment of a regulation that will affect the privacy of individuals. Because this interpretive rule does not require the collection of personally identifiable information, NHTSA is not required to conduct a privacy impact assessment.

The E-Government Act of 2002 (Pub. L. 107–347, sec. 208, 116 Stat. 2899, 2921, Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this interpretive rule. Accordingly, NHTSA has not conducted a privacy impact assessment.

K. Congressional Review Act

Pursuant to the Congressional Review Act (CRA) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a “major rule,” as defined by 5 U.S.C. 804(2). NHTSA will submit this rule to Congress and the Government Accountability Office as required by the CRA.

Issued on August 27, 2026 in Washington, DC, under authority delegated in 49 CFR 1.95.

Jonathan Morrison,
Administrator.

[FR Doc. 2026–17756 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 555

[Docket No. NHTSA–2026–1585]

Temporary Exemption From Motor Vehicle Safety and Bumper Standards; Extension of Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Interim final rule; extension of comment period.

SUMMARY: In response to a request from the Alliance for Automotive Innovation (Auto Innovators), NHTSA is announcing a 30-day extension of the public comment period for the interim final rule (IFR) published on July 31, 2026 amending NHTSA’s general exemption regulations to remove language limiting the application of temporary exemptions from the Federal Motor Vehicle Safety Standards (FMVSS) and the bumper standard to motor vehicles manufactured on and after the effective date of an exemption, and to align the regulations with the Administrator’s statutory discretion to determine the vehicle population covered by a temporary exemption. The notice also removed the requirement that applications for exemption be submitted in three copies and specified an electronic means for submission. The comment period for the notice was originally scheduled to end on August 31, 2026. It will now end on September 30, 2026.

DATES: The comment period for the IFR published on July 31, 2026 at 91 FR 48307, is extended. Comments should be received on or before September 30, 2026.

ADDRESSES: You may submit comments identified by the docket number in the heading of this document through any of the following methods:

- **Electronic submissions:** Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail or Hand Delivery:** Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

⁶³ See 5 U.S.C. 603.

⁶⁴ See 5 U.S.C. 553(b)(A).

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

Confidential Business Information: If you claim that any of the information in your comment (including any additional documents or attachments) constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4) or is protected from disclosure pursuant to 18 U.S.C. 1905, please see the detailed instructions given under the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Eli Wachtel, Office of the Chief Counsel email: eli.wachtel@dot.gov, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On July 31, 2026, NHTSA published an IFR to amend NHTSA's general exemption regulations in 49 CFR part 555 to remove language limiting the application of temporary exemptions from the Federal Motor Vehicle Safety Standards (FMVSS) and the bumper standard to motor vehicles manufactured on and after the effective date of an exemption, and to align the regulations with the Administrator's statutory discretion to determine the vehicle population covered by a temporary exemption.¹ The IFR also removed the requirement that applications for exemption be submitted in three copies and specified an electronic means for submission. The notice stated that although the amendments were effective

immediately, NHTSA will publish a final rule following the comment period responding to any comments received and making any appropriate changes to the IFR. The notice provided a 30-day comment period which closes on August 31, 2026.

On August 10, 2026, NHTSA received a request from Auto Innovators for a 30-day extension of the comment period.² Auto Innovators stated that “the proposal raises significant legal, technical, and policy issues that warrant careful evaluation.” Auto Innovators said a 30-day extension of the comment period would facilitate technical analysis and stakeholder coordination and allow more comprehensive comments.

NHTSA is granting the request to extend the comment period by 30 days. NHTSA has determined that the requestors have shown good cause for an extension and that the extension is consistent with public interest. A 30-day extension appropriately balances NHTSA's interest in providing the public with sufficient time to comment on the notice with its interest in obtaining specific feedback from stakeholders in a timely manner. Accordingly, NHTSA is extending the comment period until September 30, 2026.³

Authority: 49 U.S.C. 322, 30113; delegation of authority at 49 CFR 1.95.

Jonathan Morrison,
Administrator.

[FR Doc. 2026–17742 Filed 8–28–26; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2024–0206;
FF09M32000–267–FXMB1231099BPP0]

RIN 1018–BI04

Process for Authorizing Seasonal Migratory Game Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

² Alliance for Automotive Innovation, Docket No. NHTSA–2026–1585–0003.

³ Readers should note that, even after the comment closing date has passed, interested persons are able to file comments in the docket, which NHTSA will consider to the extent practicable. 49 CFR 553.23. NHTSA may also continue to file relevant information in the docket as it becomes available. Accordingly, the Agency recommends that readers periodically check the docket for new material.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is changing the administrative process for authorizing seasonal migratory game bird hunting in the United States. Migratory game bird hunting regulations are currently promulgated annually to provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and allow harvests at levels compatible with migratory game bird population status and habitat conditions. The Service is adopting a more efficient administrative process for authorizing seasonal migratory game bird hunting. The Service will issue a memorandum to establish the limits and authorize seasonal migratory game bird hunting once every 3 years. The Service will continue to make annual decisions on harvest levels and will update the memorandum sooner than 3 years if changes are prescribed by our decision frameworks. The process eliminates the need for subsequent annual Federal regulation promulgation and rulemaking and is expected to increase efficiency; better meet State, Tribal, and Federal rulemaking constraints; and reduce the complexity and costs. Our goal is to better serve State partners and the hunting public while continuing to meet the legal and conservation purposes of the Migratory Bird Treaty Act. Tribes are already authorized under a similar process.

DATES: This rule takes effect on August 31, 2026.

ADDRESSES: Comments and materials we received, as well as supporting documentation we used in preparing this final rule, are available for public inspection on <https://www.regulations.gov> at Docket No. FWS–HQ–MB–2024–0206, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, Virginia.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358–2606. 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:

¹ 91 FR 48307.

Background

Migratory game birds are species designated in the conventions between the United States and several foreign nations for the protection and management of migratory birds. The conventions restrict migratory game bird hunting to the fall-winter period (1 September–10 March) and not more than 3.5 months (interpreted as 107 days) for any species. Under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–712), the Secretary of the Interior is authorized and directed to determine when and to what extent “hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg” of migratory game birds can take place compatible with the terms of the conventions, and to adopt regulations for this purpose (16 U.S.C. 704(a)). The Secretary is authorized and directed to give “due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds” (16 U.S.C. 704(a)). This responsibility has been delegated to the Service as the lead Federal agency for managing and conserving migratory birds in the United States.

The Service established regulations governing migratory game bird hunting at title 50 part 20 of the Code of Federal Regulations (50 CFR 20). Currently, the Service publishes regulations (50 CFR 20 subpart K) to authorize seasonal migratory game bird hunting each year. These regulations set the parameters for open seasons including season dates, season lengths, shooting hours, daily bag and possession limits, areas where hunting may occur, and other restrictions based on biological data. The annual regulations ensure that harvest occurs at levels compatible with migratory game bird population demographics, including production and survival, which vary in space and time with habitat conditions. These conditions may differ over North America, and within the United States. (For purposes of our regulations, and in this final rule, the term “States” includes the territories of Puerto Rico and the U.S. Virgin Islands, consistent with 50 CFR 10.12).

Migratory game birds use four primary migratory routes in North America. Because of the unique biological characteristics and the relative number of hunters in these routes, the Service adopted the flyway structure for administering migratory bird resources within the United States, referred to as the flyways (Atlantic,

Mississippi, Central, and Pacific). The current annual migratory bird hunting regulations at 50 CFR part 20 subpart K establish regulations for each administrative flyway including all or portions of States in the 48 conterminous United States. We may have separate regulations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.

Each administrative flyway has a Flyway Council, a formal organization established through the Association of Fish and Wildlife Agencies. Flyway Councils are administrative bodies that forge cooperation among public wildlife agencies for the purpose of protecting and conserving migratory birds that inhabit North America. Flyway Councils are composed of one member from each State within the Flyway, as well as States in Mexico and Provinces in Canada that share migratory bird populations. The Flyway Councils coordinate and collect information on the status of migratory game birds, establish regulatory decision frameworks, review available biological information, and make recommendations for appropriate parameters for migratory game bird hunting regulations. However, voting members are only those representing States and Territories within the United States. Service representatives participate in the Flyway Councils. Meetings typically occur every March and September and are open to the public.

To support the annual regulation process, Service biologists gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties. The Service considers abundance of migratory game birds and other biological factors; and therefore, undertake several surveys throughout the year in conjunction with Service Regional Offices, the Canadian Wildlife Service, and State and Provincial wildlife management agencies. To determine the appropriate annual regulations authorizing hunting for certain game bird species and populations, we consider factors such as population size and trend, geographical distribution, reproductive capacity, condition of breeding and wintering habitat, number of hunters, and anticipated harvest.

The Service Migratory Bird Regulations Committee (SRC) and Flyway Councils recommend to the Service appropriate parameters for State and Tribal migratory game bird hunting regulations. The SRC conducts

meetings, generally in the spring and fall, to review and discuss information on the status of migratory game birds and recommendations from the four Flyway Councils and the Service. The SRC then develops recommendations for parameters for annual State and Tribal migratory game bird hunting regulations. In accordance with current regulations at 50 CFR 20.153, these meetings are open to public observation, and observers may submit written comments to the Service on the matters to be discussed. The SRC then submits recommendations to the Service for review. If approved, they are published in one of the several annual rulemaking documents for public comment.

Current Process for Authorizing Migratory Game Bird Hunting

The current administrative process for authorizing seasonal migratory game bird hunting requires annual promulgation of State-specific Federal regulations to open the hunting season. These annual regulations expire at the end of the hunting season. The process involves publishing a series of at least four proposed and final rulemaking documents in the **Federal Register** including the following:

(1) A proposed rule (preliminary) that provides the process, regulatory schedule, and initial proposals for seasons, limits, and other regulations for annual migratory game bird hunting.

(2) A proposed rule that proposes the parameters within which States may select hunting seasons. The parameters specify season dates, season lengths, shooting hours, daily bag and possession limits, areas where hunting may occur, and other restrictions.

(3) A final rule that establishes the final parameters within which States and Tribes may select hunting seasons, including season dates, season length, shooting hours, daily bag and possessions limits, areas where hunting may occur, and other restrictions. This final rule incorporates public comments received on the proposed frameworks rule and recommendations from the Flyway Councils.

(4) A final rule that sets forth the annual regulations in subpart K of 50 CFR part 20 to authorize the migratory game bird hunting seasons in each State. This final rule is developed based on a process where each State submits their selection of annual hunting seasons within our parameters.

The process of establishing annual migratory game bird hunting regulations is both complex and time intensive. It begins with extensive data collection from May through December of the preceding calendar year, followed by

several months of coordination with state agencies through the Flyway Councils. These efforts culminate in regulatory decisions made by the SRC. Each phase of this process is tightly sequenced, limiting flexibility in the timing of regulatory actions. Additionally, the targeted opening date of September 1 for hunting seasons imposes a hard deadline under which regulations must be finalized through the federal rulemaking process before any seasons can legally begin. This provides only a few months to complete a 4-publication rulemaking process every year. The Service has narrowly met publication deadlines in the last 8 years (2018–2025 hunting seasons; average publication of final rule 7 days prior to the start of the hunting season), placing undue strain on States, the public, and the Service. We provided a detailed overview of the current process and administrative schedule in our August 6, 2015, proposed rule for the 2016–17 migratory game bird hunting season (80 FR 47388).

New Process for Authorizing Seasonal Migratory Game Bird Hunting

To alleviate the time constraint issues, the Service is changing the process for authorizing seasonal migratory game bird hunting. This rule will codify in Federal regulations a streamlined process for authorizing seasonal migratory game bird hunting. This will replace the need for annual Federal regulation promulgation and reduce the need for future rulemaking in the **Federal Register**. The process will be codified in our regulations at 50 CFR part 20, subparts H and K, and include the following:

(1) The process for determining the parameters (“authorization conditions”) within which States and Tribes may establish their annual regulations;

(2) The process for communicating the authorization conditions to States and Tribes through a Migratory Game Bird Hunting (MGBH) memorandum and notice of availability in the **Federal Register**; and

(3) Authorization for States and Tribes to establish migratory game bird hunting regulations in accordance with the authorization conditions set forth in the MGBH memorandum and regulations at 50 CFR part 20.

Federal regulation of migratory game bird hunting has been in place since 1918 under the MBTA, which directs the Secretary of the Interior to authorize hunting based on periodic assessments of bird population status and habitat conditions. The original regulatory process was straightforward due to

limited biological information and relatively low hunter participation. As scientific understanding, data availability, and hunter participation increased, the regulatory process expanded in complexity to ensure resultant regulations were based on sound biological principles for conservation and hunting opportunities.

Over time, the annual rulemaking process has become increasingly burdensome for States, the public, and the Service due to compressed publication timelines, administrative inefficiencies, and the growing volume of technical material required to support annual updates. These challenges have constrained transparency and limit the ability of States, Tribes, and the public to plan effectively.

The new process maintains all statutory obligations under the MBTA while improving administrative efficiency. Section 704(a) grants the Secretary broad discretion to issue regulations governing take and does not require annual rulemaking. Likewise, section 704(c)(3) imposes no annual requirement and ensures consistency with amendments enacted in the Dingell Act of 2019, including the January 31 framework closing date for hunting ducks, mergansers, and coots. Together, these provisions allow continued flexibility in how regulatory decisions are issued while fully adhering to statutory direction. The new approach retains annual biological assessments and decision-making but eliminates unnecessary repetition in the administrative process, thereby enhancing timeliness, clarity, and public accessibility.

By codifying these provisions in regulations, annual rulemaking will no longer be required to authorize seasonal migratory game bird hunting. Future rulemaking will be infrequent and undertaken only if changes to the underlying process are warranted. The process is similar to that established for Tribes (50 CFR 20.110) where Tribes are authorized to establish hunting regulations within our basic regulations and annual parameters. The process also aligns with the regulations at 50 CFR 92 authorizing Alaska subsistence hunting, where the regulations do not expire and thus do not have to be established annually before seasonal hunting may occur.

We are not making any changes to the biological approach or the process used to determine the appropriate parameters from which States and Tribes may establish their migratory game bird hunting regulations. The Service will

continue biological monitoring and assessment consistent with the programmatic document, “Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139).

This rulemaking changes the administrative process for authorizing seasonal migratory game bird hunting. We are making these changes to increase efficiency; better meet Federal, State, and Tribal rulemaking constraints; and reduce the complexity and costs associated with promulgating annual migratory game bird hunting regulations. Our goal is to better serve State and Tribal partners and the hunting public while continuing to meet the legal and conservation purposes of the MBTA.

The nationwide economic effects generated by migratory game bird hunting are substantial, as detailed in the most recent annual rulemaking, estimated at about \$2.7 billion in associated economic activity. Small, incremental adjustments made to Federal migratory bird hunting authorization conditions (limits) are not expected to materially alter those underlying economic inputs nor impose additional Federal costs. As a result, preparing a full Regulatory Impact Analysis for every annual MGBH memorandum would provide limited additional value for Federal decision-making. Annual adjustments to season lengths and bag limits do not substantially impact migratory bird hunters’ choices on how many days to hunt, and available evidence shows hunter participation remains unchanged by these adjustments. As all previous annual rulemakings under the current administrative process have been “economically significant” actions under section 3(f)(1) of Executive Order (E.O.) 12866, we intend to continue preparing a regulatory impact analysis for the primary MGBH memorandum issued every 3 years under the new process. The analysis will ensure continued sustainable harvest levels while also minimizing negative economic impacts following the directives in E.O. 12866 for economically significant actions and the guidelines in Circular A–4.

Table 1 provides a comparison between the existing and new processes for each major component in the process of authorizing seasonal migratory game bird hunting. The following sections describe the changes in greater detail.

TABLE 1—PROPOSED CHANGES TO THE PROCESS FOR AUTHORIZING MIGRATORY GAME BIRD HUNTING.

Component	Purpose	Current process	Proposed process
Regulations (50 CFR Part 20 subpart K).	Authorize seasonal migratory game bird hunting based on biological data.	Promulgated annually as State hunting seasons in a series of four rulemaking documents.	Codifies the underlying process for authorizing seasonal migratory game bird hunting.
Decision Frameworks	Provide the structured set of procedures, rules, models, and information criteria that govern how authorization conditions are selected.	Described in preambles in rulemaking documents and adjusted through rulemaking or technical updates.	No change, but are now applied broadly to all species and seasons rather than just waterfowl.
Authorization Conditions	Establish the parameters (season dates, lengths, daily bag and possession limits, shooting hours, hunting areas, and other restrictions) from which States and Tribes may establish their annual hunting seasons.	Included in the preamble of proposed and final rules published in the Federal Register .	Published as the MGBH memorandum on our website and announced in the Federal Register every 3 years (or sooner if changes are prescribed by our decision frameworks).
Migratory Game Bird Hunting memorandum.	Communicate the authorization conditions to States and Tribes via our website; announced in the Federal Register .	N/A	Posted on our website every 3 years (or sooner if changes are prescribed by our decision frameworks); availability announced in the Federal Register as a notice with a 30-day comment period.
State Season Selections	Annually establish State hunting seasons.	Published as a final rule in the Federal Register , codified in 50 CFR 20 subpart K, authorizing State hunting seasons.	Published as a State seasons MGBH memorandum on our website for those States that do not have their own regulatory process and request that we do so; availability announced in the Federal Register .

Regulation Promulgation

This rulemaking changes 50 CFR 20 subparts H, K, and N. In subpart H, we revise §§ 20.71 and 20.72 to provide that a violation of our regulations or of any State or Tribal law or regulation for migratory game bird hunting constitutes a violation of Federal law. However, we retain existing language in subpart H that prohibits take of migratory game birds except as provided in Federal, State, and Tribal hunting regulations.

In subpart K, we remove the regulations at §§ 20.100–20.107 (annual seasons and limits) and replace them with the procedures and provisions most recently adopted in earlier rules for establishing annual regulations for migratory game bird hunting, and we will no longer establish these through an annual rulemaking process. We retain in subpart K the current regulations in § 20.108 (nontoxic shot zones) and § 20.110 (regulations for certain Federal Indian reservations and ceded lands), as the regulations in these sections are outside the scope of this rulemaking action. We also codify in our regulations at § 20.109 (extended seasons for taking migratory game birds by falconry) the unchanged parameters for special falconry seasons previously specified annually in preambles to rulemaking documents since at least the 2000–01 season. For the most recent final rule adopting the season

parameters see 89 FR 68500 at 68518 (under Q. Special Falconry Regulations, August 26, 2024).

We eliminate subpart N by moving the existing regulations regarding the Service Migratory Bird Regulations Committee and Flyway Councils to subpart K, which describes the administrative process for authorizing States and Tribes to establish their regulations for migratory game bird hunting.

We are also making minor, nonsubstantive terminology changes to subpart B at § 20.11, subpart C at § 20.21 and § 20.23, and subpart K at § 20.110 to align with the new process. At § 20.11, we are making additional nonsubstantive edits to correct two typographical errors. We further update subpart C at § 20.21 to recognize the split of cackling goose (*Branta hutchinsii*) from Canada goose (*Branta canadensis*) as separate species (see 85 FR 21282, April 16, 2020, and 85 FR 51854 at 51860, August 21, 2020) and to clarify the regulatory language consistent with the final rule on hunting methods for resident Canada geese (73 FR 65274, November 3, 2008).

Migratory Game Bird Hunting Memorandum

The Service will publish a notice in the **Federal Register** making available on our website the Migratory Game Bird

Hunting (MGBH) memorandum setting forth the authorization conditions from which States and Tribes may establish their seasonal migratory game bird hunting regulations. Authorization conditions include season dates, season lengths, shooting hours, daily bag and possession limits, areas where hunting may occur, and other restrictions for migratory game bird hunting.

The MGBH memorandum will authorize seasonal hunting for certain designated migratory game bird groups or species of in the conterminous United States, Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. Migratory game birds are defined in regulations at 50 CFR part 20, subpart B, at § 20.11 as those species included in the terms of the Conventions for the protection of migratory birds and belonging to five families of birds and for which open seasons are authorized in 50 CFR part 20. Open hunting seasons may include certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and gallinules); and Scolopacidae (shorebirds including woodcock and snipe). The Service maintains a list at 50 CFR 10.13 of all species considered migratory birds and protected by the MBTA, and we review and update this list regularly (see 88 FR 49310, July 31, 2023, for the most recent

update). There are currently 185 migratory game bird species that may be subject to open hunting seasons based on the game bird families identified in § 20.11 and associated species at § 10.13. The regulations for the 2024–25 hunting seasons established open hunting seasons in at least some part of the United States for 93 of these species. We will not authorize hunting through the MGBH memorandum for any migratory game bird species group (*e.g.*, ducks) or specific species that was not authorized in the 2024–25 hunting season (89 FR 68500, August 26, 2024) without initiating a rulemaking. We do not currently expect that there will be a need to add any species to the list of game birds with open hunting seasons as this has generally been unchanged for decades.

To determine the authorization conditions, we will annually apply the most current information on game bird demographics and habitat conditions to the decision frameworks previously adopted through rulemaking or notice published in the **Federal Register** to establish the authorization conditions. Decision frameworks are the structured set of procedures, rules, models, and information criteria that govern the selection of appropriate annual regulations from a set of alternatives based on the status of migratory game bird populations and habitat conditions. Decision frameworks are described in more detail below under “*Determination of the Authorization Conditions for Migratory Game Bird Hunting*.” This rulemaking does not change the decision frameworks or their use in making determinations, consistent with the MBTA and the four associated conventions.

The **Federal Register** notice will include references to the supporting biological data we used in preparing the MGBH memorandum and announce availability of the memorandum at the address indicated in **FOR FURTHER INFORMATION CONTACT** and on our website at <https://www.fws.gov/program/migratory-birds>. The MGBH memorandum will include recommendations from the Flyway Councils, if applicable. The Service will issue the MGBH memorandum to set the authorization conditions for migratory game bird hunting once every 3 years on or before February 28. The Service will continue to make annual decisions on harvest levels and will update the memorandum sooner than 3 years if changes are prescribed by our decision frameworks. In this case, we will publish an updated notice and MGBH memorandum on or before February 28 with the specific changes. With respect

to the 2026–27 season, the MGBH memorandum will be available shortly after the publication of this final rulemaking, no later than August 31 (and the provision at § 20.121(b) will become effective for the next season); the comment period will still be 30 days.

The notice of availability of the MGBH memorandum in the **Federal Register** will provide for a comment period of at least 30 days. We will consider all comments received but may not respond in detail to nonsubstantive comments. Consistent with our current process, we will summarize all relevant, substantive comments that we receive during the comment period. If comments warrant changes to the MGBH memorandum or if administrative or nonsubstantive corrections are identified, we will update the memorandum clearly identifying such changes without further public comment. Substantive comments that are determined by the Service to not warrant changes may be responded to after the closing date in any subsequent notice or MGBH memorandum.

States and Tribes will establish regulations for migratory game bird hunting seasons through their own development processes that are within the Federal authorization conditions set forth in the MGBH memorandum and in accordance with Federal regulations. State and Tribal regulations for migratory game bird hunting will be federally authorized provided they are within the Federal authorization conditions provided in the MGBH memorandum and notice in the **Federal Register**, our regulations at 50 CFR part 20, and any other applicable Federal regulations.

The Service will no longer continue the current practice of publishing State annual hunting regulations as Federal regulations. We recognize that this may be a transition for some states. Therefore, the Service will continue to publish State annual hunting regulations for as long as there is a demonstrated need for those few (less than 6) States that do not currently have their own processes for issuing annual migratory game bird hunting regulations and request that we do so. These State annual regulations will be published as a Federal MGBH memorandum, separate from the memorandum with the authorization conditions, available at the address indicated in **FOR FURTHER INFORMATION CONTACT** and on our website at <https://www.fws.gov/program/migratory-birds> when they become available in about July each year.

Proposed Administrative Schedule

The Service will continue to have public Flyway and SRC meetings, public review of notifications in the **Federal Register**, and public review of the MGBH memorandum. The schedule will continue to be based on the current (2013) “Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds” (see full reference in Required Determinations, *National Environmental Policy Act* (42 U.S.C. 4321 *et seq.*)). The substantive process for biological monitoring and assessment to determine the appropriate parameters from which States and Tribes may establish their migratory game bird hunting regulations will remain unchanged and will still occur annually whether a new MGBH memorandum is due to be published that year.

- *April–May*: SRC meeting for proposed changes to the decision frameworks or hunting regulations.
- *April–June*: Spring game bird population surveys.
- *August*: Completion of game bird population status reports and hunter activity and harvest report.
- *September*: Biological data are applied to federally established decision frameworks. Preliminary outcomes from the decision frameworks are prepared as the draft authorization conditions for migratory game bird hunting.
- *September*: Flyway Council meetings.
- *October*: SRC meeting for proposed deviations and changes to the decision frameworks or hunting regulations.
- *December–January*: Winter game bird population surveys.
- *January*: The draft annual authorization conditions for migratory game bird hunting are updated to account for new data.
- *On or before February 28 (every 3 years)*: The authorization conditions for annual migratory game bird hunting are set forth and communicated via the MGBH memorandum and notice of availability is published in the **Federal Register** with a public comment period of not less than 30 days. An off-year MGBH memorandum may be published if changes are prescribed by our decision frameworks.
- *March*: Flyway Council meetings.
- *April*: If warranted, the MGBH memorandum may be revised for administrative corrections.
- *May*: Each State’s proposed annual regulations for migratory game bird hunting is due to the Service by May 31.
- *July*: Federal policy memorandum with State annual hunting regulations

posted on the Service website annually for up to 3 years after the final rule, upon request by the States.

- *February–August:* States and Tribes develop their regulations for annual migratory game bird hunting.

- *1 September–10 March:* Annual migratory game bird hunting occurs.

Figure 1 provides an overview of the new process and timing for authorizing seasonal migratory game bird hunting including biological assessment,

regulatory meetings, announcing the authorization conditions, and establishment of State and Tribal hunting seasons.

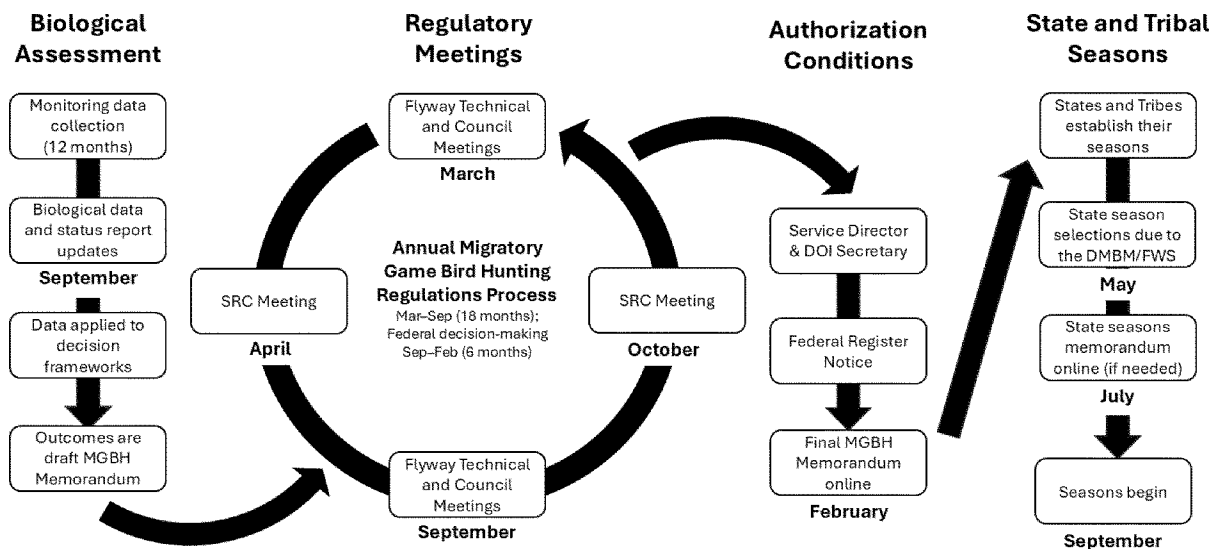


Figure 1. Overview of the process and timing for authorizing seasonal migratory game bird hunting.

Determination of the Authorization Conditions for Migratory Game Bird Hunting

Like the current administrative process, we will determine authorization conditions using decision frameworks based on the U.S. Code and the Code of Federal Regulations or adopted in the **Federal Register** as a final rule or notice. Decision frameworks refer to principles, processes, and practices that inform actions and outcomes (Lockie and Rockloff, 2005). In general, a decision framework identifies key components necessary for an organization or individual to make a decision and provides an overview of the process and transparency in decision making. By adhering to decision frameworks, decisionmakers can improve consistency, reduce biases, and ensure alignment with overarching goals and

values. Our decision frameworks account for our goals and objectives, are developed in cooperation with State and Tribal governments, foster healthy and productive populations of game birds, and provide appropriate opportunities for the public to hunt those species. Some of our decision frameworks are complex, while others are simple, due to varying amounts of data and our understanding of population demographics and relationships to environmental conditions. In this final rule, we define a decision framework as a structured set of procedures, rules, models, and information criteria for selecting the appropriate authorization conditions from a fixed set of regulatory alternatives, each with a different expected harvest level, based on the harvest management objectives and status, demographics, and environmental conditions of the

applicable migratory game bird population.

The authorization conditions for 24 species or species groups are currently established based on 16 decision frameworks, and some have been in use for about 32 years. For example, adaptive harvest management (AHM) decision frameworks for duck harvest management, a specific kind of decision framework including a formal mechanism for reducing uncertainty over time, were first implemented in 1995. The decision frameworks for determination of authorization conditions for hunting migratory game birds are listed in table 2 below. We will maintain a list of current decision frameworks used to determine authorization conditions and post these on the Service's website <https://www.fws.gov/program/migratory-birds> with the MGBH memorandum setting forth the authorization conditions.

TABLE 2—DECISION FRAMEWORKS FOR DETERMINATION OF AUTHORIZATION CONDITIONS (FEDERAL LIMITS) FOR HUNTING MIGRATORY GAME BIRDS

Species, species group, or season	Decision framework	References
Special youth and veterans—active military personnel waterfowl hunting days.	Special youth and veterans waterfowl hunting days.	16 U.S.C. 704(c); 84 FR 42996, August 19, 2019.

TABLE 2—DECISION FRAMEWORKS FOR DETERMINATION OF AUTHORIZATION CONDITIONS (FEDERAL LIMITS) FOR HUNTING MIGRATORY GAME BIRDS—Continued

Species, species group, or season	Decision framework	References
Special early teal seasons in the Atlantic, Mississippi, and Central flyways.	Special early teal season guidelines	90 FR 40178, August 18, 2025.
Special early teal-wood duck seasons in the Atlantic and Mississippi flyways.	Special early teal-wood duck season guidelines.	90 FR 40178, August 18, 2025.
Bonus blue-winged teal bag limits	Bonus blue-winged teal bag limit guidelines ...	90 FR 40178, August 18, 2025.
Ducks in the Atlantic Flyway	AHM protocol for eastern ducks	16 U.S.C. 704(c); 83 FR 47868, September 21, 2018; 65 FR 58152, September 27, 2000.
Ducks in the Mississippi and Central flyways ...	AHM protocol for mid-continent mallards	16 U.S.C. 704(c); 85 FR 15870, March 19, 2020; 73 FR 43290, July 24, 2008; 65 FR 58152, September 27, 2000; 60 FR 37314, July 19, 1995.
Ducks in the Pacific Flyway	AHM protocol for western mallards	16 U.S.C. 704(c); 73 FR 43290, July 24, 2008.
Northern pintail	AHM protocol for northern pintail	90 FR 17300, April 24, 2025; 75 FR 44856, July 29, 2010.
Scaup	AHM protocol for scaup	73 FR 43290, July 24, 2008; 73 FR 51124, August 29, 2008.
Black ducks in the Atlantic and Mississippi flyways.	International AHM protocol for black ducks	77 FR 49868, August 17, 2012.
Eastern mallards in the Atlantic Flyway	AHM protocol for eastern mallards	87 FR 66247, November 3, 2022; 88 FR 6054, January 30, 2023.
Canvasbacks	Canvasback decision support tool	81 FR 17302, March 28, 2016.
Brant seasons in the Pacific Flyway	Pacific brant harvest strategy	90 FR 40178, August 18, 2025; 85 FR 51854, August 21, 2020; 84 FR 42996, August 19, 2019.
Dove seasons in the Eastern, Central, and Western management units.	National mourning dove harvest strategy	78 FR 52658, August 23, 2013.
Sandhill crane seasons in the Central and Pacific flyways.	Rocky Mountain population sandhill crane harvest strategy.	80 FR 51090, August 21, 2015.
American woodcock seasons in the Eastern and Central management units.	American woodcock harvest strategy	80 FR 51090, August 21, 2015 (removed “interim” label from the strategy, which was then considered operational); 75 FR 52873, August 30, 2010.

Currently, determination of some authorization conditions depends on Flyway Council recommendations based on formal Council harvest strategies (e.g., goose and swan seasons) and ad hoc decisions (e.g., coot and gallinule seasons). These Flyway Council harvest strategies and ad hoc decisions have been consolidated into five general decision frameworks, one for each of the four flyways and one for seasons that span multiple flyways. These five decision frameworks are being adopted by the Service in this final rule. These general decision frameworks prescribe authorization conditions that generally do not change among years and are based on the authorization conditions most recently published as a final rule in the **Federal Register** (89 FR 68500, August 26, 2024). These authorization conditions have been demonstrated to be sustainable over the range of migratory game bird population status and habitat conditions. A copy of the Service’s general decision frameworks is available at the address indicated in **FOR FURTHER INFORMATION CONTACT**, or at <https://www.regulations.gov>, or from

our website at <https://www.fws.gov/program/migratory-birds>.

As with the current administrative process, this new process applies biological data (e.g., game bird abundance, habitat conditions, hunter activity, and harvest information) to decision frameworks to inform appropriate selections of regulatory alternatives for the authorization conditions for migratory game bird hunting. We will adopt the outcome of the decision frameworks as the authorization conditions for migratory game bird hunting. In circumstances where urgent biological considerations arise, selecting more conservative authorization conditions may be necessary to support resource protection. In such instances, we would coordinate closely with the Flyway Councils and SRC and provide explanations through the MGBH memorandum, all which are open for public comment. These situations are expected to be infrequent and would inform subsequent updates to the decision frameworks through the formal rulemaking process. Examples provided

below illustrate how such circumstances have been infrequent and addressed historically.

We note that the Service and Flyway Councils have not recommended deviation from the prescriptions of the general duck season decision frameworks since they were first implemented in 1995. Thus, for about 32 years, we have applied current biological data to established decision frameworks and accepted the outcomes as the authorization conditions for the general duck seasons. However, a notable example of a more restrictive deviation from a species-specific decision framework occurred for the northern pintail season in 2002 (67 FR 59110, September 19, 2002) and 2003 (68 FR 55784, September 26, 2003), when unforeseen circumstances (record low numbers, combined with the poor production forecast) indicated that a departure from the pintail decision framework was justified and consistent with the Council recommendations we received in those years. The Councils and Service revised the decision framework for northern pintails in 2004

to incorporate the new information (69 FR 52970, August 30, 2004). Also, the Atlantic Flyway Council and Service recommended more restrictive authorization conditions for the Atlantic Flyway population of Canada geese for the 2022–23 hunting season in deviation from the Council's harvest strategy (87 FR 42598 at 42603 (Atlantic Flyway Council recommendations under 4.B.), July 15, 2022). This restrictive deviation was based on unforeseen circumstances including an unusually high degree of uncertainty in the population estimate that year (95 percent confidence interval of 92,000–235,000 pairs), lack of population status data in 2020 and 2021 due to the coronavirus, and the lack of productivity data.

The two cases of restrictive deviations from decision frameworks in the last 32 years indicate that such departures are unlikely. Restrictive deviations are unlikely because unforeseen circumstances rarely occur given the long-term nature of monitoring programs, some since 1955, and our decision frameworks are developed based on observed long-term demographic data. If the Councils and SRC recommend any liberalization beyond the authorization conditions prescribed by the decision framework, those changes will be reviewed by the Service, and, if supported, we will initiate a rulemaking to revise the decision framework.

In some cases, for reasons outside our control, we may need to temporarily and minimally deviate from our decision frameworks to address missing data. For example, due to the coronavirus pandemic and associated travel restrictions and human health concerns in the United States and Canada, certain migratory bird monitoring surveys were cancelled in 2020 and 2021. As such, the Waterfowl Breeding Population and Habitat Survey, which provides status information for many species of waterfowl, including those used in our AHM decision frameworks, were cancelled during those years. When unforeseen data gaps occur, as in 2020 and 2021, the Service may need to use time series forecasting tools and population and habitat models to make inference to current population status as needed in established decision frameworks. Such deviations would be limited to those necessary to determine appropriate authorization conditions in existing decision frameworks. Any deviation would be described in the MGBH memorandum, with any longer-term adjustments to decision frameworks addressed through future rulemaking. Temporary deviations from

decision frameworks to address data gaps fall within the scope of existing regulatory authority and maintain intent of established decision frameworks. These temporary adjustments apply the best available data and scientific methods within the established framework and are critical to making informed decisions about appropriate authorization conditions for the current season when this would otherwise not be possible in the case of missing data. The compulsory, minimal, and urgent nature of these temporary deviations are appropriately communicated through the MGBH memorandum rather than through a separate rulemaking.

Any technical updates or adjustments to the federally established decision frameworks will be published in a notice in the **Federal Register** to allow for public review and comment. This is similar to the current process for determining authorization conditions and hunting regulations, pursuant to which technical updates to decision frameworks are not adopted through rulemaking; rather, they are recommended by the SRC and supported by the Flyway Councils. In a recent example, the Service approved technical updates to the AHM decision framework for mid-continent mallards in 2020 (85 FR 51854 at 51855–51856 (under 1.A.), August 21, 2020) and the national mourning dove harvest strategy for the Eastern Management Unit in 2023 (SRC transcripts; May 31, 2023), Central Management Unit in 2024 (SRC transcripts; May 14, 2024), and Western Management Unit in 2024 (SRC transcripts; November 19, 2024) based on recommendations from the Flyway Councils with application in the same regulatory cycle. All four of these decision framework technical updates involved replacement of the predictive population models with updated state-of-the-art models cooperatively developed by the Service, Flyway Councils, and university researchers.

These technical updates are discussed at public meetings including the Flyway Council and SRC meetings and are open to public comment. After receiving support from the Flyway Councils and SRC, technical updates or changes to decision frameworks will be published in a **Federal Register** via notice or rulemaking and in the MGBH memorandum and made available for public comment. We expect changes to decision frameworks to be infrequent and will consider timing of **Federal Register** publication based on urgency and possible combination with other actions to minimize need for future publications.

Population Status and Harvest

We periodically publish reports that provide detailed information on the status and harvest of certain migratory game bird species. These reports contain descriptions of species population segments referenced in status assessments. These reports are available at the address indicated in **FOR FURTHER INFORMATION CONTACT** or from our website at <https://www.fws.gov/library/collections/population-status>, <https://www.fws.gov/library/collections/migratory-bird-hunting-activity-and-harvest-reports>, and <https://www.fws.gov/project/adaptive-harvest-management>.

We will use the most recently published reports in the development of annual authorization conditions for migratory game bird hunting. These reports currently include the following:

- Adaptive Harvest Management;
- American Woodcock Population Status;
- Band-tailed Pigeon Population Status;
- Migratory Bird Hunting Activity and Harvest;
- Mourning Dove Population Status;
- Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations; and
- Waterfowl Population Status.

Additional information, status reports, and special assessments may be provided by the Service and each of the four Flyway Councils.

Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. The Service's goals and objectives for migratory game bird harvest management are specified in a 2013 supplemental environmental impact statement (notice of availability published at 78 FR 32686, May 31, 2013) and the proposed rule that published at 52 FR 7900, March 13, 1987. Migratory game bird hunting seasons provide opportunities for recreation and sustenance, and aid Federal, State, and Tribal governments in the management of migratory game birds.

Review of Public Comments and Flyway Council Recommendations

We periodically receive recommendations on the authorization conditions and other policies and regulations for migratory game bird hunting from the four Flyway Councils at the SRC meetings, generally held in

spring and fall. We may also receive public comments from the SRC meetings and notices published in the **Federal Register**. We consider all comments we receive but may provide detailed responses only to substantive comments. Based on such comments, and any additional information we receive, we may change the authorization conditions, particularly for administrative corrections, or we may defer any changes until the next MGBH memorandum. Any administrative corrections to the authorization conditions will be made immediately through the MGBH memorandum available at the address indicated in **FOR FURTHER INFORMATION CONTACT** or on the Service's Migratory Bird Program website. These corrections will be identified either in the response to public comments or published in a revised notice if warranted based on the nature of the public comments. These corrections will include any errors made in the authorization conditions based on the application of biological data to established decision frameworks or significant typographical errors. Any recommendations for changes to regulations will be considered through a rulemaking process with at least a 30-day public review and comment period.

Adaptive Harvest Management Approach for Duck Harvest Management

We will continue to use our AHM decision frameworks to determine appropriate regulatory alternatives for annual duck hunting as described in earlier rulemaking for annual migratory game bird hunting regulations (89 FR 68500, August 26, 2024). AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use an AHM decision framework to evaluate four regulatory alternatives, each with a different expected harvest level, and choose the optimal alternative for duck hunting authorization conditions based on the status and demographics of mallards for the Mississippi, Central, and Pacific Flyways, and based on the status and demographics of four duck species (green-winged teal, common goldeneye, ring-necked duck, and wood duck) in the Atlantic Flyway. We have species-specific AHM decision frameworks that guide appropriate authorization conditions for species of special concern, including black ducks, scaup, northern pintails, and mallards in the Atlantic Flyway (eastern mallards), within the general duck hunting regulations. These protocols have species-specific regulatory

alternatives but share some aspects of the regulatory alternatives for the general duck seasons.

We currently use independent optimizations to determine the appropriate regulatory alternative based on the status of mallards in the Mississippi, Central, and Pacific Flyways and status of the four duck species mentioned above in the Atlantic Flyway. This means that we develop authorization conditions for mid-continent mallards, western mallards, and eastern ducks independently based on the breeding ducks that contribute primarily to each Flyway. These species-populations are a surrogate for the status of ducks in general in each flyway. We provided an overview of the AHM decision frameworks for general duck hunting authorization conditions in each Flyway in an August 26, 2024, rule (89 FR 68500).

The regulatory alternatives considered in the general duck season AHM decision frameworks associated with each flyway were described in a January 21, 2025, proposed rule (90 FR 7056). Regulatory alternatives include opening and closing dates, season lengths, daily bag limits, and shooting hours. Current regulatory alternatives for each of the four flyways include restrictive (relatively short seasons and low daily bag limits), moderate (intermediate season lengths and daily bag limits), liberal (longer seasons, higher daily bag limits), and closed seasons. The authorization conditions within each of these alternatives may vary by flyway. The differences in season lengths and daily bag limits among flyways reflect the historic differences in waterfowl abundance and hunter numbers in these regions. Each regulatory alternative has an associated target harvest rate for one or more species as a representative of all duck species.

AHM decision frameworks are used with the most current population status, habitat, and harvest survey data to govern the selection of one of the regulatory alternatives (*i.e.*, closed, restrictive, moderate, or liberal). These regulatory alternatives apply to all duck species except those for which species-specific decision frameworks exist or, in some cases, for species or population segments in which additional restrictions have been established. For example, additional restrictions within the general duck seasons are used to limit the harvest of certain less abundant species (*e.g.*, scaup, northern pintail, black duck, eastern mallards, canvasback, redhead, wood duck, and mottled duck).

The basic structure of the current regulatory alternatives for AHM was

adopted in 1997 (beginning with the 1997–98 general duck hunting season; 62 FR 31298, June 6, 1997). Changes to these alternatives have been infrequent and are detailed in the January 21, 2025, proposed rule (90 FR 7056). The alternatives were last revised beginning with the 2021–22 hunting season based on recommendations of the Flyway Councils (85 FR 51854, August 21, 2020).

We anticipate that, under the AHM approach, the regulatory alternatives will remain the same over time, because the optimization process assumes that the expected harvest rates resulting from the various alternatives remain constant over long-term (about 100 years) forecasting. That process accounts for the uncertainty resulting from the difference between projected harvest rates and actual harvest rates in any given year. Recognizing that constituents may favor periodic adjustments to the regulatory alternatives, we will adopt a regular process to review and incorporate possible modifications.

Although in the past the Service adopted the regulatory alternatives annually, that process does not account for the need to maintain predictable harvest projections for the optimization step in the current AHM process. We expect annual changes to the regulatory alternatives to have a negative impact on our ability to predict the harvest associated with each regulatory alternative. This approach would result in greater uncertainty in forecasting the impacts of the regulatory alternatives for a given set of environmental and biological conditions.

We will adopt in regulations the same regulatory alternatives for the general duck seasons that have been in effect since the 2021–22 season. (See 90 FR 17300 at 17302 (under B. Regulatory Alternatives), April 24, 2025, for the most recent rulemaking document that adopted the alternatives used prior to this final rule and 90 FR 7056 at 7061 (under B. Regulatory Alternatives), January 21, 2025, for a description of the alternatives and their history.) We also will codify in regulations restrictions on the frequency of changes to these regulatory alternatives because of the need to maintain predictable harvest projections for the optimization step in the AHM decision frameworks. We intend to have the first open review and possible modification of these regulatory alternatives no sooner than 2026. The last modification occurred in 2021. Establishing duck regulatory alternatives for 5-year periods was the preferred alternative in the “Second Final Supplemental Environmental

Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds” (see full reference in Required Determinations, *National Environmental Policy Act* (42 U.S.C. 4321 *et seq.*)).

The intent for open review and possible modification of these regulatory alternatives should begin with an announcement of the intent by either the Service or Flyway Councils at an SRC meeting at least 1 year prior to possible adoption of modifications. The modification of the regulatory alternatives for general duck seasons will be a rulemaking process with both proposed and final rules. We will include a regulatory impact analysis as part of these periodic rulemakings and continue work to expand the robustness of the analyses we completed in earlier rulemaking actions under the current hunting regulations process (see the 2025–26 hunting season final rule, 90 FR 40178 at 40192, August 18, 2025, and economic analysis at <https://www.regulations.gov> at Docket No. FWS–HQ–MB–2024–0127).

We note that we are codifying the alternatives for general duck hunting in regulations. However, regulatory alternatives from other decision frameworks are specified only in the preambles to rulemaking documents, not in the Code of Federal Regulations. We are codifying the duck hunting alternatives because the alternatives for general duck hunting apply in some aspects to multiple decision frameworks including those for duck species of special concern (e.g., black ducks, canvasbacks, eastern mallards, northern pintail, scaup), some brant and goose seasons, special youth and veterans–active military personnel waterfowl hunting days, merganser seasons, and some webless species (e.g., snipe, coots). Also, regulatory alternatives for general duck hunting have in part been prescribed by Congress in an amendment to the MBTA (16 U.S.C. 704(c); 84 FR 42996, August 19, 2019), and because we are codifying in regulations restrictions on the frequency of changes to these regulatory alternatives to facilitate the AHM process.

Duck Zones and Split Seasons

Background

Zones and split seasons are designed to distribute hunting opportunities and harvests according to temporal, geographic, and demographic variability in waterfowl and other migratory game bird populations. For ducks, States have been allowed the option of splitting their allotted hunting days into two or

three temporal segments to take advantage of species-specific peaks of abundance or to satisfy hunters in different areas who want to hunt during the peak of waterfowl abundance in their area. However, the split-season option does not fully satisfy many States that wish to provide a more equitable distribution of harvest opportunities. Therefore, we also have allowed the establishment of independent seasons in up to four geographic zones within States for the purpose of providing more equitable distribution of harvest opportunity for hunters throughout the State.

In 1978, we prepared an environmental assessment (EA) on the use of zones to set duck hunting regulations. A primary tenet of the 1978 EA was that zoning would be used to provide equitable distribution of duck hunting opportunities within a State or region. The intent was not to increase total annual waterfowl harvest in the zoned areas; target harvest levels were to be adjusted downward if they exceeded traditional levels because of zoning.

In 1990, we conducted a review of the use of zones and split seasons. We determined that the ability to detect the impacts of zones and splits on waterfowl demographics and harvest was poor because of the absence of adequate study designs and experimental controls, limitations in monitoring capacities, imprecise parameter estimates, and low power to detect changes in parameter estimates. Substantial concern remained about the unknown consequences of zones and split seasons on duck populations and harvest redistribution among States and flyways, potential reduced effectiveness of regulations (season length and bag limit) to reduce duck harvest if needed, and the administrative burden associated with changing regulations annually. Consequently, we established guidelines to provide a framework for controlling the proliferation of zones and split seasons. The guidelines identified a limited number of zone and split-season configurations that could be used for duck hunting and restricted the frequency of changes in State selection among these configurations to the first year of each 5-year interval (e.g., 2021 for the 2021–25 hunting seasons). The first hunting season that States could change their zone and split-season configurations was in 1991, with subsequent opportunities in the 1996, 2001, 2006, 2011–2012, 2016–2017, and 2021 hunting seasons. The Service approved extension of the general 1-year period for States to change their zone and split-season configurations in 2011

and 2016 to 2 years due to special circumstances.

In 2011, we prepared a new EA analyzing proposed changes to the guidelines for zones and split seasons. Revised guidelines were finalized in the preamble to a 2011 proposed rule (76 FR 53536, August 26, 2011). In 2020, at the request of the four Flyway Councils, we modified the existing guidelines for duck zones and split seasons to allow an additional configuration including two zones with up to three season segments per zone for use beginning with the 2021 duck hunting season (85 FR 51854, August 21, 2020). States that select this new configuration must conduct an evaluation of impacts to hunter dynamics (e.g., hunter numbers, satisfaction) and harvest during the 5-year period it is implemented (e.g., 2021–25 hunting seasons) and need to involve human dimensions specialists in the assessment. The purpose of the evaluation was to provide information to allow the Service and States to better understand how the additional zone and split-season configurations might influence hunter recruitment, retention, and reactivation (also known as R3) efforts, and whether additional options run counter to our mutual objectives including the desire to simplify regulations and waterfowl population concerns.

Previously, we established guidelines for duck zones and split seasons for each 5-year period via rulemaking (proposed and final rules) regardless of changes to the guidelines. We now will codify the existing guidelines for duck zones and split seasons (85 FR 51854, August 21, 2020), with minor clarifications, in our regulations. By codifying existing guidelines in regulations, we will need to undertake rulemaking only if we decide to modify the guidelines. To modify the guidelines for duck zones and split seasons, we will initiate a new rulemaking and issue proposed and final rules. Any changes to the guidelines will apply beginning the first year of the subsequent 5-year interval to maintain consistency in configurations within the intervals. At least 1 year prior to the possible adoption of any modifications, either the Service or Flyway Councils will announce at an SRC meeting their intent to review and possibly modify the guidelines.

Special Case Duck Zone and Split Seasons

When we first implemented guidelines for duck zones and split seasons in 1991, several States had completed experiments with zone and split-season arrangements different from

our original options. We offered those States a one-time opportunity to continue those arrangements, with the stipulation that only minor changes could be made to zone boundaries. If any of those States now wish to change their zone and split arrangement:

- (1) The new arrangement must conform to one of the currently allowable configurations; and
- (2) The State may not revert to the special case arrangement that it previously had in place.

Guidelines for Duck Zones and Split Seasons

The following guidelines for zones and split seasons apply only for the regular duck season:

- (1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent dates may be selected for the regular duck season.
- (2) States wishing to change their duck zone and split-season configurations may do so the first year of the 5-year period that it would apply (*i.e.*, 2026, 2031, 2036, 2041, and continuing at 5-year intervals).
- (3) Once a zone and split-season configuration is selected, it must remain in place for 5 consecutive years.
- (4) Only minor (less than one county in size) zone boundary changes are allowed for any special case arrangement, and such changes are allowed only the first year of the 5-year period during which it would apply.
- (5) Minor (less than one county in size) zone boundary changes may be allowed for any State to resolve law enforcement or other boundary clarification issues resulting from implication of a new configuration. Changes will be evaluated on a case-by-case basis and must be approved by the respective Flyway Council and the SRC.
- (6) Consideration of changes for management-unit boundaries is not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.

Configurations for Duck Zones and Split Seasons

Any State may continue their zone and split-season configuration used in the previous 5-year period. If changes are made, the zone and split-season configuration must conform to one of the following five options:

- (1) One zone (same as no zones) with up to three season segments;
- (2) Two zones with up to two season segments in each zone;
- (3) Two zones with up to three season segments in each zone;
- (4) Three zones with up to two season segments in each zone; or

- (5) Four zones with a continuous season (*i.e.*, no segments) in each zone.

Because the two zones and three season segments configuration is new, States that select this configuration must conduct a one-time evaluation of impacts to hunter dynamics (*e.g.*, hunter numbers, satisfaction) and harvest during the 5-year period it is implemented (*e.g.*, 2021–25 period).

Mallard Management Units

For the States that have a recognized management unit (Columbia Basin Management Unit in the Pacific Flyway, High Plains Management Unit in the Central Flyway) and include a non-management unit portion, an independent two-segment duck season with no zones can be selected for the management unit. The remainder of the State in the non-management unit portion can be zoned and have split seasons according to existing guidelines. In the Central Flyway, additional duck season days afforded to the management unit must occur on or after the Saturday nearest December 10.

Process for Selecting Duck Zone and Split-Season Configurations

States wishing to change their duck hunting zone and split-season configuration selection from within our established guidelines must provide their selected configuration and zone descriptions to the Service's Migratory Bird Program by the end of August in the year prior to the first year of the 5-year period that the selection would apply. However, we encourage States to submit their selections and zone boundaries as soon as possible. The Service's Migratory Bird Program will approve State selections once they are determined to be consistent with the above guidelines and zones and split-season configurations and boundary descriptions are complete. Any discrepancies between the State selections and the zone and split-season guidelines and configurations will be addressed by the SRC at their fall meeting, generally held in October. States may continue their zone and split-season configuration used in the previous 5-year period, and we will assume this is the case unless we receive configuration selections and zone descriptions from the State by the deadline for requesting configuration changes. We will publish State-selected duck zone and split-season configurations and zone descriptions in the MGBH memorandum.

Dove Zones and Split Seasons

Background

In 2004, we recognized the need to work with the States to review our current policy regarding zoning for dove hunting (69 FR 52970, August 30, 2004). We asked the Flyway Councils and Mourning Dove Management Unit Technical Committees to review the current policies regarding the use of zones and split seasons for dove hunting, with a view toward establishing guidelines for the use of these harvest-management tools, as has been done for ducks. Items considered included the number of zone and split-season configurations among which each State may choose, the frequency with which each State may change their configuration selection, and the need for a restricted framework opening date in southern zones. In 2006, we adopted a set of guidelines for dove zones and split seasons applicable in the Eastern and Central Mourning Dove Management Units (EMU and CMU) based on recommendations of the Atlantic, Mississippi, and Central Flyway Councils for use beginning with the 2007 hunting season and conforming to those 5-year periods used for ducks, for example, 2021–25 hunting seasons (71 FR 51406, August 29, 2006). These guidelines were not extended to the Western Management Unit (WMU) at the time because they were not endorsed by the Pacific Flyway Council and no dove zones occurred in the WMU. Furthermore, the framework season length in the WMU was 30 consecutive days, except in Arizona and California where the season length was 60 days and could be split into two segments.

The season length in the WMU was expanded to 60 days beginning with the 2014 hunting season (78 FR 52658 at 52662, August 23, 2013, and 79 FR 51402 at 51405, August 28, 2014). The Pacific Flyway Council requested the same flexibility for zones and split seasons that we have afforded the EMU and CMU, with the exception that the WMU would be allowed only two season segments in one or both zones rather than three. Thus, in 2020, we extended the guidelines for dove zones and split seasons to the WMU, with the exception that seasons may be split into no more than two segments (85 FR 51854, August 21, 2020).

Similar to the situation for ducks, described above, we previously established guidelines for dove zones and split seasons for each 5-year period via rulemaking (proposed and final rules) regardless of changes to the guidelines. We now adopt the existing

guidelines for dove zones and split seasons (85 FR 51854, August 21, 2020), with minor clarifications, in our regulations. By codifying existing guidelines in regulations, we will need to undertake rulemaking only if we decide to modify the guidelines. To modify the guidelines for dove zones and split seasons, we will initiate a new rulemaking and issue proposed and final rules. Any changes to the guidelines will apply beginning the first year of the 5-year interval to maintain consistency in configurations within the intervals. At least 1 year prior to the possible adoption of any modifications, either the Service or Flyway Councils will announce at an SRC meeting their intent to review and possibly modify the guidelines.

Special Case Dove Zone and Split Seasons

When we first implemented the guidelines for dove zones and split seasons in 2006, some States had completed experiments with zone and split-season arrangements different from our original options. We offered those States a one-time opportunity to continue those arrangements (special case), with the stipulation that only minor changes could be made to zone boundaries. If any of those States now wish to change their zone and split arrangement:

- (1) The new arrangement must conform to one of the currently allowable configurations; and
- (2) The State may not revert to the special case arrangement that it previously had in place.

Guidelines for Dove Zones and Split Seasons

The following guidelines for zones and split seasons apply only for the regular dove season:

- (1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent seasons may be selected for the regular dove season.
- (2) States wishing to change their dove zone and split-season configurations may do so the first year of the 5-year period that it would apply (*i.e.*, 2026, 2031, 2036, 2041, and continuing at 5-year intervals).
- (3) Once a zone and split-season configuration is selected, it must remain in place for 5 consecutive years.
- (4) Only minor (less than one county in size) zone boundary changes would be allowed for any special case arrangement, and such changes are allowed only beginning the first year of the 5-year period during which it would apply.

(5) Minor (less than one county in size) zone boundary changes may be allowed for any State to resolve law enforcement or other boundary clarification issues resulting from implication of a new configuration. Changes will be evaluated on a case-by-case basis and must be approved by the respective Flyway Council and the SRC.

Configurations for Dove Zones and Split Seasons

Any State may continue their dove zone and split-season configuration selected in the previous 5-year period. If changes are made, the zone and split-season configuration must conform to one of the following two options:

- (1) One zone (same as no zones) with up to three season segments; or
- (2) Two zones with up to three season segments in each zone, except in the WMU where the season in one or both zones may be split into two segments.

Process for Selecting Dove Zone and Split-season Configurations

The process for States to select their dove hunting zone and split-season configuration is the same as that for selecting the duck hunting zone and split-season configuration. States wishing to change their dove zone and split-season configuration selection from within our established guidelines must provide their selected configuration and zone descriptions to the Service's Migratory Bird Program by the end of August in the year prior to the first year of the 5-year period that the selection would apply. However, we encourage States to submit their selections and zone boundaries as soon as possible. The Service's Migratory Bird Program will approve State selections once they are determined to be consistent with the above guidelines and zones and split-season configurations and boundary descriptions are complete. Any discrepancies between the State selections and the zone and split-season guidelines and configurations will be addressed by the SRC at their fall meeting, generally held in October. States may continue their zone and split-season configuration used in the previous 5-year period, and we will assume this is the case unless we receive configuration selections and zone descriptions from the State by the deadline for requesting configuration changes. We will publish State-selected dove zone and split-season configurations and zone descriptions in the MGBH memorandum.

Special Seasons

Special seasons may be used for species considered to be underutilized, to address nuisance problems with overabundant species, or to provide special hunting opportunities. Special seasons differ from regular seasons in that they entail additional hunting opportunity outside the established regular seasons but within the 107-day limit mandated by the MBTA. Special seasons are used only for species whose migration and distribution provide opportunities outside the period in which regular seasons are held and when harvest can be achieved without appreciable impacts to nontarget species. An important tenet of special seasons is that harvest pressure can be effectively directed primarily at target species or population segments that can be temporally and geographically isolated to avoid nontarget take. Currently, special seasons include: (1) Early teal seasons in the Atlantic, Mississippi, and Central Flyways; (2) bonus blue-winged teal bag limits in certain States in the Mississippi and Central Flyways; (3) early teal and wood duck seasons in Florida, Kentucky, and Tennessee; (4) waterfowl hunting days for youth and veterans—active military personnel; and (5) early seasons on overabundant resident Canada and cackling geese.

The Service has required that States implementing special seasons conduct experiments to assess the biological impacts of those seasons on both target and nontarget species. However, the Service eliminated experimental evaluation requirements for special seasons on overabundant resident Canada and cackling geese, except: (1) in areas where previous evaluations indicate an unacceptable level of take of migrant Canada and cackling geese; and (2) in areas where evaluations have not been conducted and one could reasonably expect an unacceptable level of take of migrant Canada and cackling geese (*e.g.*, areas in northern States). All special seasons require Flyway Council endorsement, and Flyway Councils may request evaluation of any special season as part of the approval process if they believe such evaluations to be warranted. Additionally, if conditions are believed to have changed, new evaluations can be conducted for areas in which prior evaluations failed with respect to the take of migrant Canada and cackling geese. The Service may periodically reevaluate special seasons on a case-by-case basis to determine whether they are still justified and will continue to require experiments for any new special seasons other than those

described for overabundant resident Canada and cackling geese. Any new special seasons will be established through a new rulemaking process, which we expect to be infrequent, involving a proposed and final rule.

Experimental Seasons

Experimental seasons are used to evaluate expansion of regular seasons to new areas; the use of zones and splits in duck, dove, and, in some cases, goose seasons; special seasons; and alternative regulations for regular or special seasons. The Service may require implementing States to conduct research for at least 3 years to assess the environmental effects of experimental seasons, including on target and nontarget species. The Service may also require a memorandum of understanding with any State that implements experimental seasons. Experimental seasons may be authorized for up to 5 years, after which a new request must be submitted. A season may be offered on an experimental basis or change from experimental status to operational status upon approval by the respective Flyway Council(s) and the SRC. Any new experimental season will be established through a new rulemaking process, which we expect to be infrequent, involving a proposed and final rule. Change in season status from experimental to operational will be included in the MGBH memorandum.

Relationship to Regulations for Crow Hunting

Crows are in the family Corvidae and were not initially identified as a migratory bird in the four bilateral conventions for the protection of migratory birds. The family was added to the list of migratory birds with the convention amendment with Mexico in 1972. However, crows were not identified as a game bird; Corvidae are not one of the five families that comprise migratory game birds. At the time Federal protection was extended to Corvidae, some States had existing hunting seasons for crows. Therefore, Federal regulations were established to allow crow hunting; see 50 CFR part 20, subpart L, at § 20.133, hunting regulations for crows. Federal regulations allow States to establish dates and durations of hunting seasons, bag and possession limits, and methods of taking crows, subject to limitations defined in § 20.133. The hunting season on crows can have a maximum of 124 days within a calendar year because of specific provisions included in the convention with Mexico and must be outside the peak crow nesting period.

Some States allow crow hunting 4 days a week, extending the open season nearly 8 months. Most States have no daily bag limit on crows. Crows may also be taken under a depredation order as defined in § 21.150, the depredation order for blackbirds, cowbirds, crows, grackles, and magpies.

Migratory bird hunting regulations at 50 CFR part 20 apply to game birds and crows. Thus, we make the distinction in our regulations between migratory bird hunting (crows included) and migratory game bird hunting (crows excluded). Thus, crow hunting regulations (§ 20.133) are not affected by this rulemaking regarding the administrative process for authorizing migratory game bird hunting. However, this rulemaking action revises § 20.133 to authorize Tribes to establish crow hunting regulations along with the States to be consistent with our Tribal migratory game bird hunting regulations at § 20.110 (see 88 FR 60375, September 1, 2023).

Flyways and Management Units

We generally establish the authorization conditions for migratory game bird hunting for the conterminous U.S. States by flyway or management unit/region. We will include the authorization conditions for Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands in separate sections near the end of the MGBH memorandum. The States included in the flyways and management units/regions are described below:

Flyways

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and

Wyoming not included in the Central Flyway.

Mallard Management Units

High Plains Management Unit: Roughly defined as that portion of the Central Flyway that lies west of the 100th meridian.

Columbia Basin Management Unit: In Washington, all areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County; and in Oregon, the counties of Gilliam, Morrow, and Umatilla.

Mourning Dove Management Units

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Summary of Comments and Responses

The proposed rule, which appeared in the June 26, 2026, **Federal Register**, opened the public comment period for the process of authorizing seasonal migratory game bird hunting. We received written comments from 28 individuals and organizations on the rule including those from the four Flyway Councils, Alaska Migratory Bird Co-management Council, Association of Fish and Wildlife Agencies, 14 States, 2 non-government organizations (California Waterfowl Association and Animal Counsel), and 7 individuals. Two individuals opposed hunting of migratory birds, except subsistence harvest. All other comments provided general support for the increased efficiency and timeliness of the process for authorizing seasonal migratory game bird hunting in this rulemaking except for the concerns identified below. Due to the number of comments, this

summary presents major themes (issues) occurring throughout the comments.

Issue: Opposition to a 3-year cycle for issuance of the notice and memorandum to authorize seasonal migratory game bird hunting because of lack of coordination with the Flyway Councils and Alaska Migratory Bird Co-management Council on this specific aspect of the regulatory process and lack of assessment of the implications, cost-benefit analysis, and NEPA compliance (all commentors except two anti-hunting).

Response: We made no change in reference to the 3-year cycle. We reiterate that the Service will continue to make annual decisions on harvest levels and will update the MGBH memorandum codifying the authorization conditions each year if any changes are prescribed by our decision frameworks and current biological data. We believe this confirmation of the continued annual decision-making on appropriate harvest levels and annual publication of the MGBH memorandum for any prescribed changes addresses commentor concerns. However, we will strive to find efficiencies in the issuance of the MGBH memorandum. We currently envision issuance of the full memorandum to establish the limits and authorize seasonal migratory game bird hunting once every three years and then publishing only changes to these authorization conditions prescribed by our decision frameworks on years 2 and 3. We will continue to coordinate with the Flyway Councils and the Alaska Migratory Co-management Council in the implementation of this new regulatory process.

Issue: Some states do not have their own migratory game bird hunting regulations process and currently depend on the Service to open and publish their hunting seasons.

Response: The Service will no longer continue the current practice of publishing State annual hunting regulations as Federal regulations. Because State season selections are made entirely by the States within the established Federal limits and do not involve any decision-making by the Federal government, there is no need for State season selections to be part of the Federal rulemaking to authorize season migratory game bird hunting.

We worked with the Flyway Councils and all State attorneys' offices to discuss this new process starting in July 2022 and August 2023. Only two States in the three western most Flyways have requested that we publish their seasons while they develop their own regulatory process. Several States have requested

that we do not publish their hunting regulations because Federal and State regulations may differ in some cases if the State changes regulations, but still within the Federal limits, or is more restrictive than the Federal publication of State seasons. The potential for inconsistencies exists and differences would be confusing to the public.

Although most States have their own regulations process for migratory game bird hunting, we recognize that about six States do not and these States currently depend on the Service to publish their regulations. The Service proposed to continue to publish annual hunting regulations for these States as a policy memorandum for up to 3 years from publication of this final rule. We revised this final rule to publish State hunting seasons as a policy memorandum for as long as there is a demonstrated need for those few States that do not have their own regulatory process and request that we do so. In this case, we will publish the seasons on a State-by-State basis and not on a Flyway-wide basis. These State annual regulations will be published as a Federal MGBH memorandum, separate from the memorandum with the authorization conditions, available at the address indicated in **FOR FURTHER INFORMATION CONTACT** and on our website at <https://www.fws.gov/program/migratory-birds> when they become available in about July each year.

Issue: Reference to the frequency and necessity of SRC meetings is outside of the scope of this rulemaking (change in Federal administrative process) and inconsistent with SEIS 2013.

Response: In this final rule, we removed the two references to the frequency and necessity of SRC meetings and retain the two SRC meetings in the annual process consistent with SEIS 2013. However, we do expect the efficiency of the SRC meetings may be improved because the Flyway Councils will not need to make recommendations for season limits when supporting the prescribed limits from our decision frameworks, changed or unchanged from the previous year. We believe the Service and Flyway Councils will be able to focus on changes that are not anticipated from our decision frameworks.

Issue: Clarity of the rule regarding how the documents in the new process work together.

Response: We made changes to table 1 to improve clarity in the comparison of documents in the current process versus the new process. Specifically, in this final rule, we revised text in the table from the proposed rule to increase

clarity, and we added a row to include State season selections. Also, we added figure 1 in this final rule to help increase clarity of the new process and timing for authorizing seasonal migratory game bird hunting including biological assessment, regulatory meetings, announcing the authorization conditions, and establishment of State and Tribal hunting seasons. Lastly, although terms in the new process are defined in the preamble of the proposed and final rules, for convenience, we advise the reader to see the list of definitions in the regulation promulgation section, specifically at § 20.107 Definitions.

Issue: Concern for the loss of a Federal repository for State seasons (selections) as the **Federal Register** with State season selections previously provided.

Response: The Service's Migratory Bird Program, Branch of Monitoring and Data Management, maintains a database of State season selections. Under the new process, States are still required to submit their season selections to the Migratory Bird Program each year and we will continue to maintain this database of season selections. This data will continue to be available upon request.

Issue: Publish the regulatory impact analysis (RIA) anytime there is a proposed change in a decision framework.

Response: The Service believes that the most appropriate RIA is on the relative changes prescribed by the data and our decision frameworks once every 3 years and on the duck season regulatory alternatives used in the duck hunting decisions frameworks any time there is a proposal for change to these. There is information in the proposed rule, and this final rule, that explains the economic significance of migratory game bird hunting and our past work to understand the economic impacts associated with the duck regulatory alternatives and desire to continue to build on this work. Changes to decision frameworks in of themselves will not have any economic impact or benefit in their impact assessment, but rather the decisions from these based on current biological status.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

The programmatic document, "Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139)," filed

with the Environmental Protection Agency (EPA) on May 24, 2013, addresses criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). This EIS and Record of Decision continue to apply to the new process for authorizing seasonal game bird hunting. Further, the new hunting regulations process is more compliant with these NEPA documents than the current process. Specifically, there were two preferred alternatives in the NEPA documents that are only now being implemented with the new process. These include the frequency of review and adoption of duck regulatory packages and zones and split season guidelines. The preferred alternative in both cases is to establish these packages and guidelines for at least a 5-year period, with changes limited to not sooner than every 5 years, and then after that only when necessary (see above under *Adaptive Harvest Management Approach for Duck Harvest Management, and Duck Zones and Split Seasons*, and *Dove Zones and Split Seasons* for more details). We currently propose and finalize these regulations every year or 5 years regardless of changes. We address NEPA compliance for zones and split hunting seasons through the preparation of environmental assessments, the most recent being the *Zones and Split Seasons for Duck Hunting* and its corresponding 2011 finding of no significant impact.

This final rule is administrative in nature and is categorically excluded. It revises the process for transmitting authorization conditions for seasonal migratory game bird hunting to States and Tribes. Importantly, it does not alter the substantive annual biological monitoring and assessment process that determines those conditions.

The categorical exclusion determination is based on primarily 43 CFR 46.210(i) (in addition to 43 CFR 46.205 and 46.215), which provides that policies, directives, regulations, and guidelines of administrative, financial, legal, technical, or procedural nature qualify for categorical exclusion. The environmental effects of this action are too broad or speculative to lend themselves to meaningful analysis and are addressed in an environmental action statement, which is part of the record for this final rule and available

for public inspection as provided in **ADDRESSES**, *Document availability*.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that the Secretary shall insure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat. We conducted a formal consultation to ensure that actions resulting from these regulations will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from this consultation are included in a biological opinion, which concludes that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. The biological opinion resulting from this section 7 consultation is part of the record for this rule and available for public inspection as provided in **ADDRESSES**, *Document availability*.

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

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) reviews all significant rules as defined by that E.O. This rulemaking action will serve only to change the administrative process for authorizing States and Tribes to establish their regulations for migratory game bird hunting. OIRA has determined that this rule is significant under section 3(f) of E.O. 12866.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13653 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for

public participation and an open exchange of ideas. By eliminating annual rulemaking, the Service will save about \$80,000 per year in printing costs, reduce staff workload by at least 50 percent, and reduce 200 hours of managerial workload reviewing and summarizing documents. A regulatory impact analysis associated with the change in our internal administrative process was prepared and is available upon request from the person listed above under **FOR FURTHER INFORMATION CONTACT** or from <https://www.regulations.gov> at Docket No. FWS-HQ-MB-2024-0206.

We have developed this final rule in a manner consistent with these requirements. This final rule is an E.O. 14192 deregulatory action.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104-121), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small businesses, small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

We have examined this final rule's potential effects on small entities as required by the Regulatory Flexibility Act and determined that this action will not have an economic impact on any small entities. This proposed final rule is administrative in nature, and the affected entities are State and Tribal governments. The rulemaking action changes only our internal administrative process for authorizing States and Tribes to establish seasonal migratory game bird hunting regulations. The annual process is largely a cooperative effort between the Service and the States and Tribes. The change in our administrative process eliminates the need for annual rulemaking and is expected to increase efficiency; better meet State, Tribal, and Federal rulemaking constraints; and reduce the complexity and costs associated with promulgating annual migratory game bird hunting regulations.

This is not a major rule under subtitle E of SBREFA (5 U.S.C. 804(2)). This final rule will not have an annual effect on the economy of \$100 million or

more; will not cause a major increase in costs or prices for consumers, individual industries, or Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

This final rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). OMB has previously approved the information collection requirements associated with migratory game bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, “North American Woodcock Singing Ground Survey” (expires 02/28/2027).
- 1018–0023, “Migratory Bird Surveys, 50 CFR 20.20” (expires 09/30/2028). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.
- 1018–0171, “Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20” (expires 10/30/2027).

You may view the information collection request(s) at <http://www.reginfo.gov/public/do/PRAMain>. 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.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this final rulemaking does not include 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 million or more (adjusted for inflation) in any one year and does not significantly or uniquely affect small governments.

Civil Justice Reform (E.O. 12988)

The Department, in promulgating this final rule, has determined that this rulemaking action will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment (E.O. 12630)

In accordance with E.O. 12630, this final rule, authorized by the MBTA, does not have significant takings implications and does not affect any constitutionally protected property rights. This final rule would not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this final rulemaking action would allow hunters to exercise otherwise unavailable privileges and, therefore, will reduce restrictions on the use of private and public property.

Energy Effects (E.O. 13211)

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy and has not been designated by OIRA as a significant energy action. Therefore, no statement of energy effects is required.

Government-to-Government Relationship With Tribes

In accordance with E.O. 13175 (“Consultation and Coordination with Native American Indian Tribal Governments”) and the Department of the Interior’s manual at 512 DM 2, we considered possible effects of this final rule on federally recognized Indian Tribes with respect to impacts to Tribes’ treaty rights to hunt waterfowl. We have determined that there are de minimis effects on Indian Tribes for that aspect of their treaty rights. Through this process to establish and announce authorization conditions for migratory game bird hunting, we regularly coordinate with Tribes that are affected. Tribes could attend spring and fall Flyway Council meetings, participate in SRC meetings, and provide comments on **Federal Register** publications concerning authorization conditions for migratory game bird hunting, and, whenever needed, we hold informal consultations with Tribes regarding trust resources, trust assets, health, and safety. This final rule will 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.

This final rule is administrative in nature and does not directly affect any specific Tribal lands, treaty rights, or Tribal trust resources. In addition, this final rule will not interfere with the ability of Tribes to manage themselves

or their funds or to regulate migratory bird activities on Tribal and ceded lands. Therefore, we preliminarily conclude that this rulemaking action does not have “Tribal implications” under section 1(a) of E.O. 13175. Thus, formal government-to-government consultation is not required by E.O. 13175 and related policies of the Department of the Interior. We will continue to collaborate with Tribes on concerns related to migratory game bird hunting regulations.

We routinely provide **Federal Register** publications and biological status reports pertaining to migratory bird management, authorization conditions, and regulations online for all States and Tribes, and other interested parties. Upon being notified of any concern regarding proposed and final regulations, we have initiated consultation, and we will continue to consult with Tribes when necessary and requested by Tribes.

Federalism Effects (E.O. 13132)

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the MBTA. We prescribe authorization conditions from which States and Tribes may establish their annual regulations for migratory game bird hunting seasons. This final rule changes only the Federal internal administrative process for establishing the authorization conditions and preserves the ability of the States and Tribes to establish hunting seasons that meet their individual needs. We maintain our regulations at 50 CFR 20.110 (Regulations for certain Federal Indian reservations and ceded lands) recognizing Tribal sovereignty to exercise reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both Tribal and nontribal members on their reservation. Consistent with our longstanding policy, we continue to recognize that, in certain cases, conflicts may arise between specific States and Tribes on aspects of Tribal treaty rights. The Service actively supports the parties reaching a mutually agreeable solution to such conflicts.

Any State or Tribe may be more restrictive in its regulations than the Federal authorization conditions and regulations at any time. The authorization conditions are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of the authorization conditions from which they will establish their own hunting regulations.

This final rule 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, these regulations do not have federalism implications and do not warrant the preparation of a federalism summary impact statement.

Reference Cited

Lockie, S., and S. Rockloff. 2005. Decision Frameworks: Assessment of the social aspects of decision frameworks and development of a conceptual model. Coastal CRC Discussion Paper. Norman Gardens, Australia: Central Queensland University.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, for the reasons described in the preamble, the U.S. Fish and Wildlife Service is amending title 50, chapter I, subchapter B, part 20, of the Code of Federal Regulations as set forth below:

PART 20—MIGRATORY BIRD HUNTING

■ 1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703 *et seq.* and 742a–j.

Subpart B—Definitions

■ 2. Amend § 20.11 by:

- a. Revising the introductory text and paragraph (a) introductory text;
- b. In paragraph (b)(1), remove the word “prescribed” and add in its place the word “prescribed”; and
- c. In paragraph (c)(5), remove the word “aggregate” and add in its place the word “aggregate”.

These revisions read as follows:

§ 20.11 What terms do I need to understand?

In addition to definitions contained in part 10 of this chapter, as used in this part, the following terms will be construed, respectively, to mean and to include:

(a) *Migratory game birds* means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which hunting is authorized in this part and which belong to the following families:

* * * * *

Subpart C—Taking

■ 3. In § 20.21, revise paragraphs (b)(2) and (g)(2) to read as follows:

§ 20.21 What hunting methods are illegal?

* * * * *

(b) * * *

(2) A hunting season only for Canada and cackling geese during the period of September 1 to September 30, provided:

(i) The season occurs within the Atlantic, Central, and Mississippi Flyways (see § 20.107 for definitions of the flyways);

(ii) All other waterfowl and crane hunting seasons, excluding falconry, are closed; and

(iii) The State notifies the Service's Migratory Bird Program by May 31 each year of its intention to authorize the additional hunting method in its regulations for the seasonal hunting of migratory game birds.

* * * * *

(g) * * *

(2) A hunting season only for Canada and cackling geese during the period of September 1 to September 30, provided:

(i) The season occurs within the Atlantic, Central, and Mississippi Flyways (see § 20.107 for definitions of the flyways);

(ii) All other waterfowl and crane hunting seasons, excluding falconry, are closed; and

(iii) The State notifies the Service's Migratory Bird Program by May 31 each year of its intention to authorize the additional hunting method in its regulations for the seasonal hunting of migratory game birds.

* * * * *

■ 4. Revise § 20.23 to read as follows:

§ 20.23 Shooting and hawking hours.

No person may take migratory game birds except during the hours open to shooting, which includes hawking (taking by falconry), as prescribed in subpart K of this part and 50 CFR 21.180 and 21.183 of this chapter.

Subpart H—Federal, State, and Foreign Law

■ 5. Revise § 20.71 to read as follows:

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation, including the regulations in this part and the authorization conditions (see § 20.107 for a definition) for migratory bird hunting and in accordance with § 20.125(a), issued pursuant thereto.

■ 6. Revise § 20.72 to read as follows:

§ 20.72 Violation of State and Tribal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State or Tribe. A violation of State or Tribal law or regulation, including State regulations in a Federal policy memorandum posted on a Service website, for migratory bird hunting constitutes a violation of Federal law.

■ 7. Revise subpart K to read as follows:

Subpart K—Process for Issuing Authorization Conditions for Migratory Game Bird Hunting

Sec.

20.100 General provisions.

20.107 Definitions.

20.108 Nontoxic shot zones.

20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

20.110 Regulations for certain Federal Indian reservations and ceded lands.

20.115 Duck and dove zone and split-season configurations.

20.117 Duck season regulatory alternatives.

20.119 Establishing the authorization conditions.

20.121 Notification of the authorization conditions.

20.123 Special and experimental seasons.

20.125 Requirements for States.

20.127 Requirements for hunters.

20.129 Service Migratory Bird Regulations Committee.

20.130 Flyway Councils.

§ 20.100 General provisions.

(a) The taking, possession, transportation, and other uses of migratory birds is prohibited unless it is specifically provided for in regulations developed in accordance with the Migratory Bird Treaty Act.

Consequently, migratory game bird hunting is prohibited except as authorized in regulations in this part and in accordance with the authorization conditions (see § 20.107 for a definition) for State and Tribal migratory bird hunting regulations.

(b) Authorization conditions will be based on data including, but not limited to, migratory game bird population status and trends, habitat conditions, and anticipated harvest. The authorization conditions will be periodically adjusted to account for bird abundance and other biological factors.

(c) In the Atlantic Flyway States of Connecticut, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, if Sunday hunting of migratory game birds is prohibited statewide by State law or

regulation, all Sundays are closed to the take of all migratory game birds.

§ 20.107 Definitions.

For the purpose of this subpart, the following terms will be construed, respectively, to mean and to include:

Area means a federally established geographic boundary within which migratory game bird hunting may occur.

Authorization conditions means the selected Federal regulatory alternatives from our decision frameworks within which States and Tribes may establish regulations for the seasonal hunting of migratory game birds in accordance with Federal regulations.

(1) The selected regulatory alternatives may change periodically based on the status of populations and environmental conditions and will include the regulatory parameters most directly related to maintaining harvests at levels compatible with a game bird population's ability to be self-sustaining.

(2) Authorization conditions specify the bracket dates, season lengths, shooting hours, bag and possession limits, areas where hunting may occur, and other restrictions, conditions, and requirements associated with the seasonal hunting of migratory game birds.

Bracket dates means the earliest and latest dates for migratory game bird hunting open seasons.

Decision framework means a structured set of procedures, rules, models, and information criteria for selecting the appropriate authorization conditions from a fixed set of regulatory alternatives, each with a different expected harvest level, based on the harvest management objectives and status, demographics, and environmental conditions of the applicable migratory game bird population. Decision frameworks used by the Service are based on the U.S. Code and Code of Federal Regulations or published in the **Federal Register** as a final rule.

Flyway means a geographically bounded administrative region.

(1) Atlantic Flyway is Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

(2) Mississippi Flyway is Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

(3) Central Flyway is Colorado (east of the Continental Divide), Kansas,

Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

(4) Pacific Flyway is Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Flyway Council means the representatives from each State within that Flyway. Additionally, representatives from Puerto Rico and the U.S. Virgin Islands are included in the Atlantic Flyway Council, and representatives from Alaska are included in the Pacific Flyway Council.

(1) The Council recommends actions necessary for science-based and sustainable harvest management of migratory birds to the Service.

(2) The Flyway Councils are advised by the Flyway technical committees, which evaluate population and habitat information and make recommendations to the Councils on matters of migratory bird conservation.

Hunting permit means a federally authorized, State-issued license authorizing specific limited take for hunting migratory game birds, valid only for the individual whose name and address appears on the authorization.

Migratory Game Bird Hunting Memorandum means the policy memorandum that sets forth and communicates the authorization conditions within which States and Tribes may establish regulations for the seasonal hunting of migratory game birds in accordance with Federal regulations.

Season length means the maximum number of days hunting may occur within the bracket dates for migratory game bird hunting seasons.

Season segment means a consecutive-day period within the total season length for migratory game bird hunting seasons.

Service Migratory Bird Regulations Committee means the Service Migratory Bird Regulations Committee (Service Regulations Committee or SRC), which is responsible for considering recommendations from the Service and Flyway Councils and recommending authorization conditions and modifications to decision frameworks and migratory game bird hunting regulations to the Director of the Service.

Zone means a geographic contiguous boundary for which an independent hunting season for a species or group of species may be established to distribute hunting opportunities and harvests according to temporal, geographic, and demographic variability in game bird populations. Zones are established by States and approved by the Service.

Zone and split-season configurations means an alternative combination of zones and season segments that a State may use for duck and dove hunting in a 5-year period, as provided in § 20.115.

§ 20.108 Nontoxic shot zones.

Beginning September 1, 1991, the contiguous 48 United States, and the States of Alaska and Hawaii, the Territories of Puerto Rico and the Virgin Islands, and the territorial waters of the United States, are designated for the purpose of § 20.21(j) as nontoxic shot zones for hunting waterfowl, coots, and certain other species. "Certain other species" refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bags and concurrent seasons.

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

(a) In accordance with 50 CFR 21.82, falconry is a permitted means of taking migratory game birds in any State except for Hawaii. General hunting regulations, including seasons and shooting hours, apply to falconry.

(b) States and Tribes may establish an extended season for taking migratory game birds in accordance with the following:

(1) Bracket dates: September 1–March 10.

(2) Season lengths: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be split into three segments.

(3) Daily bag limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds in the aggregate during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in each State or Tribe, including those that do not establish an extended falconry season. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to shooting limits.

(4) Hawking hours: One-half hour before sunrise until sunset except as otherwise restricted by State or Tribal regulations.

§ 20.110 Regulations for certain Federal Indian reservations and ceded lands.

(a) *Tribal sovereignty.* The Service recognizes Tribal sovereignty to exercise reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both Tribal and nontribal members on their reservation. Accordingly, Tribes may independently establish special (separate from the State or States in which the reservation is located) migratory game bird hunting regulations. Migratory birds may be taken if the take is consistent with the regulations in this section and applicable Tribal hunting regulations.

(b) *Applicability.* Special Tribal migratory game bird hunting regulations may be established by Tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. These regulations also may be applied to the establishment of migratory game bird hunting regulations for nontribal members on all lands within the reservations where Tribes have full wildlife-management authority over such hunting, or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal members on non-Indian lands within the reservation.

(c) *Special regulations.* Special Tribal migratory game bird hunting regulations must be consistent with the annual March 11 to August 31 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds, as amended by the Protocol Between the Government of Canada and the Government of the United States of America Amending the 1916 Convention Between the United Kingdom and the United States of America for the Protection of Migratory Birds in Canada and the United States, and with these provisions:

(1) Tribes may establish on-reservation hunting regulations, for both Tribal and nontribal members, with

hunting seasons that may differ from those in the State(s) in which the reservations are located.

(i) *Regulations for both Tribal and nontribal members:* Opening and closing dates, season length, and daily bag and possession limits for nontribal members on the reservations must be within the authorization conditions for migratory game bird hunting, and all Federal hunting regulations in this part also apply to nontribal hunters. Tribes may choose to set the same opening and closing dates, season length, and daily bag and possession limits for hunting by Tribal members and nontribal members on their reservations, or, in accordance with the provisions in paragraph (c)(1)(ii) of this section, Tribes may choose to establish regulations for Tribal members only.

(ii) *Regulations for Tribal members only:* Tribes may establish on-reservation hunting regulations by Tribal members only, with hunting regulations that may differ from the authorization conditions for bracket dates, season length, and daily bag and possession limits. All Federal hunting regulations in this part apply.

(A) For a short-term experimental hunting season, a Tribe and the Service may formally agree on allowed methods of take, notwithstanding the regulations in § 20.21, for on-reservation and ceded lands hunting by Tribal members. The Service will make public any such formal agreement.

(B) A Tribe that would like to make an additional hunting method operational would need to provide data to the Service for consideration. If the Service agrees with the Tribe's proposal, the Service will conduct rulemaking to amend the regulations in this part to allow Tribal members to use the additional hunting method.

(2) Tribes may establish off-reservation hunting regulations by Tribal members on ceded lands, with hunting seasons that may differ from the authorization conditions for season

dates, season length, and daily bag and possession limits.

(d) *Provisions for ceded lands.* Tribes that have special migratory game bird hunting regulations for Tribal members on ceded lands must send a copy of the Tribal regulations to officials in the affected State(s) as soon as reasonably possible prior to the season opening.

§ 20.115 Duck and dove zone and split-season configurations.

Below are the alternative combinations of zones and season segments that a State may use for duck and dove hunting in a 5-year period. The SRC may approve a deviation from the 5-year period length for all four flyways.

(a) Duck hunting zone and split-season configurations include:

(1) One zone (same as no zones) with up to three season segments;

(2) Two zones with up to two season segments in each zone;

(3) Two zones with up to three season segments in each zone;

(4) Three zones with up to two season segments in each zone; or

(5) Four zones with a continuous season (*i.e.*, no segments) in each zone.

(b) Dove hunting zone and split-season configurations include:

(1) One zone (same as no zones) with up to three season segments; or

(2) Two zones with up to three season segments in each zone, except in the Western Management Unit where the season in one or both zones may be split into two segments.

§ 20.117 Duck season regulatory alternatives.

For the general duck season authorization conditions, each Flyway has four possible regulatory alternatives (closed, restrictive, moderate, and liberal), each with a different expected harvest level. The open season alternatives are specified as:

(a) Atlantic Flyway:

TABLE 1 TO PARAGRAPH (a)

Authorization conditions	Alternative		
	Restrictive	Moderate	Liberal
Bracket dates	Oct. 1–Jan. 31	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31.
Season length (days)	30	45	60.
Daily bag limit	3	6	6.

(b) Mississippi Flyway:

TABLE 2 TO PARAGRAPH (b)

Authorization conditions	Alternative		
	Restrictive	Moderate	Liberal
Bracket dates	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31.
Season length (days)	30	45	60.
Daily bag limit	3	6	6.
Mallard restriction	2	4	4.
Mallard female restriction	1	1	2.

(c) Central Flyway:

TABLE 3 TO PARAGRAPH (c)

Authorization conditions	Alternative		
	Restrictive	Moderate	Liberal
Bracket dates	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31.
Season length (days)	39	60	74.
Daily bag limit	3	6	6.
Mallard restriction	3	5	5.
Mallard female restriction	1	1	2.

(d) Pacific Flyway, except Alaska:

TABLE 4 TO PARAGRAPH (d)

Authorization conditions	Alternative		
	Restrictive	Moderate	Liberal
Bracket dates	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31	Saturday nearest Sep. 24–Jan. 31.
Season length (days)	60	86	107.
Daily bag limit	4	7	7.
Mallard restriction	3	5	7.
Mallard female restriction	1	2	2.

(e) Alaska:

TABLE 5 TO PARAGRAPH (e)

Authorization conditions	Alternative		
	Restrictive	Moderate	Liberal
Bracket dates	Sep. 1–Jan. 26	Sep. 1–Jan. 26	Sep. 1–Jan. 26.
Season length (days)	107	107	107.
Daily bag limit	5, except Gulf Coast Zone is 6 and North Zone is 8.	7, except Gulf Coast Zone is 8 and North Zone is 10.	7, except Gulf Coast Zone is 8 and North Zone is 10.

(f) Shooting and hawking hours are from one-half hour before sunrise to sunset daily.

(g) In the Central Flyway High Plains Mallard Management Unit, the season length may be extended 12 additional days in the restrictive alternative and 23 additional days in the moderate and liberal alternatives; additional days must be on or after the Saturday nearest December 10.

(h) In the Pacific Flyway Columbia Basin Mallard Management Unit, the season length may be extended 7 additional days in the restrictive and moderate alternatives.

(i) Additional species-specific restrictions may be established in the authorization conditions.

(j) Duck season regulatory alternatives are fixed for a period of not less than 5 years.

§ 20.119 Establishing the authorization conditions.

(a) The authorization conditions will be determined using available biological and habitat information and decision frameworks. A list of current decision frameworks is posted on the Service's website with the Migratory Game Bird Hunting Memorandum. The Service will apply available biological and habitat information to the relevant decision framework for that species and will

announce the outcomes as the authorization conditions within which States and Tribes may establish their migratory game bird hunting regulations in accordance with the regulations in this part and other applicable Federal regulations.

(b) Consistent with the Migratory Bird Treaty Act, the authorization conditions for any migratory game bird season must:

- (1) Not start prior to September 1;
- (2) Not end after March 10, except the season for ducks, mergansers, and coots may not end later than January 31 (16 U.S.C. 704(c)(1)(B)); and
- (3) Not exceed 107 days.

(c) The Service and Flyway Councils may establish decision frameworks for the determination of authorization conditions that are more restrictive than the provisions in the Migratory Bird Treaty Act.

§ 20.121 Notification of the authorization conditions.

(a) The Service will communicate the authorization conditions in the Migratory Game Bird Hunting Memorandum. The memorandum and any supporting documentation will be made publicly available in the **Federal Register** through a notice of availability and posted on the Service's website.

(b) The Service may update the Migratory Game Bird Hunting Memorandum and notice of availability annually if changes are prescribed by decision frameworks. Updates would occur no later than February 28 of each calendar year. If the Service does not issue a new memorandum and notice of availability by February 28, then the authorization conditions in the most recent memorandum will remain in effect.

(c) The notice of availability will open a public comment period of not less than 30 days. The Service may revise the Migratory Game Bird Hunting Memorandum based on public comment and, if so, the revised memorandum will be made publicly available in the **Federal Register** through a notice of availability and posted on the Service's website.

§ 20.123 Special and experimental seasons.

(a) Special seasons authorize additional hunting opportunity outside the regular season but within the 107-day limit mandated by the MBTA. Special seasons are authorized to promote harvest of underutilized species, address overabundance of nuisance species, or provide special hunting opportunities. Experimental seasons are authorized to evaluate

expansion of regular and special seasons to new areas, evaluate use of zones and splits, or evaluate alternative seasons.

(b) Special or experimental season requests may be made by the Flyway Council(s) or requested by a State. Requests must be submitted by September 1 prior to the requested hunting season. If the Service approves a special or experimental season, it will be authorized in the Migratory Game Bird Hunting Memorandum.

(c) To approve special and experimental seasons, the Service must find:

- (1) The Flyway Council(s) where the hunting will take place endorse the special or experimental season;
- (2) Species migration and distribution provide sufficient hunting opportunity outside the regular season;
- (3) There is no or negligible impact to nontarget species; and
- (4) Authorizations are consistent with existing environmental compliance determinations.

(d) Approved experimental seasons may be valid for up to 5 years, after which a new request must be submitted. The Service may require implementing States to collect data for at least 3 years to assess the environmental effects of special or experimental seasons, including effects on target and nontarget species.

§ 20.125 Requirements for States.

(a) States may authorize migratory game bird hunting provided the State establishes hunting regulations in accordance with Federal authorization conditions and regulations. State hunting regulations must be at least as restrictive as the Federal authorization conditions and regulations. Hunting that occurs outside the State regulations or Federal authorization conditions and regulations constitutes a violation of Federal law pursuant to § 20.71.

(b) No later than May 31 of each calendar year, States must submit their proposed migratory game bird hunting regulations implementing the Federal authorization conditions to the Service's Migratory Bird Program for review.

(c) Areas and zones for which open seasons are specified in a State's hunting regulations must be described, delineated, and designated as such in each State's hunting regulations, and these areas must also be included in the Migratory Game Bird Hunting Memorandum.

(d) Unless otherwise specified, States may establish hunting seasons by zones as defined in § 20.107. Zones for certain duck seasons (and associated youth and veterans-active military waterfowl hunting days, gallinule seasons, and

snipe seasons) and dove seasons must comply with Federal zone and split-season configurations. Changes among configurations may occur in the first year of the 5-year period that it would apply and according to the following guidelines:

(1) States seeking to change their duck or dove hunting zone and split-season configuration selection must provide their selection and zone descriptions to the Service by August 31 of the year prior to the 5-year interval during which they would apply.

(2) States with approved special case arrangements to change their zone and split-season configuration must conform to the current configurations and may not revert to the special case arrangements that they previously had in place.

(3) Only minor (less than one county in size) zone boundary changes will be allowed for any special case arrangement, and such changes are allowed only in the first year of the 5-year period during which it would apply.

(4) Minor (less than one county in size) zone boundary changes may be allowed for any State to resolve law enforcement or other boundary clarification issues resulting from implication of a new configuration. Changes will be evaluated on a case-by-case basis and must be approved by the respective Flyway Council and the Service Migratory Bird Regulations Committee.

(5) Consideration of changes for management-unit boundaries is not subject to the guidelines and provisions governing the use of zones and split seasons for ducks and doves.

(d) States may issue hunting permits for migratory game bird hunting at levels predicted to result in the amount of take authorized by the authorization conditions. Federally authorized, State-issued hunting permits are valid only for the individual whose name and address appears on the hunting permit and must specify a take authorization.

(e) States may select 2 days per duck-hunting zone, designated as "Youth Waterfowl Hunting Days," and 2 days per duck-hunting zone, designated as "Veterans and Active Military Personnel Waterfowl Hunting Days," in addition to their regular duck seasons.

(1) The days may be held concurrently or may be nonconsecutive. Days may be held up to 14 days before or after any regular duck-season bracket dates in the authorization conditions or within any split of a regular duck season, or within any other open season on migratory game birds. Youth Waterfowl Hunting Days must be held

outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate.

(2) Youth hunters must be younger than 18 years of age. States may specify a more restrictive age definition. An adult 18 years of age or older must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Permitted species may be taken only by participants possessing applicable hunting permits.

(3) Veterans (as defined in 38 U.S.C. 101) and members of the U.S. Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. Permitted species may be taken only by participants possessing applicable hunting permits.

§ 20.127 Requirements for hunters.

(a) Any individual hunting must comply with the regulations in this part, Federal authorization conditions, and any applicable State or Tribal hunting regulations. Violation of any applicable Federal, State, Tribal, or local law or regulation is a violation of Federal law pursuant to § 20.71 and § 20.72.

(b) Any individual hunting under a federally authorized, State-issued hunting permit must adhere to the provisions of the hunting permit, Federal regulations, and State regulations. The hunting permit must be carried by the permittee when exercising the provisions of the hunting permit and must be presented to any law enforcement officer upon request. The hunting permit specifies the

individual's name and address. The hunting permit is not transferable or assignable to any other person, and may not be sold, bartered, traded, or otherwise provided to any other person. The hunting permit will be invalid if it is altered or defaced in any way.

§ 20.129 Service Migratory Bird Regulations Committee.

(a) *Purpose.* The Service Migratory Bird Regulations Committee (Service Regulations Committee or SRC) is responsible for considering recommendations from the Service and Flyway Councils and recommending authorization conditions and modifications to decision frameworks and regulations for migratory game bird hunting to the Director of the Service.

(b) *Notice of meetings.* Some SRC meetings may be attended by any person outside the Department of the Interior. Notices of these meetings will be published on the Service's Migratory Bird Program website at least 2 weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting, as well as the extent of public involvement such as observation, written comment, or participation. Minutes will be maintained for each meeting of the SRC for which notice is published.

(c) *Public observation and written comment.* Each meeting of the SRC for which notice is published will be open to the public for observation, and the public may submit written comments to the Service's Migratory Bird Program at least 1 week prior to the meeting.

§ 20.130 Flyway Councils.

Notice of each meeting of a Flyway Council to be attended by any official of the Department of the Interior will be announced online on the Service's

Migratory Bird Program website at least 2 weeks before the meeting or as soon as practicable after the Department of the Interior learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

Subpart L—Administrative and Miscellaneous Provisions

■ 8. Revise § 20.133 to read as follows:

§ 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State or Tribe pursuant to this section.

(b) Except in the State of Hawaii, where take of crows is prohibited, States and Tribes may by statute or regulation prescribe a hunting season for crows. Such State and Tribal statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State or Tribe:

(1) Crows must not be hunted from aircraft;

(2) The hunting season or seasons on crows must not exceed a total of 124 days during a calendar year;

(3) Hunting must not be permitted during the peak crow nesting period within a State; and

(4) Crows may be taken only by firearms, bow and arrow, and falconry.

Kevin Lilly,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026-17733 Filed 8-27-26; 4:15 pm]

BILLING CODE 4333-15-P

Proposed Rules

Federal Register

Vol. 91, No. 167

Monday, August 31, 2026

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–115145–25]

RIN 1545–BR76

Section 898(c) Transition Rule for Allocating Foreign Taxes and Section 960(d)(4) Foreign Tax Credit Disallowance; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document contains corrections to the proposed regulations (REG–115145–25), published in the *Federal Register* on August 3, 2026. These proposed regulations relate to allocating foreign taxes of foreign corporations affected by the repeal of the one-month deferral election and to the disallowance of foreign tax credits on certain distributions of previously taxed earnings and profits.

DATES: Written or electronic comments and requests for a public hearing must be received by September 17, 2026.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate IRS and REG–115145–25) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted to the IRS's public docket. Send paper submissions to: CC:PA:01:PR (REG–115145–25), Room 5503, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations

related to section 898(c), Hayley Rassuchine at (202) 317–6936; concerning the proposed regulations related to section 960(d)(4), Le Chen at (202) 317–6936; and concerning submissions of comments and requests for a public hearing, Publications and Regulations at (202) 317–6901 (not toll-free numbers) or by sending an email to publichearings@irs.gov (preferred).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations (REG–115145–25) subject to this correction are proposed to be issued under sections 898(c) and 960(d)(4) and certain other provisions of the Internal Revenue Code (Code).

Correction of Publication

Accordingly, FR Doc. 2026–15614 (REG–115145–25), appearing on page 48794 in the *Federal Register* on August 3, 2026, is corrected as follows:

1. On page 48799, in the second column, in the first full paragraph, in the last line of the paragraph, the language “1.442–2(b)(1)(i)” is corrected to read “1.441–2(b)(1)(i)”.

2. On page 48800, in the second column, in the last paragraph, in the fourteenth line from the top of the paragraph, the language “§ 1.898(c)–1(c)(4)” is corrected to read “§ 1.898(c)–1(e)(4)”.

§ 1.898(c)–1 [Corrected]

3. On page 48801, in the third column, in paragraph (b), the fourth line from the bottom of the page is corrected to read “taxpayer described in § 1.901–2(f).”

4. On page 48802, in the third column, in paragraph (e)(2)(i), in the fourth line from the bottom of the paragraph, the language “percentage is adjusted” is corrected to read “percentage are adjusted”.

5. On page 48803, in the first column, in paragraph (f)(1), in the second line from the bottom of the paragraph, the language “before the last day” is corrected to read “before the first day”.

6. On page 48805, in the second column, in paragraph (i)(7)(ii)(A), the eighth line from the bottom of the paragraph is corrected to read “an income group specific allocation”.

7. On page 48805, in the third column, in paragraph (i)(7)(ii)(B), the eighth line from the bottom of the

paragraph is corrected to read “an income group specific allocation”.

8. On page 48805, in the third column, in paragraph (i)(8)(ii), in the first line of the paragraph, the language “paragraph g” is corrected to read “paragraph (d)(4)”.

§ 1.960–3 [Corrected]

9. On page 48806, in the third column, in paragraph (e)(3)(ii)(B), in the second line from the bottom of the page, the language “FC’s” is corrected to read “FC1’s”.

10. On page 48807, in the first column, in paragraph (e)(3)(ii)(B), in the first line from the top of the page, the language “FC’s” is corrected to read “FC1’s”.

Oluwafunmilayo A. Taylor,

Chief, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2026–17764 Filed 8–28–26; 8:45 am]

BILLING CODE 4831–GV–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 17–310; FCC No. 26–54; FR ID 364116]

Promoting Telehealth in Rural America

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comments on the scope of the similar service and rural area comparability requirements, comments on possible improvements to, or replacements of, our existing cost study method of determining rural telecommunications rates, comments on possible methods of promoting the use of lower-cost technologies intended to provide backup services, comments on a proposal to establish an eligible services list for the Rural Health Care (RHC) Program, comments on whether to adopt performance metrics to expedite the processing of RHC Program funding requests, and comments on whether to eliminate the approval requirement of evergreen contracts and an annual report requirement.

DATES: Comments are due on or before September 30, 2026 and reply comments are due on or before October 30, 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 document, you should advise the contact listed below as soon as possible.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section of this document. You may submit comments identified by WC Docket No. 17–310, by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- **People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418–0530.

FOR FURTHER INFORMATION CONTACT: Kate Dumouchel, kate.dumouchel@fcc.gov, Wireline Competition Bureau, 202–418–7400 or TTY: 202–418–0484. Requests for accommodations should be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Promoting Telehealth in Rural America, Third Further Notice of Proposed Rulemaking (FNPRM) in WC Docket No. 17–310; FCC No. 26–54; adopted August 6, 2026 and released August 7, 2026. The full text of this document is available for public inspection during regular business hours at Commission's headquarters 45 L Street NE, Washington, DC 20554 or at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-26-54A1.pdf>.

Synopsis

I. Third Further Notice of Proposed Rulemaking

In this FNPRM, we seek comment on several possible RHC Program improvements grouped within three distinct areas: Telecommunications (Telecom) Program support calculations, RHC Program supported services, and RHC Program processes. For Telecom Program support calculations, we seek comment on whether and how we should define the scope of “similar services” and “comparable rural areas,” and on ways to lessen the burdens resulting from cost studies and the associated evidentiary requirements proposed in the *Second Further Notice of Proposed Rulemaking* FCC 23–64 (88 FR 17495, March 23, 2023). In connection with RHC Program supported services, we request comment on possible ways to promote use of lower-cost backup services, and request comment on the establishment of an RHC Program eligible services list similar in concept to that in place for the E-Rate program. Regarding RHC Program processes, we seek comment on whether to adopt performance metrics applicable to the processing of RHC Program applications, and on whether to eliminate the Universal Service Administrative Company's (USAC) approval of evergreen contracts and the rule requiring the submission of an annual report by entities that receive Healthcare Connect Fund (HCF) Program support. The common thread in these proposals is the intent to reduce burdens and costs on RHC Program participants while protecting the limited resources of the Universal Service Fund by preventing waste, fraud, and abuse. When commenting on our proposals, or when offering alternatives to our proposals, we encourage commenters to explain how their positions further those goals.

A. Improving Support Calculations in the Telecom Program

1. Redefining Similar Services and Rural Area Comparability

Section 254(h)(1)(A) of the Communications Act of 1934 requires carriers to provide services to eligible health care providers “at rates that are reasonably comparable to rates charged for similar services in urban areas in that state,” and provides that Telecom Program support be based on the difference between that urban rate and the rural rate, which is the rate “for similar services provided to other customers in comparable rural areas.” In 2019, the Commission defined “similar services” to include services with advertised speeds 30% above or below the speed of the requested service. It also directed USAC, when determining similar services, to not limit the similar service inquiry to solely telecommunications services but instead to use a technology-agnostic approach that determines similarity from the perspective of the end user. The Commission affirmed these standards in 2023. Also in 2023, by restoring the previous rural rate determination rules after eliminating the Rates Database, the Commission in effect reinstated the pre-2019 definition of “comparable rural area” to be the immediate rural area in which the health care provider is located, but sought comment on what constitutes “comparable rural areas.” We now refresh the record by seeking additional comment on whether and how we should redefine the scope of “similar services” and “comparable rural areas.”

We first ask whether the plus-or-minus 30% threshold for similar services is still a reasonable interpretation of the Act, or should we consider another approach to defining similar services? To the extent we decide to eliminate or broaden the requirement that the speeds of the comparable services must be within 30% of the speed of the requested service, how should we adjust the price of the comparable service to reflect any differences in speed? For example, if there were a 100 Mbps service sold to a non-HCP commercial customer in a rural area, and the provider wanted to justify the price of a 1 Gbps service that it wants to sell to an HCP, how should the price of the 100 Mbps service be adjusted to project the 1 Gbps price? One possible approach would be to convert the price of the 100 Mbps service to a price per Mbps and then multiply that price times the number of Mbps requested by the HCP. We note, however, that prices generally do not

rise linearly with speed (*i.e.*, the price per Mbps tends to decline as speed increases). Given this, how should we adjust the per Mbps price to reflect differences in bandwidth between the requested service and the comparable service? Should adjustments also be made for other differences in product characteristics, and if so, how might this be accomplished?

If we eliminate the 30% speed restriction and allow providers to adjust rates to account for differences in bandwidths, should we require that a provider submit multiple comparable commercial rates and then average the adjusted rates for the similar services in some way to reduce variation? If so, do we risk introducing bias into the calculation of the rural rate? For example, if providers include rates that are increasingly dissimilar to the supported service (*e.g.*, farther from the requesting HCP location), could this result in a less accurate estimate of the price of the supported service absent appropriate adjustments? In addition, if we allow the provider to choose which commercial rates it wants to use for purposes of calculating an adjusted rate for the supported service, this could lead to selection bias (*i.e.*, the provider might choose only those commercial services that would yield the highest derived price for the supported service). Would a possible solution to this bias problem be to require a provider seeking RHC Program support to file data on all “sufficiently similar” commercial rates within a “sufficiently close proximity” of the HCP for which the supported rate is being calculated, and if so, how should we define these terms to collect the appropriate universe of rates for similar services?

The former Rates Database demonstrated that, in addition to bandwidth, there are other factors that affect the costs of providing a broadband service to a location and the monthly recurring charges for the service, and that if these factors are not accounted for, inaccurate price projections may result. These factors may include the location of the customer, the distance and terrain that the service provider must cover to connect to the customer, the technology used, the type and cost of middle mile transport, the contract length, the service level agreement, the number of channel terminations, the geographic pricing area, and the monthly spending commitment, among other factors. Given all the factors that affect the costs of providing a service and observed broadband prices, how should the Commission determine which services and rates qualify as sufficiently similar?

The hierarchical approach to determining rural rates, which assigns priority to Methods 1 and 2, represents a preference for the use of commercial rates over the use of cost studies available under Method 3. In recent years, however, there has been a significant decline in the number of Telecom Program applications that have relied on Methods 1 and 2. For example, in Alaska, in funding year 2024, only 32 of 317 approved Telecom Program requests relied on Methods 1 or 2, while in funding year 2025, only 34 of 340 approved Telecom Program requests in Alaska relied on Methods 1 or 2. We seek comment on whether expanding the 30% speed restriction may promote expanded use of Method 1 or 2. Does the 30% restriction unduly limit the number of commercial rates that could be used in determining rural rates, and therefore limit a provider’s ability to employ Methods 1 and 2? We also seek comment on whether we should continue to employ a “functional” approach to defining similar services, or should instead require that services be technologically similar.

Turning to how to redefine “comparable rural areas,” does “comparable” necessarily mean rural areas in the same state or may that geographic area encompass rural areas in adjoining states so long as they have similar levels of rurality? Section 254(h)(1)(A) of the Communications Act of 1934 requires the provision of telecommunications service at rates that are “reasonably comparable to rates charged for similar services in urban areas in that State.” Is it possible to read this language to include rural areas in adjoining states? On a separate point, is some form of rurality tiers, in which rates from more rural areas of a state are prevented from being unfairly reduced by the inclusion of rates for similar services in less rural areas, workable despite the inaccuracies and inconsistencies observed during our earlier attempt at such tiers? We encourage commenters to support their positions with actual examples of how their preferred definitions of similar services and comparable rural areas would work in practice.

2. Improving or Replacing Cost Studies

We next consider the possible improvement or replacement of cost studies. Under our current rules, cost-based rates must be justified under Method 3, including by submitting “an itemization of the costs of providing the requested service.” In the *Second Further Notice of Proposed Rulemaking*, the Commission sought comment on a proposal to maintain Method 3 but with

the requirement that service providers seeking approval of a cost-based rate submit a cost study that satisfies the same evidentiary requirements that the Commission adopted as required for a waiver of the Rates Database. Parties submitting comments in response to the *Second Further Notice of Proposed Rulemaking* opposed that proposal, objecting to cost studies generally as expensive and time-consuming for the service provider to prepare and for the Commission to review, while also questioning their accuracy. Commenters also opposed the proposed evidentiary requirements as unnecessary and counterproductive. These parties maintained that the proposed requirements are not needed to persuade service providers to use simpler rural rate-determination methods because the existing Method 3 process already imposes burdens and processing delays significant enough to encourage use of alternatives. One commenter, GCI Communication Corp. (GCI), also offered alternatives to cost studies that it believes can be used in cases where rates cannot be determined using other means.

While the Commission previously recognized the burdens associated with cost studies, the comments filed in response to the *Second Further Notice of Proposed Rulemaking* heighten our awareness of this issue, and prompt us to revisit the efficacy and desirability of our existing cost study approach under Method 3. The comments also inform us of the potential benefits that could be realized from employing alternatives to Method 3. We discuss the reduction of cost study burdens and possible cost study alternatives below in turn, and encourage stakeholders to comment on our proposals, and to offer proposals of their own, that seek to improve the methodology of determining rural rates.

a. Reducing Cost Study Burdens

As noted, the record in response to the *Second Further Notice of Proposed Rulemaking* suggests that the cost study required under Method 3 is burdensome for service providers to prepare. These apparent burdens notwithstanding, the record also reveals that cost studies, initially intended to be a seldom-used “safety valve,” have become instead an increasingly utilized method for determining rural rates. For example, after the use of previously approved rural rates was permitted under a waiver granted by the Commission following the repeal of the Rates Database in 2023, participants in the Telecom Program utilized previously approved rates nearly 500 times in funding years 2024 and 2025 to justify rural rates. Absent

the waiver, the Commission likely would have seen a large number of cost studies submitted for approval. There is also a risk that service providers may have chosen to not bid for services if they could not easily justify rates. While various parties oppose the evidentiary requirements proposed in the *Second Further Notice of Proposed Rulemaking* and argue that cost studies in general are burdensome, the dearth of Telecom Program approved rural rates that were based on Methods 1 and 2 suggests that, if we eliminate the current waivers, more providers may need to rely on Method 3 cost studies.

Given this, we seek comment on how we can reduce the possible burdens associated with cost studies, while ensuring they remain transparent and reliable. Section 254(h)(1)(A) of the Communications Act of 1934 requires that rates must reflect the difference between the urban and rural rate (*i.e.*, the rate for similar service provided to other customers in comparable rural areas in that state) but does not specify the manner in which rates must be documented or specify a general standard or framework for ensuring accurate rates. We believe the statutory language requires the Commission to protect against improper payments and, accordingly, the Commission has a responsibility to ensure that rural rates are backed by trustworthy, accurate, and well-documented data. We seek comment on these beliefs and on the appropriate types and granularity of data needed to fulfill this obligation. Commenters are encouraged to identify the specific burdens and benefits of cost studies.

Evidentiary Requirements. In 2023, the Commission proposed that service providers seeking approval of a cost-based rate satisfy the same evidentiary requirements adopted by the Commission in 2019 for use in connection with requests for waiver of use of the Rates Database. This proposal, intended to increase transparency in how service providers calculate cost-based rates, would require service providers to include all financial and other information to verify the service provider's assertions, including, at a minimum, the following information:

- Company-wide and rural health care service gross investment, accumulated depreciation, deferred state and federal income taxes, and net investment; capital costs by category expressed as annual figures (*e.g.*, depreciation expense, state and federal income tax expense, return on net investment); operating expenses by category (*e.g.*, maintenance expense, administrative and other overhead

expenses, and tax expense other than income tax expense); the applicable state and federal income tax rates; fixed charges (*e.g.*, interest expense); and any income tax adjustments;

- An explanation and a set of detailed spreadsheets showing the direct assignment of costs to the rural health care service and how company-wide common costs are allocated among the company's services, including the rural health care service, and the result of these direct assignments and allocations as necessary to develop a rate for the rural health care service;

- The company-wide and rural health care service costs for the most recent calendar year for which full-time actual, historical cost data are available;

- Projections of the company-wide and rural health care service costs for the funding year in question and an explanation of these projections;

- Actual monthly demand data for the rural health care service for the most recent three calendar years (if applicable);

- Projections of the monthly demand for the rural health care service for the funding year in question, and the data and details on the methodology used to make that projection;

- The annual revenue requirement (capital costs and operating expenses expressed as an annual number plus a return on net investment) and the rate for the funded service (annual revenue requirement divided by annual demand divided by 12 equals the monthly rate for the service), assuming one rate element for the service, based on the projected rural health care service costs and demands;

- Audited financial statements and notes to the financial statements for the most recent three fiscal years, if available, and otherwise unaudited financial statements for those years, specifically, the cash flow statement, income statement, and balance sheets. Such statements shall include information regarding costs and revenues associated with, or used as a starting point to develop, the rural health care service rate; and

- Density characteristics of the rural area or other relevant geographical areas including square miles, road miles, mountains, bodies of water, lack of roads, remoteness, challenges and costs associated with transporting fuel, satellite and backhaul availability, extreme weather conditions, challenging topography, short construction season, or any other characteristics that contribute to the high cost of servicing the health care providers.

Commenters who opposed this proposal as unnecessary, burdensome,

and unlikely to encourage use of Methods 1 and 2 did not offer possible alternatives or improvements to the proposed requirements. Here, we seek comment on which of the proposed evidentiary requirements are necessary to preserve the transparency and reliability of cost studies and which can be eliminated without endangering the integrity of the funding process. Would it reduce the burden on applicants and facilitate Commission review of cost studies if the Commission were to adopt a standardized approach or template for cost studies? If so, please provide examples of such a standardized approach or cost study.

b. Cost Study Alternatives

We next turn to three cost study alternatives based on GCI's suggestions offered in response to the *Second Further Notice of Proposed Rulemaking*. We seek comment on these proposals— involving wholesale rates, previously approved cost models or rates, and rate projections—as well as on other possible approaches. We also seek comment on whether we should adopt only one alternative or provide program participants with a suite of options to choose from to justify rural rates.

Wholesale Rates. The first cost study alternative would allow the wholesale rates that a service provider actually charges other service providers for the same or similar service to be submitted for approval as a cost-based rate. This alternative is similar to Method 1 in that it allows the submission of rates charged to other customers but is differentiated by the documentation required to justify the rate. Under this approach, a service provider would be required to submit an invoice or contract showing the wholesale rate, rate of return, taxes, and working capital to justify the costs of providing service.

We seek comment on this proposal. First, we seek comment on how we should determine whether the wholesale service is sufficiently similar to the services whose price is being justified. We also seek comment on circumstances under which a wholesale rate charged by a service provider to a third party could provide a cost-based justification for the rate. In particular, we seek comment on whether we should view the wholesale rate as cost based if the wholesale service is used to support a service supported by the Universal Service Fund, such as with E-Rate or the RHC Program. We also seek comment on whether we should consider wholesale rates to be cost based if the wholesale provider has market power with respect to the wholesale service. In such a case, how

should market power be defined? We also seek comment on whether we should allow a provider to add additional costs to a wholesale rate that it charges other carriers. For example, does it make sense to allow a provider to add an additional rate of return to a wholesale rate that it offers other carriers, since the provider would not have offered the wholesale service at all if it were not making a profit on the service? Finally, we seek comment on whether other safeguards would be required to allow wholesale rates to be used to justify rural rates. For example, should we disallow wholesale rates contracted with affiliated companies? Would the contract need to be for a standalone wholesale service so that the price associated with the service is not affected by other services being purchased?

In addition, we seek comment on whether providers should be allowed to add an additional rate of return to a wholesale rate offered to other carriers and, if so, what an appropriate cap would be for the claimed rate of return and how this rate of return could be verified. Should the Commission rely on 9.75% as the cap used for high-cost rate-of-return carriers, or should it vary by some other characteristics, like service and location? Should the rural rate be adjusted downward until the return on reported working capital is equal to the maximum allowable return, and how should this be done? Finally, we seek comment on how, if the wholesale service supports service to multiple locations, the cost of that wholesale service can be allocated for the purpose of setting a rural rate for service to a single location.

Previously Approved Cost Models or Rates. Our second proposed alternative to cost studies involves the use of previously approved cost models or rates. The Commission has twice waived § 54.605(b) of the Commission's rules to permit the use of previously approved rates that would otherwise require approval of a cost-based justification, specifically to cover funding years 2024 through 2026. In the *Order*, we again waive our rule to permit the use of previously approved rates for funding year 2027. We seek comment on a proposal that would have the practical effect of making these rule waivers permanent.

We first seek comment on how the use of previously approved rates would work on a permanent basis. Should the Commission accept previously approved rates that were based on a cost model as a rate ceiling that a provider can use for the same service offered to a location or a location within close

geographic proximity? Should there be a limit to how recent a rate must have been approved in order to use it as justification for a new rate? Should there be a time limit for how long a provider can rely on a previously approved rate before being required to have the rate reapproved using Method 1, 2, or 3? If so, we seek comment on the appropriate timelines for each of these parameters. Are there trends in the industry that the Commission should account for in these timeframe requirements? Given ongoing network deployments, the Commission believes rates will decrease over time and available bandwidth capacity will increase. Therefore, older rates may overcompensate providers relative to current market rates. We seek comment on this and how the Commission should factor these trends into any rules permitting the use of previously approved rates. Additionally, should the use of previously approved rates be limited to rates approved under Method 1, Method 2, or Method 3?

The waivers adopted in the past allowed for the use of rates approved within the past three funding years. Should there continue to be limits on how long a previously approved rate can be relied on by a provider? For example, if we permit using rates approved in the last three years as we have before, and a provider uses a rate approved two years ago, should it only be allowed to do that once? If not, the provider could continually use the same rate indefinitely, as it would become a newly approved rate every three years. Can rates approved under this approach be used as justification for rates proposed in future years under this or other proposed approaches?

Rate Projections. The final proposed alternative involves rate projections. Under this approach, service providers would be allowed to use a rational rate projection to justify the rural rate where the same service is justified at a lower bandwidth or range of bandwidths under Methods 1 or 2. The projection approach would allow service providers to develop a rate table for HCPs to understand specific tiers of service. We seek comment on whether the Commission should permit providers to use previously justified rural rates for a service to extrapolate a rural rate for the same service at a different bandwidth than the observed rates. In addition, consistent with our similar services and rural area comparability inquiry above, we seek comment on what the guidelines should be for characterizing a service as similar and a geographic rural area as comparable, and therefore

appropriate to use for projecting a new rate.

We next seek comment on whether projections be allowed for bandwidth amounts that are greater than the bandwidths observed in the supporting rates (*i.e.*, extrapolation), or limited to projections for bandwidths that are between the bandwidths observed in the supporting rates (*i.e.*, interpolation)? We note that, in general, interpolation likely provides more accurate estimates than extrapolation because it estimates values within the range of the underlying data and therefore is constrained by the surrounding data points. If projections are only allowed for bandwidths within the range of observed bandwidths in the supporting rates, should the range of data be required to satisfy certain criteria? For example, would it be problematic if a provider submitted rate data for MPLS circuits with bandwidths of 1 Mbps and 1 Gbps and used this data to project rates for a 500 Mbps MPLS circuit?

We also seek comment on what parameters should be required of the supporting rates. Should we require that a certain minimum number of rates for similar services used for the projection? If so, what should that number be? In cases of interpolation, should a certain percentage of the rates be required to be below the bandwidth of the rate being projected and a certain percentage above? If extrapolations to higher bandwidth services are allowed, should the criteria for those supporting rates be more stringent than the criteria required for interpolation? We recognize that the cost of a service typically does not increase linearly as the bandwidth increases. In fact, observed costs are generally highly non-linear, with the prices of 1 Gbps circuits being far below the amount that would be predicted from multiplying a 100 Mbps circuit by 10. Given this empirical regularity in broadband pricing data, should there be limitations put in place to guard against linear pricing, especially in cases of extrapolation? If so, what should those guardrails look like?

We seek comment on limiting projections to interpolation or extrapolation of rates based on rates that were approved within the past two years under Methods 1 or 2 for services that are appropriately similar in both rurality and product characteristics, and on an appropriate number of rates for similar services (consistent with how we ultimately define "similar") to support a newly projected rate. Finally, we seek comment on the appropriate format to collect the data, methodology, and justification in order to limit burden to providers and Commission staff.

Should the Commission require the submission of any specific supporting documents, like signed contracts or public-facing information, during the review process?

Other Alternatives. Using wholesale rates, previously approved rates, and rate projections are not the only possible alternatives to cost studies. We seek comment on other approaches. For example, if tariffed or publicly available rates are not available or cannot be used in a particular case, should we consider rates from another area, time period, or type of service or service level standard? If so, what justification would be required to show such rates are representative? Should providers be required to certify under penalty of debarment that they provided all known tariffed or publicly available rates from the other area or time period? Should the Commission also request rates for different services and service standards in a given area? Could the Commission use other existing data (*e.g.*, from other Universal Service Fund programs like the HCF Program or E-Rate program) to model the costs of service to determine potential reasonable ceilings that could be used as an alternative? Commenters offering alternative approaches should demonstrate how and why their proposed approaches will reduce administrative burdens while simultaneously setting rural rates that are accurate measures of the true cost of telecommunications services. Finally, we ask whether the Commission should offer a choice of cost study alternatives rather than only one approach. Does offering service providers the discretion to choose a cost study alternative overcomplicate the rate-approval process? Is there a risk that, with a suite of options to choose from, program participants will face a new level of burden resulting from having to make market-by-market determinations of the best option to take?

B. Making Effective Use of RHC Program Supported Services

1. Promoting Lower-Cost Secondary Services

We next seek comment on measures to promote health care providers' use of lower-cost options for backup (*i.e.*, secondary) services. Backup services can be an essential component of a health care provider's risk management plan by providing continuity of patient care in the event of a communications system failure or cyber threat. The Commission has previously concluded, however, that the cost of bandwidth for a backup service "must reasonably reflect its use as a secondary service,

and it must be the most cost-effective option available." With this standard in mind, we seek comment on possible ways to lower program costs associated with secondary services.

The RHC Program rules currently do not distinguish primary services from secondary services. This lack of a distinction may lead to cost inefficiencies, such as a health care provider that uses more expensive C-band satellite services for both primary and secondary services where a less costly low earth orbit satellite service could be used instead for secondary services. How commonplace is this scenario, where a lower-cost technology can replace a more expensive technology to meet the health care provider's needs for secondary service? Alternatively, how commonplace is the scenario where health care providers choose a higher service level standard when a lower-cost alternative is available? In the HCF Program, price must be a primary factor that an applicant considers when choosing the required most cost-effective service offering. However, when facing a choice between service options at varying costs, a health care provider may reasonably reject lower-cost options due to concerns regarding the lower-cost technology's reliability or other functional shortcomings. How often do health care providers face this choice, and what metric or standard is used to weigh the competing interests of functionality and cost effectiveness? We ask that commenters support their responses with actual examples identifying the specific technology(ies) of where they opted for higher-cost options when lower-cost alternatives were available and explanations as to why the higher-cost service was selected.

We seek comment on whether we should modify the RHC Program rules to distinguish between primary and secondary services. The Commission has historically been technology-agnostic in regard to the services eligible for funding in the RHC Program. For secondary services, should we limit the technologies eligible for support? Should we limit the cost or the performance characteristics of the secondary service to no greater than that of the primary service? We seek comment on codifying the existing guidance that a secondary service "must reasonably reflect its use as a secondary service, and it must be the most cost-effective option available" into our program rules for clarity. Should cost be a primary factor for secondary services or should we take into account other factors? If so, what should those factors

be? Has a primary factor requirement been problematic in the HCF Program? Due to the importance of connectivity for health care providers, should the primary focus of both primary and secondary services be ensuring reliable connectivity regardless of price and technology? Are there other considerations we should take into account when examining potential limitations on technologies for secondary services? The Commission currently prioritizes RHC Program support based on eight tiers ranked by degree of rurality and greatest medical need. Should we consider delineating primary and secondary services and prioritizing primary over secondary services when reviewing funding requests?

What level of capacity, latency, and security is necessary to support healthcare providers and networks? Are there any special considerations around network resiliency, latency, capacity, etc. for health care when it comes to support for secondary services? How is the current competitive bidding process impacted if an applicant is seeking bids for secondary services? How does a service provider responding to a request for proposal qualify that its services meet the applicant's needs in terms of network resiliency, safety, or otherwise?

2. Establishing an RHC Program Eligible Services List

We next propose to adopt an eligible services list for the RHC Program, modeled in part after the E-Rate program's eligible services list. An eligible services list specifies the services that will be supported for eligible program participants. The Commission delegated responsibility to the Wireline Competition Bureau to annually seek public comment on an eligible services list for the E-Rate program, which is prepared and released prior to the opening of each funding year's application filing window. We seek comment on whether the adoption of an analogous eligible services list for the RHC Program would promote clarity and consistency regarding the telecommunications and broadband services and equipment eligible through the program.

While the RHC Program lacks a formal eligible services list, lists of common products and services that qualify for support have been available through the USAC website for about five years. However, the adoption of a formal eligible services list would better align the RHC Program with other universal service programs. Not only has the E-Rate program released eligible services lists since 1998, such lists have been

used in connection with three recent temporary universal service programs: the COVID-19 Telehealth Program, the Connected Care Pilot Program, and the E-Rate Cybersecurity Pilot Program. In addition, adopting an eligible services list could make RHC Program rules more transparent, easier to administer, and more comprehensible, particularly for new entrants to the program.

We invite comment on our proposal to create an RHC Program eligible services list. Have conditions changed since the Commission opted to not adopt an eligible services list when establishing the HCF Program in 2012 that now support adopting such a list for the RHC Program? Do stakeholders have examples of specific situations where the availability of an eligible services list would have been useful? Will the creation of an eligible services list help applicants (including both providers and health care providers) in applying for support? For instance, are stakeholders experiencing problems with specific eligibility where a service or product appears eligible, but a funding application is denied after USAC review? If so, we invite comment on whether this would be better resolved with an eligible services list or an alternative change to our rules. Would an eligible services list increase transparency and make program administration simpler both for participants and the Commission? We also seek comment on how an eligible services list would work in practice. How frequently would the list need to be updated? We propose that revisions to the eligible services list be conducted on an as-needed basis with authority delegated to the Wireline Competition Bureau to seek comment on changes and on whether separate lists are needed for the Telecom and HCF Programs. Are there other aspects of the E-Rate program eligible services list process that should be modified for the RHC Program and, if so, how and for what reason? Alternatively, could the advantages of a more comprehensive eligible services list be achieved through modifications to existing USAC or Commission websites, without the adoption of rules?

Relatedly, the Ad Hoc Broadband for Rural Health Group (Ad Hoc Group) suggests that the Wireline Competition Bureau seek comment and publish guidance and clarifications on the list of entities eligible to participate in the RHC Program. Consistent with the Ad Hoc Group's desire for clarification and its cite to a prior Wireline Competition Bureau order as an example of helpful clarification, we direct the Wireline Competition Bureau to look for

opportunities to further clarify the scope of eligible entities in the course of acting on RHC Program issues in the future.

We also seek comment on which of the seven types of eligible health care providers require specific clarification and whether the Commission should adopt more formal definitions of each entity type, and, if so, recommendations for how to define.

C. Evaluating and Improving Program Processes

1. Applying Performance Metrics

We next ask whether we should adopt performance metrics to support the goal of making RHC Program application processing faster and more effective. The Commission adopted metrics for the E-Rate program in 2014 by directing USAC to aim to issue funding commitments or denials for all "workable" funding requests by September 1 of each funding year. The Commission defined "workable" to mean a funding request that is timely filed and complete with all necessary information, and filed by an applicant (or its service provider and consultants) not subject to investigation, audit, or other similar reasons to delay a funding decision. Should we adopt a similar performance metric for the RHC Program? Does the RHC Program's recent history warrant this or other processing targets? A September 1 deadline would provide USAC with approximately five months after the application filing deadline to review RHC Program funding requests. We note that the September 1 deadline for the E-Rate program was established with the intent of providing applicants "certainty . . . by the beginning of the school year." Does the inapplicability of a school year to the RHC Program mean that another deadline would be more or equally appropriate? As always, we seek to balance program integrity with efficiency and predictability. Could an expedited processing timeline increase the risk of RHC Program waste, fraud, and abuse? If more (or less) processing time than five months is preferred, why? The E-Rate metrics recognize that even "workable" funding requests may be time-consuming for USAC to process due to the need for additional information from the applicant. We seek comment on whether there are RHC Program-specific exceptions that should be considered in determining what is a "workable" funding request.

Are there alternative measures to establishing a September 1 target (or any other specific deadline) that would more clearly define and track USAC's administrative procedures during an

application review? In addition to considering performance metrics, data collected, and deadlines, what other ways can the Commission streamline the application process, clarify program rules, ensure effective and timely communication between USAC and applicants, and promote efficient program administration? Is there specific information that would be particularly helpful to publish in the RHC Open Data datasets? Are there other process controls that would keep the application process moving forward?

2. Changing Evergreen Contract Approval Timing

We next seek comment on whether to eliminate the requirements in § 54.622(i)(3) of the Commission's rules for USAC to approve multi-year contracts in the RHC program as "evergreen" before applicants can avail themselves of the competitive bidding exemption for "evergreen" contracts. Evergreen contracts are one of the exemptions to the general rule that applicants are required to undergo a competitive bidding process to identify the most cost-effective service in order to receive RHC Program support. After USAC designates a multi-year contract as evergreen, an applicant with an evergreen contract need not undertake competitive bidding for the life of the contract. The Schools, Health & Libraries Broadband Coalition (SHLB), in response to the *Delete, Delete, Delete* (FCC 25-219, March 12, 2025) initiative, recommends that the requirements in § 54.622(i)(3) of the Commission's rules for USAC to approve multi-year contracts as "evergreen" be eliminated as "unnecessary," maintaining that "there is no need for applicants to submit and wait for approval from USAC for their multi-year contracts." SHLB recommends that the RHC Program follow the approach used in the E-Rate program, where USAC approval of evergreen contracts is not required and "applicants simply have to seek competitive bids when the multi-year contract is expiring."

We seek comment on SHLB's recommendation to eliminate the requirements in § 54.622(i)(3) of the Commission's rules for USAC to approve multi-year contracts as "evergreen" before applicants can avail themselves of the competitive bidding exemption. As SHLB points out, the E-Rate program does not require evergreen contract approval. However, E-Rate competitive bidding violations can be discovered after a number of years, resulting in a larger recovery. Are the minor burdens of the evergreen contract

review outweighed by the benefits of ensuring that the contract is approved for its duration? Alternatively, are there ways the approval process be shortened so that it still delivers benefits while minimizing burdens? Are health care providers in the position to assume the risk of a potential future finding of a violation if they rely on a yet-to-be-approved evergreen contract?

3. Eliminating HCF Annual Report Requirement

We next propose to eliminate a reporting requirement that our current rules impose on HCF Program applicants. When the HCF Program was established in 2012, the Commission adopted a rule, now contained in § 54.618 of the Commission's rules, that requires each HCF Program applicant to file an annual report with USAC on or before September 30 for the preceding funding year. The Commission adopted this reporting requirement to provide "information necessary to ensure the Commission can assess progress towards the performance goals and measures" adopted in the *HCF Order*, FCC 12-150 (78 FR 13936, March 1, 2013). The Ad Hoc Broadband for Rural Health Group (Ad Hoc Group), in response to the *Delete, Delete, Delete* initiative, requests that § 54.618 of the Commission's rules be eliminated. The Ad Hoc Group maintains that the data gathered by the annual reports "is no longer a meaningful metric for measuring HCF performance goals" because of how much telehealth services have grown and changed since 2012.

We tentatively agree with the Ad Hoc Group, and propose deleting the HCF annual report requirement. The HCF Program has established itself as the predominant funding mechanism of the RHC Program. In funding year 2024, the most recent funding year for which complete data is available, the HCF Program accounted for 56.8% of the RHC Program funding commitments in terms of dollars. We tentatively conclude that the information gathered by the annual report requirement is no longer needed to measure the progress of HCF Program goals now that the program is so firmly established. The report instead serves as a hurdle that HCF Program applicants must clear in order to receive universal service support.

We request comment on our proposal to eliminate the HCF Program annual report requirement and our tentative conclusion that collection of this information is no longer necessary. Is the data collected in the annual reports of continuing value? Does the burden

associated with complying with the annual reporting requirement outweigh any benefit for program administration? If the annual reporting requirement is to be retained, should the reports require different or additional information? Should the frequency and form of the retained reports remain as they are or revised to minimize the administrative burdens placed on reporting entities? We encourage commenting parties that favor continuation of the annual reports to explain how the value of the information contained in the reports outweighs the burdens associated with compiling and submitting the reports.

II. Procedural Matters

A. Paperwork Reduction Act

Paperwork Reduction Act. This *FNPRM* may contain proposed new or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

B. Regulatory Flexibility Act

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in the *FNPRM*. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *FNPRM* indicated in the **DATES** section of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Ex Parte Rules—Permit-But-Disclose. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any

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

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of the *FNPRM* will be available on <https://www.fcc.gov/proposed-rulemakings>.

C. Initial Regulatory Flexibility Analysis

As required by the RFA, the Commission has prepared this IRFA of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *FNPRM*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments indicated in the **DATES** section of this document. In addition, the *FNPRM* and

IRFA (or summaries thereof) will be published in the **Federal Register**.

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *FNPRM* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified in the **DATES** section of this document. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

1. Need for, and Objectives of, the Proposed Rules

The Commission is required by section 254 of the Communications Act of 1934, as amended, to promulgate rules to implement the universal service provisions of section 254. On May 8, 1997, the Commission adopted rules to reform its system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. The Rural Health Care (RHC) Program consists of two component programs: (1) the Telecommunications (Telecom) Program, and (2) the Healthcare Connect Fund (HCF) Program. The Telecom Program, established in 1997, subsidizes the difference between the rates for eligible telecommunications services in the health care provider's rural area and rates for comparable services available in urban areas within that state. The HCF Program, created in 2012, promotes the use of broadband services and facilitates the formation of health care provider consortia that include both rural and urban health care providers by providing a flat 65% discount on an array of advanced telecommunications and information services.

The *FNPRM* proposes several improvements to reduce administrative burdens for RHC Program participants, as well as appropriate administrative responses to increased program demand. We seek comment on the scope of the similar service and rate comparability requirements in section 254(h)(1)(A) of the Communications Act of 1934; possible reforms to our existing cost study method of determining rural telecommunications rates; possible methods of promoting the use of lower-cost back-up and redundancy technologies; the establishment of an eligible services list for the RHC Program; whether to increase the RHC

Program funding cap; and whether we should change how the RHC Program prioritizes support in the event that demand exceeds the program funding cap. We also request comment on whether to adopt USAC performance metrics to expedite the processing of RHC Program funding requests. Finally, we respond to two suggestions from stakeholders offered in response to our Delete, Delete, Delete initiative by seeking comment on the elimination of the evergreen contract competitive bidding exemption and proposing to eliminate an annual program report requirement.

2. Legal Basis

The proposed action is authorized pursuant to sections 1, 4(j), 214, 254, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(j), 254, and 303(r), and § 1.3 of the Commission's rules, 47 CFR 1.3.

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

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

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do

not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified in Table 1 (2022 U.S. Census Bureau Data by NAICS Code) and Table 2 ((Telecommunications Service Provider Data).

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

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

In general, the proposals in the *FNPRM* should reduce administrative burdens for all program participants, including small entities, and have minimal impact on the hiring of professionals for compliance purposes for current participants who should be familiar with the program. We seek comment on whether the cost study approach under Method 3 is burdensome for providers to prepare, and whether and how to reduce the requirements associated with cost studies. We also seek comment on how to define the scope of "comparable rural areas" and "similar services," and whether providers should be able to choose from alternative options to justify rural rates. The *FNPRM* also seeks comment on ways to lower costs using secondary services. We also propose to adopt an eligible services list to better align with other universal service programs. Finally, we seek comment on whether to apply performance metrics for the RHC program and eliminate HCF annual

reporting requirements, as well as the evergreen contract approval requirement. We do not expect the proposals to affect the overall size of the RHC or the type of health care provider that participates.

5. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

The *FNPRM* proposes or seeks comment on several alternatives that may reduce the economic impact on program participants, including small entities. For example, we seek comment on alternatives to cost studies proposed by commenters that may streamline cost studies and reduce evidentiary requirements that some found to be burdensome. These include using rate projections and associated methodologies, rates previously approved for rural areas, or wholesale rates that service providers charge other providers. The Commission welcomes submission of any comments with constructive proposals that would minimize the compliance burden or economic impact for small entities.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

III. Ordering Clauses

Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 4(j), 214, 254, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(j), 214, 254, and 303(r), and pursuant to § 1.3 of the Commission’s rules, 47 CFR 1.3, that this *FNPRM* is adopted.

It is further ordered that pursuant to the authority in sections 1–4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 254,

and pursuant to § 1.3 of the Commission’s rules, 47 CFR 1.3, that § 54.605(b) of the Commission’s rules as amended herein, 47 CFR 54.605(b), *is waived* to the extent provided herein.

List of Subjects in 47 CFR Part 54

Health facilities, internet, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed in this document, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, 1601–1609, and 1752, unless otherwise noted.

■ 2. Amend § 54.603 by revising paragraph (b) to read as follows:

§ 54.603 Consortia, telecommunications services, and existing contracts.

* * * * *

(b) *Telecommunications services.* Any telecommunications service listed in the eligible services list as provided in § 54.634 and that is the subject of a properly completed bona fide request by a rural health provider shall be eligible for universal service support. Upon submitting a bona fide request to a telecommunications carrier, each eligible health care provider is entitled to receive the most cost-effective, commercially available telecommunications service, and a telecommunications service carrier that is eligible for support under the Telecommunications Program shall provide such service at the urban rate, as defined in § 54.604. Services that provide back-up, redundant, or fail-over services are eligible for support, but the cost and bandwidth of the service must reasonably reflect its use as a secondary service and must be the most cost-effective option available.

* * * * *

■ 3. Amend § 54.612 by revising paragraph (a) to read as follows:

§ 54.612 Eligible services.

(a) *Eligible services.* Subject to the provisions of §§ 54.600 through 54.602 and 54.607 through 54.634, eligible health care providers may request support under the Healthcare Connect Fund Program for advanced

telecommunications or information service that enables health care providers to post their own data, interact with stored data, generate new data, or communicate, by providing connectivity over private dedicated networks or the public internet for the provision of health information technology. The services eligible for support shall be contained in the eligible services list as provided in § 54.634. Services that provide back-up, redundant, or fail-over services are eligible for support, but the cost and bandwidth of the service must reasonably reflect its use as a secondary service and must be the most cost-effective option available.

* * * * *

■ 4. § 54.618 [Remove and Reserve]

Reserve § 54.618.

■ 5. Add § 54.634 to read as follows:

§ 54.634 Eligible Services List.

(a) *Eligible services list.* The Wireline Competition Bureau shall issue a Public Notice seeking comment on a list of all supported services eligible for Telecommunications Program and Healthcare Connect Fund Program support. The Wireline Competition Bureau shall publish the final list of services eligible for support at least 60 days prior to the opening of the application filing window for the following funding year. The eligible services list shall be subject to revision in accordance with paragraph (b) of this section.

(b) *Eligible services list revision.* As needed to account for changes to Commission rules applicable to subsequent funding years, technology advances, and other circumstances that cause or will cause the existing eligible services list to become outdated or incomplete, the Wireline Competition Bureau shall issue a Public Notice seeking comment on a revised eligible services list. The final revised list of services eligible for support will be released at least 60 days prior to the opening of the application filing window for the following funding year.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 26–173; FCC No. 26–52; FR ID 364115]

Maximizing Efficiencies in Universal Service Administration

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks to improve the administration of the Universal Service Fund (USF or Fund) by seeking comment on four areas related to USF administration: current USF administration processes, *i.e.*, the processes used by Universal Service Administrative Company (USAC) to administer the USF and the Commission's oversight of those processes; the structure of USF administration, that is, USAC's role and responsibilities related to USF administration; operating costs associated with USF administration; and the impact of USAC's Board of Directors on USF administration.

DATES: Comments are due on or before September 30, 2026 and reply comments are due on or before October 30, 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 document, you should advise the contact listed below as soon as possible.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section of this document. You may submit comments identified by WC Docket No. 26–173, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of a proceeding, the Commission's rules require paper filers to submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Servicemail. All filings must be addressed to the

Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- *People With Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT:

Stephanie Minnock
Stephanie.Minnock@fcc.gov,
Telecommunications Access Policy
Division, Wireline Competition Bureau,
202–418–7400 or TTY: 202–418–0484.
Requests for accommodations should be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking (NPRM) in WC Docket No. 26–173; FCC No. 26–52, adopted on August 6, 2026 and released on August 7, 2026. The full text of this document is available for public inspection during regular business hours at Commission's headquarters 45 L Street NE, Washington, DC 20554 or at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-26-52A1.pdf>.

Synopsis

I. Discussion

At the outset, we seek comment broadly on ways to strengthen the administration, management, and oversight of the Fund. Efficient, accountable, and timely administration of the (Universal Service Fund (USF or

Fund) is necessary to achieve Congress's direction to the Commission in Section 254 of the Communications Act (Act). However, poor management of those administrative tasks could lead to increased administrative costs, drawn-out application and audit processes, and unchecked waste, fraud, and abuse—all paid for by contributors and their rate-paying customers. As the steward of the Fund, and to ensure that USF administration is effective, efficient, and competitively neutral, we seek broad comment below on the operations, structure, costs, and management of the USF administrator. Are there additional measures that the Commission can implement to safeguard the USF from waste, fraud, and abuse? Are there ways to better effectuate the USF's statutory purpose of making access to affordable telecommunications services available to Americans nationwide? Commenters should provide specific recommendations for change and discuss the costs and benefits of their proposals in specific, rather than general, terms. Commenters should also note whether their recommendations require changes to the Commission's rules.

A. Program Governance To Ensure the Efficient Use of Finite USF Funds for USF Administration

The Commission has a responsibility to ensure the efficient use of finite USF funds. In this section, we explore the current state of USAC's operations and the Commission's oversight of those operations, with particular emphasis on improvements to the audit and recovery processes, enhancing the speed of operations, and streamlining other internal USAC processes. Based on stakeholder feedback on the *USAC Reform Public Notice*, DA 26–367, released April 15, 2026, we seek comment on ways the Commission can create efficiencies in USAC's administration of the USF.

1. Efficiencies in USF Operations

We seek comment on which USAC processes need streamlining or other improvements to promote transparency, accountability, and cost effectiveness in USF administration. In what situations does a lack of transparency increase burdens on participating providers, or cause unnecessary confusion in program administration? What additional accountability measures could the Commission implement to support our efforts to ensure that USF administration is efficient and effective?

In addition to those general questions, we seek specific comment on whether additional requirements for USAC

decision documents could improve transparency and accountability. For example, should the Commission direct USAC to make written decisions resolving appeals publicly available on its website? Currently, when USAC denies a stakeholder appeal, that stakeholder might seek Commission review of USAC's decision, thereby bringing an issue, and USAC's application of the Commission's rules on that issue, to the Commission's attention. Conversely, when USAC grants a stakeholder's appeal, that stakeholder is not likely to seek Commission review of USAC's decision. Would public availability of USAC appeal decisions mitigate the risk that stakeholders would be taken by surprise by a subsequent change in course by USAC in response to Commission direction? Would making USAC's decisions of stakeholder appeals publicly available help improve transparency for stakeholders? Given that USAC cannot make policy decisions and is bound by Commission direction regarding the interpretation of the Communications Act and Commission rules and precedent, how could the Commission best ensure that publicly available USAC appeal decisions are not perceived as binding precedent? Would there be confidentiality issues associated with making USAC appeal decisions publicly available, and, if so, how could they be addressed?

We also seek comment on whether to codify a requirement that USAC appeal decisions include citation to the Act, Commission rules, and/or Commission precedent. USAC currently provides citations to the Act, the Commission's rules, and relevant Commission precedent to support its decisions to grant or deny stakeholder appeals. Should the Commission codify this practice, *e.g.*, formally require USAC to include citations in its analysis in its written decisions resolving stakeholder appeals? Codifying this practice could help ensure transparency for stakeholders and sufficient notice of unfavorable USAC decisions. However, USAC's failure to meet this citation requirement in a given instance would not, standing alone, itself be grounds for reversal or any other consequence.

We seek comment on whether there are any changes that can be made to USAC's current outreach processes in its administration of the USF programs to enhance the efficiency of that outreach. We seek comment on whether and how USAC outreach to support applicants also should be provided to relevant service providers. In the case of general outreach to applicants as a

whole, is sufficient information already available on USAC's website to also inform interested service providers, or would there be benefits to making additional information available? In the case of information requests or similar engagement between USAC and a specific applicant in the case of a pending application, an audit, or the like, should such engagement also include any relevant service provider(s) to help facilitate faster information gathering and responses? For example, when USAC is conducting outreach regarding a pending application or an audit, should applicants be given the option to identify certain service providers to be copied, or made aware of, certain correspondence with USAC to facilitate faster information gathering? Similarly, should service providers also be given the option to identify certain applicants to be copied on its correspondence with USAC? If so, how would such a process work? Are there potential downsides to increasing the number of recipients of USAC outreach and do those outweigh the potential benefits of faster response times? Are there other changes to USAC's current outreach processes that the Commission should consider? Is there information regarding applications that could be shared on the open data platform to provide service providers or applicants with greater insight into the status of the review?

We seek comment as to whether a high-level performance review of USAC's administration, beyond current Commission oversight processes, would be beneficial to ensure USAC is administering the universal service support mechanisms in an efficient, effective, and competitively neutral manner. When the Commission appointed USAC the permanent administrator, it determined that a review of USAC's performance would help "ensure that it is administering universal service in an efficient, effective, and competitively neutral manner," but a formal review has never been conducted. Should such a review be conducted regularly, going forward? Under what time frames should such review take place? We seek comment as to whether such review should include an opportunity for stakeholder input. We also seek comment on the costs to conduct such a review, including funds used by USAC to respond to the review.

Should the Commission establish additional mechanisms by which stakeholders can raise concerns regarding the impact of USAC's processes on the efficient, effective and competitively neutral administration of the universal services support

mechanisms? Currently, stakeholders have various avenues to raise issues with the Commission or USAC, including, but not limited to, utilizing USAC's program-specific customer service resources, filing an appeal with USAC, sending a letter to the Commission, and/or requesting a meeting with Commission staff. If we were to establish an informal stakeholder forum, what should be the critical components and anticipated outcomes of such a process? Should an informal stakeholder forum be held on a regular basis, for example, biennially? Should these forums be used, among other things, as a mechanism to provide guidance to and engage with stakeholders on technical aspects of the electronic systems used in USF programs before undertaking technical changes to those systems? Should such coordination be limited to instances in which the Commission has directed USAC to implement large-scale system changes? USF stakeholders regularly interact with USAC on issues related to the administration of the USF support mechanisms. Would a process that more directly involves Commission staff increase program administration costs or add layers of review that could slow down efforts to improve day-to-day operation of the USF support mechanisms? Similarly, we invite commenters to discuss whether their experience with the administration of other government funding programs, such as state universal service programs or other federal or state broadband grant programs, could be beneficial examples to inform the administration of the USF. Are there examples of operational efficiencies in other government funding programs that could be applied to the administration of the USF?

Are there operational inefficiencies that could be improved using artificial intelligence (AI)? What processes could be improved with AI, if any? Should AI be used to reduce operational turnaround times and costs? In what ways should it be used? Would efficiency in stakeholder engagement be improved with using AI resources to respond to stakeholder questions? How should any privacy and information security concerns be balanced with potential benefits of using AI in relation to our USF programs? What would be the financial impact of incorporating AI into the administration of USF? If AI is incorporated, what safeguards need to be put in place to ensure data integrity, governance, and quality assurance?

2. Speed of Operations

In the *USAC Reform Public Notice*, WCB and OMD sought comment on

changes that could improve USAC processes and reduce undue delays. Several stakeholders have commented that clear deadlines and shot clocks for various USAC operations would increase efficiency and transparency regarding the timing of decisions. We propose to require USAC to publicly report turnaround times or other metrics regarding responsiveness to add transparency around decision-making, and we seek comment on that proposal. What metrics on USAC decision-making and processes would stakeholders find helpful to have publicly available, beyond what is already provided through USAC's Open Data platform? Should such public reporting be included in existing USAC quarterly reports and appendices, or in separate reporting dashboards? We also propose to require USAC to monitor upcoming filing deadlines and the filing status of parties impacted by those deadlines and communicate to individual stakeholders regarding their filing status prior to the deadlines. We remind stakeholders that it is their responsibility to ensure timely compliance with all filing deadlines. Stakeholders will continue to have this responsibility even if the Commission requires USAC to provide the proposed additional notice to program participants; a lack of notice from USAC will not excuse or cure a failure to timely file a form or provide other required information.

To reduce undue delays in USF administration, would it be beneficial for the Commission to establish deadlines or "shot clocks" for specific USAC processes? For example, the Commission could require USAC to follow a timeline for certain processes like application review, similar to how the Commission has a timeline of 180 days for its consideration of applications for transfers or assignments of licenses or authorizations relating to mergers. If the Commission took this approach, which specific USAC processes might benefit from a shot clock? Should we apply a shot clock only to workable applications, excepting those that require further information from applications or additional guidance from the Commission? How will actions taken when a shot clock expires affect future audits or recovery proceedings? If USAC fails to meet shot clock deadlines or if such deadlines expire, what consequences should there be? What are the cost and benefits of those consequences, including administrative costs incurred by USAC?

Considering that gathering additional information from stakeholders can sometimes delay a review or approval process, how does the gathering of

additional information affect a potential shot clock deadline? Under what circumstances could USAC or the Commission pause the shot clock?

What other ways could the Commission ensure timely administrative functions while preventing administrative errors and waste, fraud, and abuse in the USF programs? Would using artificial intelligence (AI) tools to review applications, audits, and appeal review processes help reduce delays while maintaining accurate results?

We invite commenters to provide specific examples of USAC processes that cause undue delay or burden on USF program participants. We also seek comment on successes USAC has had in improving its operations. What are examples of efficiencies that USAC has put in place that reduced delay or burdens on USF program participants? How could the Commission implement those positive steps elsewhere in USF operations?

3. Audits and Recoveries

First, we explore ways to improve the efficiency of audits of USF program beneficiaries, and ways to ensure that the Commission is able to recover all improperly disbursed funding. Under the Payment Integrity Information Act of 2019 (PIIA), and related guidance from The Office of Management and Budget (OMB), the Commission is required to implement compliance audits to identify, estimate, report (e.g., in OMB's Annual Data Call), and reduce improper payments in its programs. The Federal Managers' Financial Integrity Act (FMFIA) and OMB Circular A-123 require that the Commission report on the effectiveness of internal controls and certify, in its Annual Financial Reports, whether these controls effectively protect Commission programs from waste, fraud, and abuse.

As a result of this framework, recipients of USF funds are subject to both random and risk-based compliance audits and other investigations and similar reviews to confirm compliance with program rules, which result in monetary recoveries for the USF when appropriate. In order to identify and assess the level of improper payments as well as test beneficiary compliance with Commission rules, in 2010, the Commission directed USAC to conduct Payment Quality Assurance (PQA) assessments and Beneficiary and Contributor Audit Program (BCAP) audits. BCAP is an annual compliance program designed to evaluate the compliance of USF beneficiaries and contributors with the Commission's USF rules. BCAP audits adhere to the

Generally Accepted Government Auditing Standards (GAGAS), and in Commission-approved procedures, USAC tailors its audit samples to program-specific elements such as risk areas, size of disbursements, and beneficiary types. The PQA program is used to determine the baseline improper payment rate for each Commission program in accordance with the PIIA and the practices of other federal agencies. Because PQA assessments are designed to assess and report on improper payment rates on an annual deadline, PQA assessments are limited in scope and typically request information that can be gathered easily in a one-time request. Both types of reviews play an essential role in meeting the Commission's reporting obligations, reducing waste, fraud, and abuse in the USF programs. For example, in 2025 the Bureau issued six orders affirming USAC audit findings, which saved ratepayers over \$9 million.

Each USF program has its own BCAP audit requirements and USAC's processes for audit-related recovery letters, non-audit-related recovery letters, and appeal decision letters vary across the USF programs. Should the Commission consider revisions to its rules to standardize these processes to create uniformity across the programs, or does it make sense for different programs to have different processes? In addition, commenters have raised concerns about maintaining consistent standards during audits. How can the Commission clarify audit procedures and definitions prior to the commencement of individual audits while protecting the integrity of the audit processes? Should the Commission direct USAC to establish a communication channel for stakeholders to ask clarifying questions on requests for additional information during an audit? Are there BCAP audit approaches or mechanisms from other government programs that the Commission should consider implementing in USF audits? If commenters suggest any changes, they should indicate what, if any, changes are required to the existing rules in Subpart H of Part 54 as they pertain to audits or Subpart I of Part 54 as they pertain to review of decisions issued by USAC.

Some commenters have suggested that we should adopt a *de minimis* exemption to random audit requirements such that USF support recipients receiving less than a certain amount of support per year would be exempt from random audits. Should we adopt this *de minimis* exemption? What should be the dollar amount of USF

support received to qualify for a *de minimis* exemption? Should the dollar amount of support received accumulate across USF programs or be program specific to qualify for a *de minimis* exemption from random audits? Do other federal programs employ such exemptions and if so, is it pursuant to a specific statutory exemption? Are there any legal barriers to the Commission adopting such an exemption? Would doing so impact our compliance with government-wide financial requirements? What other considerations should determine whether a carrier qualifies for a *de minimis* exemption? How can the Commission ensure no waste, fraud, or abuse of USF support for carriers exempted from random audits? Without random audits of these support recipients, how can we uncover risk areas that may not already be known?

Audits Procedures and Methodology. Additionally, we propose to amend § 54.707 of the Commission's rules to clarify the administrator's ability to audit non-service provider beneficiaries of USF programs. We propose modifying § 54.707 of the Commission's rules to explicitly include non-carrier beneficiaries (*i.e.*, schools, libraries, health care providers) within USAC's audit authority. Beneficiaries may be audited pursuant to their application to and participation in USF programs, and audits are an important tool in rooting out waste, fraud, and abuse, regardless of where the non-compliance originates. The current text of § 54.707 of the Commission's rules, however, only explicitly mentions "contributors and carriers." We seek comment on amending § 54.707 of the Commission's rules to explicitly encompass non-carrier beneficiaries. Are there any other types of entities we should include in § 54.707 of the Commission's rules, and why?

We further propose to modify § 54.707 of the Commission's rules governing audit controls to codify USAC's ability to calculate recoveries by extrapolating from a statistically representative sample of the auditee's disbursements rather than seeking recovery for only the violations identified in the sample. Under this proposal, the statistically representative sample for the disbursements under audit would require a 90–95 percent confidence level and a 4–6 percent margin of error for samples. Codifying the use of extrapolations of recoveries based on a statistically representative sample could save audit costs for USAC and auditees by limiting audit inquiries only to the sample size needed to determine the appropriate recovery for the whole

population of claims or activity by the auditee. Should USAC provide the recipient an opportunity to present additional evidence before withholding or recovering support? Should USAC also provide notice to the support recipient before any withholding or recovery, or would the opportunity to present additional evidence constitute sufficient notice to auditees?

We seek comment on codifying the calculation of recoveries based on a statistically representative sample of disbursements. If the Commission were to adopt this codification, what other guardrails should be in place to ensure that the sample is representative and has the desired statistical properties? Should the methodology used by USAC to determine any given sample be made available for review and challenge by auditee? Should auditees be given the opportunity to demonstrate that the proportion of improper disbursements outside of the sample was less than the proportion in the sample? Commenters to the *USAC Reform Public Notice* urged that the Commission exercise caution before broadly applying sampling and extrapolation measures. Are there ways the Commission could address these concerns to ensure that extrapolation of audit results is reliable?

We also seek comment on any program-specific issues related to extrapolation. Currently, the High Cost program's verifications of broadband deployment and the High Cost program's improper payment rates use extrapolation based on statistically representative samples. Should the Commission direct USAC to use extrapolation based on statistically representative samples to estimate support recovery amounts across all USF programs, not just the High Cost program? Are there programs for which extrapolation of audit results to determine recoveries may be more or less viable? For example, should extrapolations across different procurements be permitted in the E-Rate and RHC programs, even though each procurement is based on a different competitive bidding process?

We seek comment on how USAC would select a statistically representative sample for the E-Rate, RHC, and Lifeline programs. To determine an appropriate sample size requires, at a minimum, specifying a desired confidence level and margin of error, and assuming an estimate for the unknown population standard deviation. Should the Commission specify either a uniform confidence level or a minimum confidence level (*e.g.*, 95%)? Similarly, should the Commission specify a uniform or

minimum margin of error (*e.g.*, 5%)? To give auditees greater assurances that estimated recovery amounts will accurately reflect actual improper payments, should the Commission specify even more stringent uniform or minimum values for the confidence level (*e.g.*, 99%) and margin of error (*e.g.*, 1%)? Furthermore, how should the Commission estimate the unknown population standard deviation in each case to determine the appropriate sample size? Should it be allowed to assume a particular value or should it estimate the standard deviation based on a prior sample of disbursements?

What other statistical issues may arise in choosing a statistically representative sample that should be accounted for? For example, if the observations are not statistically independent (*e.g.*, correlated), such as may be the case with payments within the same state or Lifeline subscriptions within a household over time, the required sample size to achieve a given confidence level and margin of error would generally be greater. Should the Commission provide any guidance on choosing the correct sampling frame and selecting observations from that frame (*e.g.*, stratified vs. simple random sampling)? Additionally, we seek comment on what dimensions, or variables, the Commission should use to stratify its sample.

Recovery Timing. After USAC issues an audit finding or recovery, a party has 60 days to appeal USAC's decision to the Commission. We seek comment on the appropriate time after the issuance of an audit finding or initiation of other recovery action for the Commission to recover funds improperly disbursed. For USF contributions, providers must follow a pay-and-dispute procedure by which a provider pays the invoice in full by the due date or incurs interest, penalties, and potential Debt Collection Improvement Act (DCIA) proceedings regardless of any timely filed appeal. If USAC determines that a billing error was made, the contributor receives a refund.

In other programs, however, the filing of an appeal currently stays a recovery. This approach delays the return of improperly disbursed funds. To create a more efficient process and obviate the delay of repayment of improperly disbursed funding, we seek comment on adopting a pay-and-dispute model for all USF programs whereby beneficiaries and service providers would be required to pay a recovery to USAC notwithstanding the filing of an appeal, such as a petition for reconsideration, so long as there has been a relevant Bureau or Commission-level decision.

We also seek comment on what rules the Commission would need to alter to adopt a pay-and-dispute model. Should the Commission exempt USF debts from § 1.1910(b)(3)(i) of the Commission's rules, which allows timely appeals and judicial proceedings to stay certain DCIA proceedings? Alternatively, should we modify 47 CFR 1.1910(b)(3)(i) to codify a pay-and-dispute policy, or clarify that payment is due after the Bureau issues an order upholding USAC's finding of improper payment, in the context of USF debts, even if the party subsequently files an application for review? Should the Commission clarify in its rules that an uncontested USAC decision satisfies the requirement that an affected party has been afforded an opportunity for review within the Commission as required by 47 CFR 1.1912? We seek comment on these options.

Other Best Practices. Currently, USAC uses audit and other program-specific reviews to detect improper disbursements, general program compliance, and to identify instances of waste, fraud, and abuse. When there are either known or highly suspected instances of alleged misuse of funds, failure to comply with program rules, or other potential waste, fraud, or abuse of funds, are there practices and policies that the Commission should consider adopting, consistent with federal law, beyond our existing mechanisms to combat waste, fraud, and abuse? For example, should the Commission establish additional procedures by which the Administrator must hold funding pending confirmation that the disbursement would comply with Commission rules? Are there practices and policies used by other federal agencies to mitigate acts of misconduct and prevent waste or misuse of federal funds that the Commission should consider adopting? Should the administrator expand use of AI in its document review for audits and program compliance?

Are there other changes to the audit and recovery process, in addition to those proposed here or in the alternative to these proposals, that may streamline or make the audit and funding recovery process more efficient?

Finally, we seek comment on whether USAC's auditors, whether internal USAC staff or third-party contractors, receive adequate training. To the extent that stakeholders think that additional training of USAC auditors is necessary, what kind of additional training should be provided? Should auditors receive additional training related to federal funding oversight? If so, what should that training include?

B. Operating Costs of Current USF Administration

Next, we turn to USAC's operational costs and ways to minimize administrative costs involved in USF administration. USAC's budget includes expenses related to program operations, corporate costs (e.g., software), and professional expenses (e.g., staff salaries). USAC's annual operating budget is approved by the Commission and reviewed on a quarterly basis. The process begins with USAC setting an annual operating budget for administering the USF programs. USAC develops its annual budget by analyzing USAC's expenditures for the last five years and seeking input about anticipated costs from each of the program managers. This proposed budget then undergoes review by USAC executives. Once the annual operating budget is internally reviewed and approved, it is submitted to OMD and the USAC Board for review and feedback. USAC incorporates this feedback, and the Board reviews and approves the anticipated annual budget. Then, on a quarterly basis, USAC reviews and revises its operating budget. Then the quarterly budget, which may include revisions for administrative expense projections and expenditures from the last quarter, is sent to the Commission for review. The Commission provides feedback and may direct USAC to revise the quarterly budget to incorporate that feedback. At the end of every year, USAC reports its annual financial statement to the Commission; this statement is subject to change based on the completion of USAC's financial audit the following year.

Budget. To streamline USAC's operational costs and ensure the responsible stewardship of USF funds, we seek comment on whether USAC's budget should be subject to a cap. In 2025, USAC's total operation expenses were \$266,603,608. If USAC's budget is subject to a cap, should that cap be a fixed amount, a proportion of disbursed or projected support, or something else? If the cap is a fixed amount, what should that fixed amount be and should it be automatically adjusted each year for inflation? Should inflation adjustments be based on the Gross Domestic Product Chain-type Price Index used for E-Rate and RHC program inflation adjustments, or something else? If a cap is based on a proportion of operating expenses and disbursements, what should that proportion be? In 2025, USAC's operating expenses were 3.06% of operating expenses plus disbursements.

Based on that information, is there a specific proportion of operating expenses plus disbursements that could serve as a USAC budgetary cap? Finally, are there any other mechanisms that could be used to establish a USAC budget cap?

We also seek comment on caps for specific purposes within USAC's budget. Should there be guidelines or limits on what percentage of the budget can be spent on specific resources? How much of USAC's budget should be dedicated towards, for example, information technology, outreach, contractors, and audits? Should USAC's administrative budget be reduced or limited? Would a reduction in the number of USAC staff in certain areas impair USAC's ability to successfully administer the USF? Are there any administrative functions and costs that should be cut or performed by Commission staff? Should USAC staff salaries and benefits be reevaluated? What percentage of USAC's budget should be dedicated to staff salaries? Should the Commission modify its MOU to memorialize the process by which USAC transmits its proposed annual budget to the Commission, which would include any foreseeable increase in outside vendor costs and new full-time employees to improve USAC's accountability on cost and how it allocates resources? If so, should an exception be carved out for Commission adoption of new rules or guidance requiring significant changes in the administration of the programs.

USAC has external contracts with a variety of third parties for USF administration tasks, including tasks like audits of contributions and the USF programs, call center operations, certain application reviews, and IT development and maintenance. The Commission oversees USAC's procurements, and procurement processes are governed by the USAC MOU. We seek comment on stakeholders' experience working with contractors of USAC as compared to working with USAC staff. Are contractors knowledgeable enough about the USF contributions and program rules to effectively audit USF contributors and program participants? Does USAC's use of contractors result in inconsistent results in audits, reviews, and customer service inquiries?

Reporting. The Commission requires USAC to file with the Commission and with Congress an annual report by March 31 of each year detailing its operations, activities, and accomplishments for the prior year, including actions performed to prevent waste, fraud, and abuse of universal

service funds. Additionally, the Commission requires USAC, on an annual basis, to retain an independent auditor to examine its operations and books of account to determine whether it is properly administering the Fund. We also note that the Commission requires USAC to maintain its books of account in accordance with generally accepted accounting principles (GAAP), to account for the financial transactions of the USF in accordance with government generally accepted accounting principles (GovGAAP), and to maintain the accounts of the USF in accordance with the U.S. Government Standard General Ledger (USGSL). Moreover, the *USAC MOU* requires an agreed-upon procedures review (AUP), which is conducted annually by a third party procured by USAC.

We seek comment on what changes to these reporting obligations should be made to better enable the Commission to evaluate USAC's ability to efficiently administer the USF. Are there changes to the USAC annual report or independent financial audit that would be beneficial? Are there other ways to analyze USAC's administrative costs that are not presented by either the annual report or the independent financial audit? Should the Commission amend § 54.717 of the Commission's rules to include other types of review? For example, should the Commission require the external review of the matters generally covered by the AUP to be codified in § 54.717 of the Commission's rules? Or should the Commission retain the flexibility to designate matters subject to the AUP? Should the Commission periodically require external review, through a consultant report, of whether USAC efficiently allocates resources, whether such operations are cost-effective, and ways to improve communications among USAC staff and management to improve implementation and administration of USF programs? If so, and the external review finds that USAC's operations are not cost-effective, what remediation process should the Commission require? How should USAC be required to report on that remediation to the Commission? Are there any other ways to make USAC's operations more cost effective?

Board of Director Costs. Finally, we seek comment on administrative costs related to USAC's Board of Directors. Currently, the 20-person Board is reimbursed for the costs of travel, lodging, and meals when attending USAC's quarterly board meetings. We seek comment on whether there are more efficient ways to conduct board meetings that do not require such

expenditures. We seek comment on the benefit of requiring meetings to be held in-person in Washington DC, as compared to conducting meetings online. We propose modifying § 54.703(e) of the Commission's rules to remove the requirement that all USAC board meetings be held in Washington, DC, and seek comment on that proposal. Would this enable Board meetings to be conducted in a more cost-effective manner?

C. Structure of USF Administration

USAC has been the administrator of the USF programs since shortly after the Telecommunications Act of 1996 passed. As previous Commissions have done during periodic reviews of USF administration, we seek comment on the utility of maintaining a permanent administrator of the USF, and the effect of that choice on USF administrative expenses. What would be the benefits and drawbacks of moving away from having a permanent administrator? Are there other alternatives to a permanent administrator that would increase efficiency, cut costs, and streamline USF administration? If so, what are those alternatives? Should Commission staff handle portions of USF administration directly? Does the Commission's staff have sufficient expertise and capacity to handle portions of USF administration? How would bringing portions of USF administration in-house impact the Commission's budget?

We seek comment on whether there is any benefit to having the Commission handle specific functions of USF administration. We ask commenters to identify both the function and the benefit provided by having the Commission bring a particular administrative function "in-house." In response to the *USAC Reform Public Notice*, one commenter suggested eliminating USAC's role in billing and collection for USF contributions and instead bringing all contributions functions inside the Commission. The billing and collection function was assigned to USAC at its creation during a time when the funds were held outside the Treasury in a private bank account. Since that time, the Commission has moved the Universal Service Fund to the U.S. Treasury. Given that any payment out of the Treasury requires approval by a certifying officer at the Commission, currently USAC only makes payment recommendations. We propose updating our rules to remove any obsolete language and accurately reflect how USF funds are held.

If the Commission does retain a permanent administrator, should that administrator continue to be USAC or should other candidates be considered? What issues and criteria should the Commission consider in determining whether to explore a different administrator? What should be the basis for revoking the role of permanent administrator, if an entity is named as one and proves not to be a good steward? What other organizations currently have the expertise and infrastructure to administer the USF? Commenters should discuss the advantages and disadvantages of selecting a new administrator, as well as the minimum qualifications for potential administrators and the optimal agreement duration, including any option years, for a new administrator. Should potential administrators be limited to not-for-profit corporations? How would a change in the administrative structure affect the neutrality of USF administration?

D. USAC's Board of Directors

The USAC Board of Directors (Board) was established to ensure significant, meaningful representation from a balanced cross-section of industry and beneficiaries of and contributors to the USF support mechanisms that would enable USAC to implement the USF support mechanisms in a neutral and efficient manner. Although the Commission emphasized the importance of broad representation of stakeholder interests on the Board, it noted that the Board should not be so large that it is unable to give USAC the prompt and effective guidance needed to undertake its responsibilities.

The Commission's rules specify that USAC shall have a twenty-member Board of Directors, which includes the CEO, and mandate three-year Board member terms. Except for the CEO, each of the Board members represents a specific constituency—including beneficiaries of or contributors to—the USF. The Commission's rules contemplate that each Board member will be nominated by its peers, so that each seat on the Board reflects specific stakeholder interests. The Commission Chair reviews the nominations and selects each member of the Board.

In response to the *USAC Reform Public Notice*, stakeholders suggested that changes to the Board structure would be beneficial to USF administration. We seek comment on some of these recommendations, as well as Board-related matters including conflicts of interest, board composition, Board member terms, and Board committees.

Conflicts of Interest. First, we seek comment on ways that we can ensure that Board members, who represent the companies and organizations most likely to benefit from universal service funding, can avoid conflicts of interest. The MOU between the Commission and USAC states that USAC's Board members "shall avoid any organizational or personal conflicts of interest or the appearance of a conflict of interest in any aspect of the management of the USF, including the USF programs, and the operations of USAC." A conflict of interest is defined as a situation in which a Board member "has a financial interest, personal interest, or relationship that could impair that person's ability to act impartially and in the best interest of the USF when performing their assigned role, or is engaged in self-dealing."

USAC requires Board members to annually disclose personal and familial financial interests in entities with which USAC has a relationship (e.g., USF beneficiaries or recipients, or a party to legal action against USAC), which is consistent with Commission requirements. Board members are also required to annually complete an ethics and confidentiality training module. Despite these measures, Board members are required to be representatives of USF contributors and beneficiaries. Since these members are responsible both to their employers and to USAC, the *GAO 2024 USAC Report*, publicly released August 22, 2024, noted that this structure leads to the appearance of conflicts of interest.

We propose to update and improve the Commission's rules regarding conflicts of interest for all USAC Board members. Does having Board members acknowledge and accept their responsibilities and agree to comply with the provisions within the Board's ethics policy suffice to mitigate potential conflicts of interest? Are there other ways in which the Commission could mitigate potential conflicts?

We propose to require Board members to sign USAC's ethics policy annually. Should Commission rules, and not just USAC's ethics policy, require USAC Board members, when acting in their capacity as Board members, to represent the overall interests of USAC as the administrator of the Fund, and not just the interests of the Board member's personal employer or the constituency represented by their seat on the Board? If so, how should the Commission define a conflict of interest for this purpose?

Should the Commission adopt additional conflict of interest rules that apply only to USAC Board members?

Should Board members be prohibited from inquiring into matters that could benefit their employer or the constituency represented by their seat on the Board? We seek comment on how this would impact individuals' willingness to serve on the USAC Board. Should we exclude certain categories of individuals, such as USF program or contributions consultants, from serving on the USAC Board altogether?

Reducing the Number of USAC Board Members. Should the Commission reduce the size of USAC's Board? Specifically, we seek comment on reducing the size of the USAC Board from 20 to 13 members. Commenters have advocated for a reduction in the size of USAC's Board, suggesting a reduction of the Board to no fewer than five members and no more than 15 members. We invite comment on this proposal. Would reducing the size of USAC's Board improve efficiency in the management of USAC?

Modifying USAC Board Composition. In response to the *USAC Reform Public Notice*, we received recommendations to modify the composition of the USAC Board to ensure that Board members have expertise in administrative areas such as financial management, audits, information security, and program administration. Because the USAC Board may benefit from having members of the Board that have expertise in financial management, audits, information security, and program administration, we seek comment on whether to modify the composition of the USAC Board.

What are the benefits and drawbacks of modifying the composition of the board so that half the members have expertise in one or more USF programs (e.g., representatives from schools, libraries, or rural areas, service providers, consumer advocates, or state representatives), and the other half of the Board is comprised of individuals not affiliated with any USF stakeholders but that instead have specific substantive areas of administrative expertise (e.g., corporate management, accounting, grant management, auditing, procurement expertise, and information technology)? Should we require that some Board members have expertise in federal oversight? Should the current constituency categories be merged? Are there any that should be eliminated? What criteria should be used to determine what categories should be modified? Should the categories be eliminated? Is the current level of stakeholder representation necessary for the proper management of USF programs, as one commenter suggested? How should the Commission

compare the benefits of that representation with the potential ethical issues of having representatives with financial interests in the USF participate in oversight of USAC? Is expertise in the USF programs alone enough to provide adequate representation on the Board? What level of administrative experience should Board members have?

We also seek comment on other approaches to modifying the composition of the Board, such as selecting Board members based solely on qualifications that would support USAC's administration of the USF. Should we modify the Commission's rules to allow any interested member of the public the opportunity to nominate a USAC Board member? This could broaden the candidate pool and provide Commission leadership the ability to select Board members from among all qualified nominations received.

Terms for USAC Board Members. Given that staggered terms reduce the likelihood that there will be multiple vacancies pending appointment of replacement Board members, we propose to maintain the staggered three-year terms and seek comment on this approach. We seek comment on whether USAC board members should be subject to term limits and, if so, how many terms should be permitted for each individual. We also seek comment on under what circumstances a USAC Board member may be removed prior to the end of their term.

Updating USAC Board Committees. The Commission's rules establish three USAC Board Programmatic Committees with responsibility for different USF programs: (1) the High Cost and Low Income Committee; (2) the Schools and Libraries Committee; and (3) the Rural Health Care Committee. There is also an Audit Committee and an Executive Committee. Each of the Programmatic Committees is "vested with the powers and authority necessary to maintain the unique missions and functions of the schools and libraries, rural health care, and high cost and low income support mechanisms, respectively."

We seek comment on the extent to which the Board Programmatic Committees are influencing and improving USAC's administration of the four USF programs. We seek comment on whether the Commission should create a committee, with members appointed by the Commission Chair, to provide oversight over USAC's internal administration (e.g., management of IT systems and projects, functions shared across USF programs, and USAC administrative and procurement expenses), to ensure efficient and cost-effective administration of the USF. In

light of the proposed reduction to the size of the USAC Board, we also seek comment on how this would impact Board committees. We seek comment on modifying our rules to eliminate Board Programmatic Committees and create committees focused only on audits and on USAC governance and risk. We seek comment on amending the Commission's rules to require each committee of the USAC Board to implement measures to improve the efficiency and effectiveness of the administration of their respective programs. What measures should we adopt to meet this goal? We also seek comment on whether the Commission should promulgate additional rules setting forth responsibilities for Board committees and clarify how these committees are subject to Commission oversight.

II. Procedural Matters

Paperwork Reduction Act Analysis. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible impact of potential rule and/or policy changes contained in this *NPRM*. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *NPRM* indicated in the **DATES** section of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Ex Parte Presentations. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline

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

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

III. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this IRFA of the policies and rules proposed in the *NPRM* assessing the possible significant economic impact on a substantial number of small entities. In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

The *NPRM* seeks comment on ways to strengthen the administration, management, and oversight of the

Universal Service Fund (USF or Fund) and its administrator, the Universal Service Administrative Company (USAC). The Commission is required by section 254 of the Communications Act of 1934, as amended, to promulgate rules to implement the universal service provisions of section 254, which allow for the availability of affordable telecommunications services to consumers living in high-cost areas, low-income consumers, eligible schools and libraries, and rural health care providers. On May 8, 1997, the Commission adopted rules that reformed its system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. USAC is responsible for administration of the USF programs, including activities related to collection and disbursement of program support, and producing timely and relevant data and analysis to inform the Commission's policymaking and oversight of the USF and the USF programs. Since the appointment of USAC as the permanent administrator of USF in 1998, no major review of USAC has been conducted. Given the passage of time since the Commission last conducted a wide-ranging review of USAC and its relevant processes, we seek comment on strengthening USAC's internal processes and improving its management structure to increase efficiency in the administration of USF programs. As part of our ongoing commitment that our standards continue to serve the public interest, we also seek comment on whether the Commission's oversight framework for USAC implements best practices, including standards for accountability and transparency.

B. Legal Basis

The proposed action is authorized under sections 1, 2, 4(i)–(j), 254, 201(b), 303(r), and 403 of the Communications Act of 1934, as amended, of the Telecommunications Act of 1996, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 254, 303(r), and 403.

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

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term

“small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

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

The rules proposed in the *NPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified in Table 1 (2022 U.S. Census Bureau Data by NAICS Code), Table 2 (Telecommunications Services Provider Data and Table 3 (E-Rate Funding Data.

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

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the

requirements and the type of professional skills necessary for preparation of the report or record.

The *NPRM* seeks comment on changes that would improve USAC’s operations and management functions, audits and recovery processes, and efficiency of the USAC annual audit. The *NPRM* proposes to explicitly include non-carrier beneficiaries, such as participating schools, libraries, and health care providers, within USAC’s audit authority. The *NPRM* also seeks comment on USAC’s board reorganization and streamlining of USAC’s budget. Changes to the rules may be associated with new or additional costs to adjust to new compliance obligations, associated audits, collections, evaluation, and appeals for small service providers that voluntarily choose to participate in the USF programs. Small entities may need to hire professionals to comply with the requirements that may be adopted as a result of the proposals and matters discussed in the *NPRM*. Changes in rules may be associated with cost to adjust to new compliance rules associated audits, collections, evaluation, and appeals.

In accordance with our requests for comments in the *NPRM* small entities are encouraged to provide specific information pertaining to the costs, benefits, and impacts of any potential reporting, recordkeeping, or compliance requirements we discuss. We expect the comments we receive to include information on the costs and benefits, and other pertinent matters that should help us identify and evaluate relevant issues for small entities, including compliance costs and other burdens (as well as countervailing benefits), so that we may develop final rules that minimize such costs and address such issues to the extent possible.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of

performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

The *NPRM* seeks comment throughout on the ways in which operational changes to USAC might impact USF program stakeholders, and on the burdens of those proposed rule changes, and any alternatives, on providers, which includes small providers and beneficiaries participating in the USF programs. For example, the Commission seeks comment on whether to adopt an exemption to the proposed audit requirements for recipients that receive less than a certain amount of USF support, and seeks comment on what amount of support should allow providers or recipients to qualify for this exemption. In considering whether and how to update rules to recover improperly disbursed funds, the *NPRM* seeks comment on whether to adopt a revised pay-and-dispute model for all USF programs, which may allow the Commission to recover funds from some providers earlier than required under the current rules.

The Commission expects to more fully consider the economic impact and alternatives for small entities following the review of comments filed in response to the *NPRM*, including cost and benefit analyses. Having data on the costs and economic impact of proposals and possible approaches we discuss will allow the Commission to better evaluate options and alternatives to minimize any significant economic impact on small entities that may result from the proposals and approaches, if adopted. The Commission’s evaluation of this information will shape the final alternatives it considers to minimize any significant economic impact that may occur on small entities, the final conclusions it reaches and any final rules it promulgates in this proceeding.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

IV. Ordering Clauses

Accordingly, *It is ordered* that, pursuant to sections 1, 2, 4(i)–(j), 201(b), 254, 303(r), and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 254, 303(r), 403, and 1302, this Notice of Proposed Rulemaking is *adopted*.

It is further ordered that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission’s

rules, 47 CFR 1.415, 1.419, interested parties may file comments on this Notice of Proposed Rulemaking on or before September 30, 2026 and reply comments are due on or before October 30, 2026.

List of Subjects in 47 CFR Part 54

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, 1601–1609, and 1752, unless otherwise noted.

■ 2. Amend § 54.703 by revising paragraph (e) to read as follows:

§ 54.703 The Administrator's Board of Directors.

* * * * *

(e) All meetings of the Administrator's Board of Directors shall be open to the public.

* * * * *

■ 3. Amend § 54.707 by revising paragraph (a) and adding paragraph (d) to read as follows:

§ 54.707 Audit controls.

(a) The Administrator shall have the authority to audit contributors, and carriers, and beneficiaries (including participating schools, libraries, and health care providers) reporting data to the Administrator. The Administrator shall establish procedures to verify discounts, offsets and support amounts provided by the universal service support programs, and may suspend or delay discounts, offsets, and support amounts provided to a carrier if the contributor, carrier, or beneficiary fails to provide adequate verification of discounts, offsets, or support amounts provided upon reasonable request, or if directed by the Commission to do so. The Administrator shall not provide reimbursements, offsets or support amounts pursuant to subparts D, K, L and M of this part to a carrier until the carrier has provided to the Administrator a true and correct copy of the decision of a state commission

designating that carrier as an eligible telecommunications carrier in accordance with § 54.202.

* * * * *

(d) The Administrator shall have the authority when conducting an audit to calculate a recovery based on extrapolation of a statistically representative sample of disbursements at issue in the audit.

[FR Doc. 2026–17761 Filed 8–28–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 02–278, 05–338, 17–59; DA 26–867; FR ID 364588]

Consumer and Governmental Affairs Bureau Seeks To Dismiss Twenty-Four Mooted or Outdated Petitions

AGENCY: Federal Communications Commission.

ACTION: Notification.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks to assess the continuing interest in certain petitions that were filed between 2003 and 2023. The Commission plans to dismiss the petitions with prejudice unless a petitioner or other interested party files a letter in the relevant docket specifying that it objects to the dismissal of the petition and the reason for such objection.

DATES: Petitioners may file a letter in CG Docket Nos. 02–278, 05–338, or 17–59 on or before October 15, 2026.

ADDRESSES: Any petitioner or other interested party objecting to the dismissal of its petition must file a letter stating its objection. The letter must reference its docket number(s), and may be filed by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the

FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners.

Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith of the Consumer and Governmental Affairs Bureau at Richard.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of Public Notice, DA 26–867, CG Docket Nos. 02–278, 05–338, 17–59, released on August 19, 2026. The full text of this document is available at DA–26–867A1.pdf. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530. The proceedings this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's ex parte rules.

Synopsis

By this Public Notice, the Consumer and Governmental Affairs Bureau (Bureau) announces its intention to dismiss with prejudice the petitions identified herein 45 days after publication of this Notice in the **Federal Register**.

To improve efficiency and reduce backlog, the Bureau seeks to determine whether the entities listed below remain interested in their petitions. Parties filed these petitions between 2003 and 2023, and they have gone without advocacy for several years. In addition, the specific matters to which they relate likely have been mooted or outdated by advancements in technology, changes in consumer preferences, or changes in regulations that have occurred since.

Consistent with our past practice, we therefore plan to dismiss the petitions with prejudice unless a petitioner or other interested party files a letter in the relevant docket or dockets within 45 days of the date of the **Federal Register** publication of this *Notice* specifying that it objects to the dismissal of the petition and the reasons for such objection. Upon release of this *Notice*, the Bureau will send copies hereof to the petitioners via certified mail at the last available mailing address associated with the petition.

The petitions, along with related information, are:

1. Petitioner Mark Boling, Petition for Declaratory Ruling, CG Docket No. 02–278; Petition filed 8/11/2003.

2. Petitioner Vincent Lucas, Petition for Expedited Declaratory Ruling, CG Docket No. 02–278; Petition filed 6/18/2014.

3. Petitioner Sumotext Corp., Petition for Expedited Clarification or, in the Alternative, Declaratory Ruling, CG Docket No. 02–278; Petition filed 9/3/2015.

4. Petitioner Todd C. Bank, Petition for Declaratory Ruling, CG Docket No. 02–278; Petition filed 3/7/2016.

5. Petitioner Network Communications International Corp., Petition for Expedited Declaratory Ruling, CG Docket No. 02–278; Petition filed 5/10/2016.

6. Petitioner RingCentral, Inc., Petition for Expedited Declaratory Ruling, CG Docket No. 02–278; Petition filed 7/6/2016.

7. Petitioner Anthem, Inc. et al., Joint Petition for Expedited Declaratory Ruling and/or Clarification, CG Docket No. 02–278; Petition filed 7/28/2016.

8. Petitioner Craig Moskowitz and Craig Cunningham, Petition for Rulemaking and Declaratory Ruling, CG Docket Nos. 02–278, 05–338; Petition filed 1/22/2017.

9. Petitioner M3 USA Corp., Petition of Expedited Declaratory Ruling, CG

Docket No. 02–278; Petition filed 3/20/2017.

10. Petitioner Insights Association and American Association for Public Opinion Research, Petition for Declaratory Ruling, CG Docket No. 02–278; Petition filed 10/30/2017.

11. Petitioner Federal Housing Finance Agency, Petitions for Expedited Declaratory Ruling and Urgent Clarification, CG Docket No. 02–278; Petition filed 11/15/2017.

12. Petitioner Inovalon, Inc., Petition for Expedited Declaratory Ruling, CG Docket No. 02–278; Petition filed 2/20/2018.

13. Petitioner U.S. Chamber Institute For Legal Reform, et al., Petition for Declaratory Ruling, CG Docket No. 02–278; Petition filed 5/3/2018.

14. Petitioner Life Insurance Direct Marketing Association et al., Petition for Clarification and Declaratory Ruling, CG Docket No. 02–278; Petition filed 6/18/2018.

15. Petitioner Best Doctors, Inc., Petition for Declaratory Ruling, CG Docket Nos. 02–278, 05–338; Petition filed 12/14/2018.

16. Petitioner Patrick Maupin, Petition for Clarification, CG Docket No. 02–278; Petition filed 6/21/2019.

17. Petitioner American Banker Association, et al., Petition for Expedited Declaratory Ruling, Clarification, or Waiver, CG Docket No. 02–278; Petition filed 3/30/2020.

18. Petitioner Assurance IQ, LLC, Petition for Expedited Declaratory Ruling, CG Docket No. 02–278; Petition filed 5/12/2020.

19. Petitioner National Association of Chain Drug Stores, Petition for Clarification or, in the Alternative, Declaratory Ruling, CG Docket No. 02–278; Petition filed 8/17/2020.

20. Petitioner Enterprise Communications Advocacy Coalition, Petition for Declaratory Ruling, CG Docket No. 02–278; Petition filed 7/30/2021.

21. Petitioner Pragmatic Deliveries, LLC, Petition for revision of Reassigned Number Database technical requirements, CG Docket No. 17–59; Petition filed 11/9/21.

22. Petitioner Hustle, Inc., Petition for Waiver from Fee Requirements, CG Docket No. 17–59; Petition filed 3/30/2022.

23. Petitioner *DentalPlans.com*, Petition for Expedited Declaratory Ruling or in the Alternative, Retroactive Waiver, CG Docket No. 02–278; Petition filed 1/3/2023.

24. Petitioner Mark W. Dobronski, Petition for Clarification and Declaratory Ruling, CG Docket No. 02–278; Petition filed 12/13/2023.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–17774 Filed 8–28–26; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 91, No. 167
Monday, August 31, 2026

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

DEPARTMENT OF COMMERCE

International Trade Administration
[A-570-219]

Van-Type Trailers and Subassemblies Thereof From the People’s Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The U.S. Department of Commerce (Commerce) determines that van-type trailers and subassemblies thereof (van-type trailers) from the People’s Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) April 1, 2025, through September 30, 2025.
DATES: Applicable August 31, 2026.
FOR FURTHER INFORMATION CONTACT: Jacob Waddell or Mason Harkleroad, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1369 or (202) 482–0905, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of van-type trailers from China, in which we invited interested parties to comment on the *Preliminary Determination*.¹

A summary of the events that occurred since the *Preliminary Determination*, as well as a full discussion of the sole issue raised by an interested party for this final determination, may be found in the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The merchandise covered by the scope of this investigation is van-type trailers from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In the Preliminary Scope Memorandum, we set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope) in scope-specific case briefs or other written comments.³ We received comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. For a summary of the product coverage comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.⁴ After analyzing these comments, we made no changes to the scope of the investigation. *See* the scope in Appendix I to this notice.

Analysis of Comments Received

The sole issue raised by an interested party in this investigation is addressed in the Issues and Decision Memorandum. A list of the topics addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

We have not made any changes to the margin calculation since the *Preliminary Determination*.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Producer/exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset) (percent)
China-Wide Entity	* 130.86	129.73

* This rate is based on facts available with adverse inferences.

¹ See *Van-Type Trailers and Subassemblies Thereof from the People’s Republic of China: Preliminary Determination of Sales at Less than Fair Value*, 91 FR 35957 (June 15, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).
² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination of Sales at Less Than Fair Value in

the Investigation of Van-Type Trailers and Subassemblies Thereof from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).
³ See Memorandum “Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People’s Republic of China: Preliminary Scope

Decision Memorandum,” dated July 29, 2026 (Preliminary Scope Memorandum).
⁴ See Memorandum, “Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People’s Republic of China: Final Scope Decision Memorandum,” dated concurrently with this final determination (Final Scope Decision Memorandum).

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce applied total adverse facts available (AFA) to the China-wide entity in this investigation, in accordance with section 776 of the Tariff Act of 1930, as amended (the Act), and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise entries, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after June 15, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the amount by which the normal value exceeds the U.S. price as follows: (1) for the producer/exporter combinations listed in the table above, the applicable cash deposit rate is listed in the table for that combination; adjusted for subsidy offsets, if appropriate; (2) for all combinations of Chinese producers/exporters of subject merchandise that have not established eligibility for a separate rate, the cash deposit will be equal to the cash deposit rate listed for the China-wide entity in the table above; and (3) for all third-country exporters of the subject merchandise that are not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination or the China-wide entity that supplied that third-country exporter. These liquidation instructions will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic pass-through and export subsidies countervailed in a companion countervailing duty (CVD) investigation, when CVD provisional measures are in effect. Accordingly, where Commerce made an affirmative determination for

countervailable export subsidies, Commerce would offset the estimated weighted-average dumping margins by the appropriate export subsidy rate.⁵ Any such adjusted cash deposit rates may be found in the “Final Determination” section above.

Additionally, in the *Preliminary Determination*, Commerce established a Canadian third country case number in the Automated Commercial Environment (ACE).⁶ For Chinese subassemblies and/or van-type trailers containing Chinese subassemblies imported through Canada, importers should report such entries under third country case number A–122–219. For van-type trailers containing Chinese subassemblies imported through Canada, only the Chinese subassembly portion of the merchandise, as well as components entering on the same bill of lading as the Chinese subassembly, are subject to China antidumping duties.

If the U.S. International Trade Commission (ITC) makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of publication of the ITC’s final affirmative determination in the **Federal Register** to be the company-specific estimated weighted-average dumping margin adjusted for export subsidies.

If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all cash deposits for estimated antidumping duties will be refunded and the suspension of liquidation will be lifted.

ITC Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of van-type trailers from China for sale (or the likelihood of sale) no later than 45 days after this final determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the

written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instructions by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Suspension of Liquidation” section above.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: August 24, 2026.

Christopher Abbott,

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

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of certain van-type trailers and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, regardless of the number of axles, for carriage of goods. Van-type trailers are typically, but not limited to, rectangular cuboid trailers with a fully enclosed cargo space consisting of a front nose (with or without a refrigeration unit), side walls (with or without doors), movable rear panels (whether roll-up doors, swing doors, or another configuration), a floor and subframe, an affixed or removable roof, a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, landing gear, and coupling for towing behind a truck tractor or a connection system for training behind another van-type trailer. Covered van-type trailers are those with a gross vehicle weight rating of greater than 26,000 pounds.

⁵ See *Preliminary Determination* PDM at 12–13.

⁶ See *Preliminary Determination*, 91 FR at 35958–35959.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Van-type trailer subframes, or sections of van-type trailer frames, typically consisting of welded crossmembers and slider rails for attaching the running gear;

- Nose wall, side wall, and roof subassemblies, whether insulated or non insulated, and with or without top, bottom, or side rails;

- Rear door frame, whether for swing or roll-up doors, with or without installed doors, bumpers, bumper plates, or reinforcing plates for liftgate;

- Door assemblies, whether for rear swing doors, roll-up doors, side doors or any other configuration, with or without lockrods, handles, hinges, or hinge pins;

- Rear impact guard subassemblies, typically consisting of a fabricated horizontal structural component (such as a guard tube) and uprights for connection to the underside of the rear frame;

- Coupler assembly for connection to truck tractor's fifth wheel, typically consisting of main beams and cross members, support plates, and front nose wrap, and with or without kingpin installed;

- Running gear subassemblies or axle assemblies for connection to the subframe, which may or may not include suspension(s), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, wheels, and tires; and

- Landing gear subassemblies, typically consisting of two landing legs, a cross channel, braces, bracketing, a cross shaft, and a crank handle.

These subassemblies are subject to the investigation, whether entered alone or with other subassemblies and whether assembled or unassembled and whether finished or unfinished. The absence of any subassembly from an otherwise finished or unfinished van-type trailer does not remove the van-type trailer from coverage.

Subject merchandise also includes components entered with (*i.e.*, on the same bill of lading as) van-type trailers and subassemblies, such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, wheels, tires, brake control systems, electrical harnesses and lighting systems, lift gate systems, tire inflation systems, or refrigeration units (with or without evaporators or fuel tanks) whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components that constitute as part of an unfinished and/or unassembled van-type trailer and subassemblies thereof that are subject to the investigation.

Processing of finished and unfinished van-type trailers and subassemblies, such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product

from the scope. Inclusion of other components not identified as comprising the finished or unfinished van-type trailer does not remove the product from the scope.

Specifically excluded are subassemblies covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 24844 (May 10, 2021).

The finished and unfinished van-type trailers subject to the investigation are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0040, 8716.39.0090 and 8716.90.5060. Imports of finished and unfinished subassemblies may also enter under HTSUS subheadings 7308.30.5050, 7308.90.9590, 7326.90.8688, 8708.29.1500, 8708.99.8180, 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary

II. Background

III. Discussion of the Issue

Comment: Cash Deposits on Entries of

Subject Merchandise from Canada

IV. Recommendation

[FR Doc. 2026–17750 Filed 8–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–807]

Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

SUMMARY: On August 19, 2026, the U.S. Court of International Trade (CIT) issued its final judgment in *Universal Tube & Plastic Indus., Ltd. v. United States*, Court No. 23–00113, sustaining the U.S. Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on circular welded carbon-quality steel

pipe (CWP) from the United Arab Emirates (UAE) covering the period December 1, 2020, through November 30, 2021. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Universal Tube and Plastic Industries, Ltd.; THL Tube and Pipe Industries LLC; and KHK Scaffolding and Formwork LLC (collectively, Universal).

DATES: Applicable August 29, 2026.

FOR FURTHER INFORMATION CONTACT:

Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2972.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2023, Commerce published its *Final Results* in the 2020–2021 AD administrative review of CWP from the UAE, in which Commerce calculated a weighted-average dumping margin of 2.63 percent for Universal.¹

Universal appealed Commerce's *Final Results*. On July 24, 2024, the CIT remanded the *Final Results* for Commerce to reconsider or provide further explanation why it was reasonable to apply an “inter-quarter comparison” for purposes of its differential pricing analysis and a “same-quarter comparison” to calculate Universal's costs of production.²

In its first remand redetermination, issued in September 2024, Commerce further explained why it was reasonable to limit comparisons of U.S. price to normal value (NV) within the same quarter to calculate individual dumping margins and compare U.S. prices between quarters as part of the Cohen's *d* test.³

¹ See *Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 28483 (May 4, 2023) (*Final Results*); see also *Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Final Results of Antidumping Duty Administrative Review, 2020–2021; Correction*, 88 FR 30726 (May 12, 2023) (acknowledging the inadvertent duplicate publication of the *Final Results* in the **Federal Register**).

² See *Universal Tube & Plastic Indus., Ltd. v. United States*, 717 F. Supp. 3d 1332 (CIT 2024).

³ See *Final Results of Redetermination Pursuant to Court Remand, Universal Tube & Plastic Indus., Ltd. v. United States*, Ct. No. 23–0011, Slip Op. 24–85, dated September 23, 2024, available at <https://access.trade.gov/FinalRemandRedetermination>.

On June 17, 2025, the CIT remanded the case to Commerce to reconsider its differential pricing analysis in conformity with the U.S. Court of Appeals for the Federal Circuit’s (Federal Circuit’s) opinion in *Marmen*.⁴

In its final remand redetermination, issued in January 2026, Commerce applied a revised differential pricing analysis and again explained why it was reasonable to limit comparisons of U.S. price to NV within the same quarter to calculate individual dumping margins while comparing U.S. prices between

quarters for the differential pricing analysis.⁵ The CIT sustained Commerce’s Final Remand Redetermination.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend

liquidation of entries pending a “conclusive” court decision. The CIT’s August 19, 2026 judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Universal as follows:

Producer or exporter	Final results weighted-average dumping margin (percent)	Amended final results weighted-average dumping margin (percent)
Universal Tube and Plastic Industries, Ltd.; THL Tube and Pipe Industries LLC; and KHK Scaffolding and Formwork LLC	2.63	3.64

Cash Deposit Requirements

Because Universal has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced or exported by Universal, and were entered, or withdrawn from warehouse, for consumption during the period December 1, 2020, through November 30, 2020. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced or exported by Universal in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or

de minimis. Where an import-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.⁹

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: August 26, 2026.

Scot Fullerton,
Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.
[FR Doc. 2026–17735 Filed 8–28–26; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[C–570–218]

Van-Type Trailers and Subassemblies
Thereof From the People’s Republic of
China: Final Affirmative Countervailing
Duty Determination

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

SUMMARY: The U.S. Department of
Commerce (Commerce) determines that
countervailable subsidies are being

provided to producers and exporters of
van-type trailers and subassemblies
thereof (van-type trailers) from the
People’s Republic of China (China). The
period of investigation is January 1,
2024, through December 31, 2024.

DATES: Applicable August 31, 2026.

FOR FURTHER INFORMATION CONTACT:
Christopher Doyle, AD/CVD Operations,
Office IX, Enforcement and Compliance,
International Trade Administration,
U.S. Department of Commerce, 1401
Constitution Avenue NW, Washington,
DC 20230; telephone: (202) 482–5882.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 2026, Commerce published the *Preliminary Determination* of this countervailing duty (CVD) investigation of van-type trailers from China, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(3), and aligned this CVD investigation with the final determination in the companion less-than-fair-value investigation.¹ On this same date, CIMC Baowell Industries Co., Ltd. and Qingdao CIMC Reefer Trailer Co., Ltd. (collectively, CIMC) notified Commerce that it was withdrawing its

⁴ See *Universal Tube & Plastic Indus., Ltd. v. United States*, Court No. 23–00113, Order (June 17, 2025) (citing *Marmen Inc. v. United States*, 134 F.4th 1334 (Fed. Cir. 2025) (*Marmen*)).
⁵ See Final Results of Redetermination Pursuant to Court Remand, *Universal Tube & Plastic Indus., Ltd. v. United States*, Ct. No. 23–0011, CIT June 17, 2025, dated January 16, 2026 (Final Remand Redetermination), available at <https://access.trade.gov/FinalRemandRedetermination>.

⁶ See *Universal Tube & Plastic Indus., Ltd. v. United States*, Court No. 23–00113, Slip Op. 26–00098 (CIT August 19, 2026).
⁷ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).
⁸ See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).
⁹ See 19 CFR 351.106(c)(2).

¹ See *Van-Type Trailers and Subassemblies Thereof from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 91 FR 34222 (June 3, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

participation from this investigation.² On July 17, 2026, we issued a post-preliminary analysis memorandum regarding certain programs.³

For a complete discussion of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.⁴ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The merchandise covered by the scope of this investigation is van-type trailers from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In the Preliminary Scope Memorandum, we set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope) in scope-specific case briefs or other written comments.⁵ We received comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. For a summary of the product coverage comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, see the Final Scope Decision Memorandum.⁶ After analyzing these comments, we made no changes to the scope of the

investigation. See the scope in Appendix I to this notice.

Verification

CIMC withdrew from participation as a mandatory respondent in this investigation prior to verification.⁷ Accordingly, Commerce did not conduct verification under section 782(i)(1) of the Act.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised by an interested parties are discussed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II to this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available (AFA), see the Issues and Decision Memorandum at Comments 1 and 2.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available,

Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers or exporters. In this investigation, Commerce has determined the estimated subsidy rate for the sole individually examined respondent (*i.e.*, CIMC) under section 776 of the Act. Thus, this is the only rate available in this proceeding for deriving the all-others rate. Consequently, Commerce established the all-others rate based on the countervailing subsidy rate assigned to the mandatory respondent.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

Company	Subsidy rate (percent <i>ad valorem</i>)
CIMC Baowell Industries Co., Ltd. and Qingdao CIMC Reefer Trailer Co., Ltd	* 134.75
Non-Responsive Companies ⁹ ..	* 134.75
All Others	134.75

* This rate is based on total AFA.

Disclosure

Because Commerce applied AFA to the sole mandatory respondent, in accordance with section 776 of the Act, there are no calculations to disclose for this final determination pursuant to 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise from China that were entered, or withdrawn from warehouse, for consumption, on or after June 5, 2026, the date of the publication of the *Preliminary Determination* in the **Federal Register**.¹⁰

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties

² See CIMC's Letter, "Notice of Withdrawal from Further Participation as Mandatory Respondents," dated June 5, 2026 (CIMC's Withdrawal Notice).

³ See Memorandum, "Post-Preliminary Analysis Memorandum for the Countervailing Duty Investigation of Van-Type Trailers and Subassemblies Thereof from the People's Republic of China," dated July 17, 2026.

⁴ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Van-Type Trailers and Subassemblies Thereof from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See Memorandum, "Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People's Republic of China: Preliminary Scope Decision Memorandum," dated July 29, 2026 (Preliminary Scope Memorandum).

⁶ See Memorandum, "Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum," dated concurrently with this final determination (Final Scope Decision Memorandum).

⁷ See CIMC's Withdrawal Notice.

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ These companies are listed in Appendix III.

¹⁰ See *Preliminary Determination*, 91 FR at 34222.

deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

Additionally, in the *Preliminary Determination*, Commerce established a Canadian third country case number in the Automated Commercial Environment (ACE).¹¹ For Chinese subassemblies and/or van-type trailers containing Chinese subassemblies imported through Canada, importers should report such entries under third country case number C-122-218. For van-type trailers containing Chinese subassemblies imported through Canada, only the Chinese subassembly portion of the merchandise, as well as components entering on the same bill of lading as the Chinese subassembly, are subject to China countervailing duties.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of van-type trailers from China. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of import of van-type trailers from China. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an APO of their responsibility concerning the

destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: August 24, 2026.

Christopher Abbott,

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

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of certain van-type trailers and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, regardless of the number of axles, for carriage of goods. Van-type trailers are typically, but not limited to, rectangular cuboid trailers with a fully enclosed cargo space consisting of a front nose (with or without a refrigeration unit), side walls (with or without doors), movable rear panels (whether roll-up doors, swing doors, or another configuration), a floor and subframe, an affixed or removable roof, a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, landing gear, and coupling for towing behind a truck tractor or a connection system for training behind another van-type trailer. Covered van-type trailers are those with a gross vehicle weight rating of greater than 26,000 pounds.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Van-type trailer subframes, or sections of van-type trailer frames, typically consisting of welded crossmembers and slider rails for attaching the running gear;
- Nose wall, side wall, and roof subassemblies, whether insulated or non insulated, and with or without top, bottom, or side rails;
- Rear door frame, whether for swing or roll-up doors, with or without installed doors, bumpers, bumper plates, or reinforcing plates for liftgate;
- Door assemblies, whether for rear swing doors, roll-up doors, side doors or any other configuration, with or without lockrods, handles, hinges, or hinge pins;
- Rear impact guard subassemblies, typically consisting of a fabricated horizontal structural component (such as a guard tube) and uprights for connection to the underside of the rear frame;
- Coupler assembly for connection to truck tractor's fifth wheel, typically consisting of main beams and cross members, support plates, and front nose wrap, and with or without kingpin installed;

- Running gear subassemblies or axle assemblies for connection to the subframe, which may or may not include suspension(s), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, wheels, and tires; and

- Landing gear subassemblies, typically consisting of two landing legs, a cross channel, braces, bracketing, a cross shaft, and a crank handle.

These subassemblies are subject to the investigation, whether entered alone or with other subassemblies and whether assembled or unassembled and whether finished or unfinished. The absence of any subassembly from an otherwise finished or unfinished van-type trailer does not remove the van-type trailer from coverage.

Subject merchandise also includes components entered with (*i.e.*, on the same bill of lading as) van-type trailers and subassemblies, such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, wheels, tires, brake control systems, electrical harnesses and lighting systems, lift gate systems, tire inflation systems, or refrigeration units (with or without evaporators or fuel tanks) whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components that constitute as part of an unfinished and/or unassembled van-type trailer and subassemblies thereof that are subject to the investigation.

Processing of finished and unfinished van-type trailers and subassemblies, such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished van-type trailer does not remove the product from the scope.

Specifically excluded are subassemblies covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 24844 (May 10, 2021).

The finished and unfinished van-type trailers subject to the investigation are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0040, 8716.39.0090, and 8716.90.5060. Imports of finished and unfinished subassemblies may also enter under HTSUS subheadings 7308.30.5050, 7308.90.9590, 7326.90.8688, 8708.29.1500, 8708.99.8180, 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

¹¹ See *Preliminary Determination*, 91 FR at 34223.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Use of Facts Available and Application of Adverse Inference
- IV. Discussion of the Issues
 - Comment 1: Application of Adverse Facts Available (AFA) to CIMC and the Government of China (GOC)
 - Comment 2 Calculation of the AFA Rate
 - Comment 3: Cash Deposits on Imports of Subject Merchandise from China
- V. Recommendation

Appendix III

Non-Responsive Companies

- 1. Chusheng Vehicle Group Co., Ltd.
- 2. CRR Urban Traffic Co., Ltd.
- 3. CSCTRUCK Limited
- 4. Henan Huayu Jujiu Vehicle Co., Ltd.
- 5. Henan Reddin Trading Co., Ltd.
- 6. Henan Ulike Industry Co., Ltd.
- 7. Hubei ChuSheng Commercial Truck
- 8. Hubei Chusheng Vehicles Co., Ltd. Sales Office
- 9. Hubei Chusheng Vehicle Co., Ltd.
- 10. Jinan Shacman Truck Co., Ltd.
- 11. Qihang Automobile Co., Ltd.
- 12. Qingdao Genron International Trade Co., Ltd.
- 13. Qingdao Quest Vehicles Equipment Co., Ltd.
- 14. Shannxi Automobile Holding Group
- 15. Shandong Fuyan Special Purpose Vehicles Manufacturing Co., Ltd.
- 16. Shandong Luen Auto Co., Ltd.
- 17. Shandong Shodailer Automobile Manufacturing Co., Ltd.
- 18. Shandong Tengyun Special Vehicles Manufacturing Co., Ltd.
- 19. Xiagong Chusheng (Hubei) Special Purpose Vehicle Manufacturing Co., Ltd.

[FR Doc. 2026-17749 Filed 8-28-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Streamlined Supply Chain Information Collection Request

AGENCY: National Institute of Standards and Technology (NIST), 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 30, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST, 100 Bureau Drive, MS 1710, Gaithersburg, MD 20899 or by email to PRANIST@nist.gov. Please reference Streamlined Supply Chain Information Collection Request OMB Control Number 0693-0097 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 Cierra Bean, Business Operations Analyst, CHIPS Program Office, 202-818-2677, askchips@chips.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The CHIPS Incentives Program is authorized by Title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117-167). The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (Department).

CPO is accepting applications under the CHIPS Incentives Program's notice of funding opportunity (NOFO) for Facilities for Semiconductor Materials and Manufacturing Equipment (Funding Opportunity Number 2023-NIST-CHIPS-SMME-01), which supports projects for the construction, expansion, or modernization of commercial facilities for semiconductor materials and manufacturing equipment. CPO is submitting this notice to renew the currently approved information collection so it may continue collecting materials from applicants under this NOFO.

Information collected as part of the application process may include but is not limited to project descriptions, project timelines, narrative justifications

for incentives, applicant financial information, and relevant project environmental and workforce information.

II. Method of Collection

CPO intends to collect information from applicants electronically, although other methods, e.g., interviews, email, etc., may also be leveraged.

III. Data

OMB Control Number: 0693-0097.

Form Number(s): None.

Type of Review: Regular submission, extension of current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 210.

Estimated Time per Response: 42 hours.

Estimated Total Annual Burden Hours: 8,820 hours.

Estimated Total Annual Cost to Public: \$873,032.

Respondent's Obligation: Mandatory to be eligible for CHIPS Act funding.

Legal Authority: 15 U.S.C. 4652(a)(1).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026-17760 Filed 8-28-26; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF976]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of virtual meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Partial Coverage Fishery Monitoring Advisory Committee (PCFMAC) will meet on September 15, 2026.

DATES: The meeting will be held on Tuesday, September 15, 2026, from 8:30 a.m. to 4 p.m. Alaska Time.

ADDRESSES: Join the meeting online through the link at <https://meetings.npfmc.org/Meeting/Details/7158>.

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, Suite 400, Alaska 99501-2252; telephone (907) 271-2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Sara Cleaver, Council staff; email: scleaver@npfmc.org. For technical support please contact Council administrative staff, email: support@npfmc.org.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 15, 2026

The September 2026 PCFMAC/FMAC agenda will include: (a) updates since the last PCFMAC meeting; (b) review of the draft 2027 Annual Deployment Plan; and (c) other updates from NMFS. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/7158> prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone;

or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/7158>.

Public Comment

Public comment letters will be accepted and should be submitted electronically to posted at <https://meetings.npfmc.org/Meeting/Details/7158>.

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

Dated: August 27, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026-17762 Filed 8-28-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2026-OS-1849]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: The Department of Defense (referred to herein as “the Department”, “Department of War” or “DoW”). In compliance with the *Paperwork Reduction Act of 1995*, OUSD(A&S) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 30, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and

Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Acquisition and Sustainment, joanne.c.herring2.civ@mail.mil, Joanne Herring, (571) 309-1238.

SUPPLEMENTARY INFORMATION: *Title:* Acquisition of Contractor-Prepared Data (DD Form 1423/Contract Data Requirements List); DD Form 1423; OMB Control Number 0704-0188.

Needs and Uses: This information collection clears data required from contractors under the terms and conditions of DoW contracts or agreements. This information is contractually ordered using DD Form 1423, “Contract Data Requirements List”, which incorporates by reference the standardized formatting and content requirements defined in pre-approved Data Item Descriptions (DIDs) housed in the ASSIST database. Information collection requests are contained in DoW contractual actions for supplies, services, hardware, and software that support the defense materiel acquired under the provisions of Title 10, United States Code, Chapter 137. DoW 5010.12-M, Procedures for the Acquisition and Management of Technical Data, describes the uniform approach to the acquisition and management of data required from contractors. The information requested from the public is necessary for DoW to support the design, test, manufacture, training, operation, maintenance, and logistical support of items it acquires, including weapon systems critical to national defense.

Affected Public: Business or other For-Profit.

Annual Burden Hours: 29,652,480.

Number of Respondents: 1,040.

Responses per Respondent: 432.

Annual Responses: 449,280.

Average Burden per Response: 66 hours.

Frequency: On Occasion.

This collection encompasses the data deliverables ordered via completed DD Form 1423s in accordance with the content and formatting requirements described in DIDs maintained in the ASSIST database. These deliverables support the lifecycle management, technical execution, and program management of procured supplies, hardware, software, and weapon systems.

Dated: August 26, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026-17681 Filed 8-28-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2026-OS-1156]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense (referred to herein as “the Department”, “Department of War” or “DoW”) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for Verification of Birth; DD Form 372; OMB Control Number 0704-0006.

Type of Request: Extension.

Number of Respondents: 150,000.

Responses per Respondent: 1.

Annual Responses: 150,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 12,500.

Needs and Uses: Title 10, United States Code 505, 532, 3253, and 8253, require applicants meet minimum and maximum age and citizenship requirements for enlistment into the Armed Forces (including the Coast Guard). If an applicant is unable to provide a birth certificate, the recruiter will forward a DD Form 372, “Request for Verification of Birth,” to a state or local agency requesting verification of the applicant’s birth date. This verification of the birth date ensures that the applicant does not fall outside the age limitations, and the applicant’s place of birth supports the citizenship status claimed by the applicant.

Affected Public: State, Local, or Tribal Government.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: August 26, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026-17683 Filed 8-28-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2026-OS-1255]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense (referred to herein as “the Department”, “Department of War” or “DoW”) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 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/](http://www.reginfo.gov/public/do/PRAMain)

[PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for Reference; DD Form 370; OMB Control Number 0704-0167.

Type of Request: Extension.

Number of Respondents: 50,000.

Responses per Respondent: 1.

Annual Responses: 50,000.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 8,333.

Needs and Uses: This information collection requirement is necessary to obtain personal reference data, to request a waiver, on a military applicant who has committed a civil or criminal offense and would otherwise be disqualified for entry into the Armed Forces of the United States. DD Form 370 is used to obtain references information evaluating the character, work habits, and attitudes of an applicant from a person of authority or standing within the community.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: August 26, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026-17682 Filed 8-28-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-2344]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Family Educational Loan Program (FFEL)—Administrative Requirements for States, Not-For-Profit Lenders, and Eligible Lenders Trustees

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently

approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 30, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453-5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Family Educational Loan Program (FFEL)—Administrative Requirements for States, Not-For-Profit Lenders, and Eligible Lenders Trustees.

OMB Control Number: 1845-0085.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 25.

Abstract: This request is for the extension of a current paperwork collection in the Office of Management and Budget (OMB) Control Number

1845-0085 for the reporting requirement contained in the regulations for States, not-for-profit lenders and eligible lender trustees under 34 CFR 682.302 for the Federal Family Education Loan (FFEL) Program. The regulations in § 682.302 require a State, non-profit entity, or eligible lender trustee to provide to the Secretary a certification on the State or non-profit entity's letterhead signed by the State or non-profit's Chief Executive Officer which states the basis upon which the entity qualifies as a State or non-profit entity. The submission must include documentation establishing the entity's State or non-profit status. In addition, the submission must include the name and lender identification number for which the eligible not-for-profit designation is being certified.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-17688 Filed 8-28-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-2872]

Agency Information Collection Activities; Comment Request; Special Education-Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 30, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-2872. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information

collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Special Education Programs, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4A219, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Celia Rosenquist, 202-245-7373.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Special Education-Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation.

OMB Control Number: 1820-0686.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals and Households.

Total Estimated Number of Annual Responses: 60,949.

Total Estimated Number of Annual Burden Hours: 9,210.

Abstract: The Personnel Development Program (PDP) is a Federal program managed at the Office of Special

Education Programs (OSEP) aimed at increasing the supply of qualified personnel in the field of special education. This program awards competitive grants to Institutions of Higher Education (IHEs) to support scholars who are preparing to provide special education and related services to children and youth with disabilities. Scholars who receive funding agree to work in the field of special education or related services for two years for each year of support they receive.

The information is collected through the web-based Personnel Development Program Data Collection System (PDPDCS) under the authority of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1462) and the implementing service obligation regulations at 34 CFR part 304, as well as reporting requirements under 34 CFR 75.110. Through the PDPDCS, grantees, scholars, and employers report data electronically.

The PDPDCS enables OSEP to meet its Congressional mandate by providing reliable data to assess program efficiency, performance, and effectiveness. Data collected are used to evaluate grantees' compliance with PDP program requirements, report program performance on GPRA measures to Congress, track scholar enrollment in training programs and subsequent service obligation fulfillment, and to refer scholars to the Accounts Receivable and Bank Management Division (ARBMD) for repayment of part or all of the scholarship received, if the scholars are not fulfilling their obligations through service.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-17720 Filed 8-28-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26-42-000]

Commission Information Collection Activities (FERC-FERC-510); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-510 Application for Surrender of Hydropower License (OMB No 1902-0068). There are no proposed changes to the reporting requirements.

DATES: Comments on the collections of information are due October 30, 2026.

ADDRESSES: Please submit comments via email to DataClearance@FERC.gov. You must specify Docket No. (IC26-42-000) and the FERC Information Collection number (FERC-510) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit <https://elibrary.ferc.gov/eLibrary/search>.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams may be reached by email at DataClearance@FERC.gov, or by telephone at (202) 502-6468.

SUPPLEMENTARY INFORMATION:

Title: FERC-510, Application for Surrender of a Hydropower License.

OMB Control No.: 1902-0068.

Type of Request: Three-year extension of the FERC-510 information collection requirements with no changes to the current reporting requirements.

Abstract: FERC-510 includes the information collection burden pursuant to sections 4(e), 6, and 13 of the Federal Power Act (FPA) (16 U.S.C. 797(e), 799 and 806). Section 4(e) gives the Commission authority to issue licenses for the purposes of constructing, operating and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other power project works necessary or convenient

for developing and improving navigation, transmission and utilization of power using bodies of water over which Congress has jurisdiction.

Section 6 gives the Commission the authority to prescribe the conditions of licenses including the revocation or surrender of the license. Section 13 defines the Commission's authority to delegate time periods for when a license must be terminated if project construction has not begun. Surrender of a license may be desired by a licensee when a licensed project is retired or not constructed, natural catastrophes have damaged or destroyed the project facilities, or a licensee otherwise no longer wishes to hold a license.

FERC-510 is the application for the surrender of a hydropower license.¹ The information is used by Commission staff to determine the broad impact of such surrender. The Commission will issue a notice soliciting comments from the public and other agencies and conduct a review of the application before issuing an order for Surrender of a License. The order is the result of an analysis of the information produced (*i.e.*, dam safety, public safety, and environmental concerns, etc.), which is examined to determine whether any conditions must be satisfied before granting the surrender. The order implements the existing regulations and applies to surrender of any type of hydropower authorization issued by FERC and its predecessor, the Federal Power Commission.

Type of Respondents: Non-Federal (Private or Municipal) Hydropower Licensees.

*Estimate of Annual Burden:*² The Commission estimates the total annual burden and cost³ for this information collection as follows:

¹ 18 CFR 6.1-6.4

² The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

³ FERC estimates that industry hourly costs are similar to the Commission FY 2026 average salary plus benefits of \$213,003 per year (or \$102/hour).

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost (\$) per response	Total annual burden hrs. & total annual cost (\$)	Cost per respondent (\$)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
10	1	10	80 hrs.; \$8,160	800 hrs.; \$81,600 ..	\$8,160

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-17740 Filed 8-28-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ26-9-000]

Orlando Utilities Commission; Notice of Filing

Take notice that on July 29, 2026, Orlando Utilities Commission submits tariff filing per 35.28(e): Orlando's Revised Non-Jurisdictional Open Access Transmission Tariff, effective October 1, 2026.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal**

Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.

Comment Date: 5:00 p.m. Eastern Time on September 7, 2026.

Dated: August 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-17739 Filed 8-28-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26-100-000.

Applicants: Powerhouse Hillwood Holding, LLC.

Description: Petition for Declaratory Order of PowerHouse Hillwood Holding, LLC.

Filed Date: 8/24/26.

Accession Number: 20260824-5148.

Comment Date: 5 p.m. ET 9/4/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26-2600-002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 4618R1 Municipal Energy Agency of Nebraska NITSA and NOA to be effective 5/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826-5028.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26-3611-000.

Applicants: Trieve, LLC.

Description: Tariff Amendment: Notice of Cancellation of Trieve, LLC's Market Base Rate Tariff to be effective 8/26/2026.

Filed Date: 8/25/26.

Accession Number: 20260825-5162.

Comment Date: 5 p.m. ET 9/15/26.

Docket Numbers: ER26-3612-000.

Applicants: Lazbuddie Wind Energy LLC.

Description: Tariff Amendment: MBR Tariff Cancellation to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826-5000.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26-3613-000.

Applicants: Kingstree West 115 LLC.

Description: Initial Rate Filing: Petition for Order Accepting MBR Tariff and Request for Expedited Treatment to be effective 9/11/2026.

Filed Date: 8/26/26.

Accession Number: 20260826-5002.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3614–000.
Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2639R2 Sunflower Electric Power Corporation NITSA NOA to be effective 8/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5006.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3615–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Amendment to SA No. 1179 SLGIA Appendices to be effective 8/27/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5023.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3616–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–08–26 SA 4852 Duke IN–PJM TC1 Cayuga to Eugene MPFCA to be effective 8/18/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5024.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3617–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–08–26 SA 4847 SMMPA–Swift Energy GIA (E0006) to be effective 8/13/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5029.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3618–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 1313R21 Oklahoma Gas and Electric Company NITSA and NOA to be effective 8/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5034.

Comment Date: 5 p.m. ET 9/16/26.

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 26, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17728 Filed 8–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–99–000.

Applicants: Advantage Capital Renewables, LLC v. PJM Interconnection, L.L.C.

Description: Formal Complaint of Advantage Capital Renewables, LLC v. PJM Interconnection, L.L.C.

Filed Date: 8/25/26.

Accession Number: 20260825–5135.

Comment Date: 5 p.m. ET 9/14/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26–2753–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Deficiency Response—Attachment AQ for HITT T3 Phase II to be effective 11/19/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5094.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–2914–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1976R17 FreeState Electric Cooperative, Inc. NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826–5136.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–2920–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2198R41 Kansas Power Pool NITSA NOA Deferral to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826–5147.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–2929–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2415R24 Kansas Municipal Energy Agency NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826–5120.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3023–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1636R35 Kansas Electric Power Cooperative, Inc. NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826–5101.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3024–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1875R11 Kansas Electric Power Cooperative, Inc. NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/26/26.

Accession Number: 20260826–5144.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3619–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO Cmplnce: Conform FERC eTariff Records re: 26–27 Winter Capability Period to be effective 8/25/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5065.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3620–000.

Applicants: Panoche BESS LLC.

Description: Initial Rate Filing: Baseline new to be effective 8/27/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5085.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3621–000.

Applicants: Midway BESS LLC.

Description: Initial Rate Filing: Baseline new to be effective 8/27/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5088.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3622–000.

Applicants: Wright Solar Park LLC.

Description: Initial Rate Filing: Cert of Concurrence, Req for Waiver of Prior Notice and Expedited Treatment to be effective 9/15/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5099.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3623–000.

Applicants: Portland General Electric Company.

Description: 205(d) Rate Filing: Updated and Restated Jane Wind I Concurrence to be effective 8/10/2026.
Filed Date: 8/26/26.

Accession Number: 20260826–5108.
Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3624–000.

Applicants: Portland General Electric Company.

Description: 205(d) Rate Filing: Updated and Restated Jane Wind II Concurrence to be effective 8/26/2026.
Filed Date: 8/26/26.

Accession Number: 20260826–5109.
Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3625–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to Establish SPP Generating Facilities Modeling Requirements to be effective 10/26/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5110.
Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3626–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: TO SA 292: NCPA Interconnection Agreement Extension to be effective 11/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5142.
Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3627–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: RS 246: Extension to City of Biggs Agreement to be effective 10/31/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5143.
Comment Date: 5 p.m. ET 9/16/26.

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 26, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17722 Filed 8–28–26; 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: RP26–1090–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Non-Conforming Agreements Update (City of Mesa 2026) to be effective 9/1/2026.

Filed Date: 8/25/26.

Accession Number: 20260825–5112.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1091–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: 4(d) Rate Filing: Order No. 587–AB Compliance Filing (NAESB 4.0 Modified) to be effective 1/1/2027.

Filed Date: 8/25/26.

Accession Number: 20260825–5125.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1092–000.

Applicants: Pine Needle LNG Company, LLC.

Description: 4(d) Rate Filing: Pine Needle Order No. 587–AB Compliance (NAESB 4.0 Modified) to be effective 1/1/2027.

Filed Date: 8/25/26.

Accession Number: 20260825–5126.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1093–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: 4(d) Rate Filing: DPEs—Piedmont (Hicks Cross and Charlotte) to be effective 10/1/2026.

Filed Date: 8/25/26.

Accession Number: 20260825–5139.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1094–000.

Applicants: Aethon United BR LP, Aethon III LLC, W3M Holdings BR LLC.

Description: Joint Petition for Temporary Waiver of Capacity Release Regulations, et al. of Aethon United BR LP, et al.

Filed Date: 8/25/26.

Accession Number: 20260825–5145.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1095–000.

Applicants: Spire MoGas Pipeline LLC.

Description: 4(d) Rate Filing: Annual Fuel and Gas Loss Retention Percentage Adjustment Filing to be effective 10/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5026.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1096–000.

Applicants: Rover Pipeline LLC.

Description: Compliance filing: NAESB Version 4.0 Revisions

Compliance to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5039.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1097–000.

Applicants: Fayetteville Express Pipeline LLC.

Description: Compliance filing:

NAESB Version 4.0 Revisions

Compliance Filing to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5043.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1098–000.

Applicants: Alliance Pipeline L.P.

Description: Compliance filing: Order No. 587–AB (Docket No. RM96–1–044) Compliance Filing to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5081.

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.

Filings in Existing Proceedings

Docket Numbers: RP26–1047–001.

Applicants: Granite State Gas Transmission, Inc.

Description: Compliance filing:

Amendment to Tariff Revisions re:

Order No. 587–AB to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5027.

Comment Date: 5 p.m. ET 9/8/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Dated: August 26, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-17727 Filed 8-28-26; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1121; FR ID 364575]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 30,

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 Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060-1121.

Title: Sections 1.30002, 1.30003, 1.30004, 73.875, 73.1657 and 73.1690, Disturbance of AM Broadcast Station Antenna Patterns.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not for-profit institutions.

Number of Respondents and Responses: 1,195 respondents and 1,195 responses.

Estimated Time per Response: 1-2 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,960 hours.

Total Annual Cost: \$1,078,200.

Needs and Uses: The information collections that are approved under this collection are as follows: 47 CFR 73.1675(c)(1) continues to state that where an FM, TV, or Class A TV licensee or permittee proposes to mount an auxiliary facility on an AM tower, it must also demonstrate compliance with § 1.30003 in the license application. The R&O revises paragraph (b) to note that the application for a construction permit is now made electronically via the Commission's Licensing and Management System using Form 2100, but this change does not modify any existing paperwork burdens or establish any new ones.

47 CFR 73.1690(c) continues to require FM, TV, or Class A TV station

applicants to submit an exhibit demonstrating compliance with § 1.30003 or § 1.30002, as applicable, with a modification of license application, except for applications solely filed pursuant to paragraphs (c)(6) or (c)(9) of this section, where the installation is located on or near an AM tower, as defined in § 1.30002. The R&O revises paragraph (b) to indicate that certain changes can be made on FCC Form 2100, but this change does not modify any existing paperwork burdens or establish new ones, and similarly, paragraph (c)(3) is revised to note that the modification of license application is now made on Form 2100, but this change does not modify any existing paperwork burdens or establish any new ones.

Other information collection requirements that are covered under this collection that have not changed since last approved by the Office of Management and Budget (OMB) are as follows:

On August 14, 2013, the Commission adopted the Third Report and Order and Second Order on Reconsideration in the matter of An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification, MM Docket No. 93-177, FCC 13-115. In the Third Report and Order in this proceeding, the Commission harmonized and streamlined the Commission's rules regarding tower construction near AM stations. In AM radio, the tower itself functions as the antenna. Consequently, a nearby tower may become an unintended part of the AM antenna system, reradiating the AM signal and distorting the authorized AM radiation pattern. Our old rules contained several sections concerning tower construction near AM antennas that were intended to protect AM stations from the effects of such tower construction, specifically, §§ 73.1692, 22.371, and 27.63. These old rule sections imposed differing requirements on the broadcast and wireless entities, although the issue is the same regardless of the types of antennas mounted on a tower. Other rule parts, such as part 90 and part 24, entirely lacked provisions for protecting AM stations from possible effects of nearby tower construction. In the Third Report and Order the Commission adopted a uniform set of rules applicable to all services, thus establishing a single protection scheme regarding tower construction near AM tower arrays. The Third Report and Order also designates "moment method" computer modeling as the principal means of determining whether a nearby tower affects an AM radiation

pattern. This serves to replace time-consuming direct measurement procedures with a more efficient computer modeling methodology that is reflective of current industry practice.

47 CFR 1.30002(a) requires a proponent of construction or modification of a tower within a specified distance of a nondirectional AM station, and also exceeding a specified height, to notify the AM station at least 30 days in advance of the commencement of construction. If the tower construction or modification would distort the AM pattern, the proponent shall be responsible for the installation and maintenance of detuning equipment.

47 CFR 1.30002(b) requires a proponent of construction or modification of a tower within a specified distance of a directional AM station, and also exceeding a specified height, to notify the AM station at least 30 days in advance of the commencement of construction. If the tower construction or modification would distort the AM pattern, the proponent shall be responsible for the installation and maintenance of detuning equipment.

47 CFR 1.30002(c) states that proponents of tower construction or alteration near an AM station shall use moment method modeling, described in § 73.151(c), to determine the effect of the construction or alteration on an AM radiation pattern.

47 CFR 1.30002(f) states that, with respect to an AM station that was authorized pursuant to a directional proof of performance based on field strength measurements, the proponent of the tower construction or modification may, in lieu of the study described in § 1.30002(c), demonstrate through measurements taken before and after construction that field strength values at the monitoring points do not exceed the licensed values. In the event that the pre-construction monitoring point values exceed the licensed values, the proponent may demonstrate that post-construction monitoring point values do not exceed the pre-construction values. Alternatively, the AM station may file for authority to increase the relevant monitoring point value after performing a partial proof of performance in accordance with § 73.154 to establish that the licensed radiation limit on the applicable radial is not exceeded.

47 CFR 1.30002(g) states that tower construction or modification that falls outside the criteria described in paragraphs § 1.30002(a) and (b) is presumed to have no significant effect on an AM station. In some instances,

however, an AM station may be affected by tower construction notwithstanding the criteria set forth in paragraphs § 1.30002(a) and (b). In such cases, an AM station may submit a showing that its operation has been affected by tower construction or alteration. Such showing shall consist of either a moment method analysis or field strength measurements. The showing shall be provided to (i) the tower proponent if the showing relates to a tower that has not yet been constructed or modified and otherwise to the current tower owner, and (ii) to the Commission, within two years after the date of completion of the tower construction or modification. If necessary, the Commission shall direct the tower proponent to install and maintain any detuning apparatus necessary to restore proper operation of the AM antenna.

47 CFR 1.30002(h) states that an AM station may submit a showing that its operation has been affected by tower construction or modification commenced or completed prior to or on the effective date of the rules adopted in this part pursuant to MM Docket No. 93–177. Such a showing shall consist of either a moment method analysis or of field strength measurements. The showing shall be provided to the current owner and the Commission within one year of the effective date of the rules adopted in this part. If necessary, the Commission shall direct the tower owner, if the tower owner holds a Commission authorization, to install and maintain any detuning apparatus necessary to restore proper operation of the AM antenna.

47 CFR 1.30002(i) states that a Commission applicant may not propose, and a Commission licensee or permittee may not locate, an antenna on any tower or support structure, whether constructed before or after the effective date of these rules, that is causing a disturbance to the radiation pattern of the AM station, as defined in paragraphs § 1.30002(a) and (b), unless the applicant, licensee, or tower owner completes the new study and notification process and takes appropriate ameliorative action to correct any disturbance, such as detuning the tower, either prior to construction or at any other time prior to the proposal or antenna location.

47 CFR 1.30003(a) states that when antennas are installed on a nondirectional AM tower the AM station shall determine operating power by the indirect method (see § 73.51). Upon the completion of the installation, antenna impedance measurements on the AM antenna shall be made. If the

resistance of the AM antenna changes, an application on FCC Form 302–AM (including a tower sketch of the installation) shall be filed with the Commission for the AM station to return to direct power measurement. The Form 302–AM shall be filed before or simultaneously with any license application associated with the installation.

47 CFR 1.30003(b) requires that, before antennas are installed on a tower in a directional AM array, the proponent shall notify the AM station so that, if necessary, the AM station may determine operating power by the indirect method (see § 73.51) and request special temporary authority pursuant to § 73.1635 to operate with parameters at variance. For AM stations licensed via field strength measurements (see § 73.151(a)), a partial proof of performance (as defined by § 73.154) shall be conducted both before and after construction to establish that the AM array will not be and has not been adversely affected. For AM stations licensed via a moment method proof (see § 73.151(c)), the proof procedures set forth in § 73.151(c) shall be repeated. The results of either the partial proof of performance or the moment method proof shall be filed with the Commission on Form 302–AM before or simultaneously with any license application associated with the installation.

47 CFR 1.30004(a) requires proponents of proposed tower construction or modification to an existing tower near an AM station that are subject to the notification requirement in §§ 1.30002 and 1.30003 to provide notice of the proposed tower construction or modification to the AM station at least 30 days prior to commencement of the planned tower construction or modification. Notification to an AM station and any responses may be oral or written. If such notification and/or response is oral, the party providing such notification or response must supply written documentation of the communication and written documentation of the date of communication upon request of the other party to the communication or the Commission. Notification must include the relevant technical details of the proposed tower construction or modification, and, at a minimum, also include the following: proponent's name and address; coordinates of the tower to be constructed or modified; physical description of the planned structure; and results of the analysis showing the predicted effect on the AM pattern, if performed.

47 CFR 1.30004(b) requires that a response to a notification indicating a potential disturbance of the AM radiation pattern must specify the technical details and must be provided to the proponent within 30 days.

47 CFR 1.30004(d) states that if an expedited notification period (less than 30 days) is requested by the proponent, the notification shall be identified as "expedited," and the requested response date shall be clearly indicated.

47 CFR 1.30004(e) states that in the event of an emergency situation, if the proponent erects a temporary new tower or makes a temporary significant modification to an existing tower without prior notice, the proponent must provide written notice to potentially affected AM stations within five days of the construction or modification of the tower and cooperate with such AM stations to remedy any pattern distortions that arise as a consequence of such construction.

47 CFR 73.875(c) requires an LPPM applicant to submit an exhibit demonstrating compliance with § 1.30003 or § 1.30002, as applicable, with any modification of license application filed solely pursuant to paragraphs (c)(1) and (c)(2) of this section, where the installation is on or near an AM tower, as defined in § 1.30002.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-17763 Filed 8-28-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1171; FR ID 364612]

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 30, 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 Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060-1171.

Title: Commercial Advertisement Loudness Mitigation ("CALM") Act; 73.682(e) and 76.607(a).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and

Responses: 2,937 respondents and 4,868 responses.

Frequency of Response:

Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Estimated Time per Response: 0.25-80 hours.

Total Annual Burden: 6,036 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i) and (j), 303(r) and 621.

Needs and Uses: The Commission will use this information to determine compliance with the CALM Act. The CALM Act mandates that the Commission make the Advanced

Television Systems Committee ("ATSC") A/85 Recommended Practice mandatory for all commercial TV stations and cable/multichannel video programming distributors (MVPDs).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-17763 Filed 8-28-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1321; FR ID 364614]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 30, 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 Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060–1321.

Title: Section 73.619, Contours and service areas; § 73.625, TV antenna system; § 73.5006, Filing of petitions to deny against long-form applications; § 73.6024, Transmission standards and system requirements; § 73.6025, Antenna system and station location.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not for-profit institutions.

Number of Respondents and Responses: 100 respondents and 100 responses.

Estimated Time per Response: 0.50 hours.

Frequency of Response:

Recordkeeping requirement; on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits.

The statutory authority for this information collection is contained in sections 154(i) and 325(a) of the Communications Act of 1934, as amended.

Total Annual Burden: 50 hours.

Total Annual Cost: None.

Needs and Uses: The Commission is requesting an extension of this information collection in order to receive approval/clearance from the Office of Management and Budget (OMB) for three years. Other information collection requirements that are covered under this collection have not changed since last approved by OMB.

47 CFR 73.619(b)(5) requires that in determining coverage, the elevation or contour intervals must be taken from a high quality bald earth map or dataset such as the United States Geological Survey Topographic Quadrangle Maps or the National Elevation Dataset.

47 CFR 73.625(c)(3)(v) requires that all azimuth plane patterns be plotted in a PDF attachment to an application in a size sufficient to be easily viewed; paragraph (vii) requires that if an elevation pattern is submitted in the application form, similar tabulations and PDF attachments must be provided for the elevation pattern; and paragraph (viii) requires that if a matrix pattern is submitted in the application form, similar tabulations must be provided as

necessary in the form of a spreadsheet to accurately represent the pattern.

Similarly, 47 CFR 73.6025 requires that applications for modified Class A TV facilities proposing the use of directional antennas include the documentation in § 73.625(c)(3).

47 CFR 73.5006 requires that within ten days following the issuance of a public notice announcing that a long-form application for an AM, FM, or television construction permit has been accepted for filing, petitions to deny that application may be filed in the Commission's Licensing and Management (LMS) database.

47 CFR 73.6024 requires that a Class A station within 275 kilometers of the U.S.-Mexico border must specify the full service emission mask in an application on FCC Form 2100.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–17766 Filed 8–28–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to

remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than September 30, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to KCApplicationComments@kc.frb.org:

1. *Novus Capital Holdings, Inc., Edmond, Oklahoma*; to become a bank holding company by acquiring Novus Bank, a de novo bank, Edmond, Oklahoma.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–17754 Filed 8–28–26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without

change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than September 15, 2026.

A. Federal Reserve Bank of Chicago (Christopher Koopmans, Senior Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *William D. Mullins Revocable Trust, William D. Mullins as trustee, and the Janice M. Mullins Revocable Trust, Janice M. Mullins, as trustee, all of Algona, Iowa;* to join the Bierstedt Family Control Group, a group acting in concert, to acquire voting shares of Burt Bancshares, Inc., Burt, Iowa, and thereby indirectly acquire voting shares of Security State Bank, Algona, Iowa.

B. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001. Comments can also be sent electronically to *KCAApplicationComments@kc.frb.org:*

1. *Kimberly J. Fairbank Family Trust, Trenton Fairbank, as trustee, Trenton L. and Sara M. Fairbank Revocable Trust, Trenton and Sara Fairbank, as co-trustees, all of Cimarron, Kansas; Joe D. Butcher Family Trust-Grant Butcher Share, Cimarron, Kansas, Grant Butcher, Springdale, Arkansas, and First National Bank of Hutchinson, Hutchinson, Kansas, as co-trustees; and the Joe D. Butcher Family Trust-Robert Butcher Share, Cimarron, Kansas, Robert Butcher, DeSoto, Kansas, and First National Bank of Hutchinson, Hutchinson, Kansas, as co-trustees;* to join the Butcher Family Control Group, a group acting in concert, to retain voting shares of First National Agency, Inc., and thereby indirectly retain voting shares of First National Bank in

Cimarron, both of Cimarron, Kansas. Robert Butcher and Grant Butcher are members of the Butcher Family Control Group and were each previously permitted to acquire voting shares of First National Agency, Inc.

2. *Kimberly Jo Fairbank Family Trust, Trenton Fairbank, as trustee; Trenton L. and Sara M. Fairbank Revocable Trust, Trenton and Sara Fairbank, as co-trustees, all of Cimarron, Kansas; Grant D. Butcher GST Trust, Cimarron, Kansas, Grant Butcher, Springdale, Arkansas, and First National Bank of Hutchinson, Hutchinson, Kansas, as co-trustees; Robert L. Butcher GST Trust, Cimarron, Kansas, Robert Butcher, DeSoto, Kansas, and First National Bank of Hutchinson, Hutchinson, Kansas, as co-trustees, and Dea Ann Kreisman, Parker, Colorado;* to join the Butcher Family Control Group, a group acting in concert, to retain voting shares of Santa Fe Trail Banc Shares, Inc., and thereby indirectly retain voting shares of Centera Bank, both of Sublette, Kansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Associate Secretary of the Board.

[FR Doc. 2026-17753 Filed 8-28-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Head Start State Collaboration Office Grant Application

AGENCY: Office of Head Start, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Head Start (OHS), Administration for Children and Families (ACF) is proposing a new information collection activity for the Head Start State Collaboration Office (HSCO) Grant Application. HSCO grants are authorized under the Head Start Act and support coordination between Head Start agencies and state systems serving young children and families. OHS has

developed new application instructions to align HSCO grant activities with states and federal priorities, including improving outcomes in child welfare, strengthening family formation, supporting effective service delivery, and enhancing early childhood education. This proposed information collection is necessary to support consistent implementation of program objectives and alignment across all states.

DATES: Comments due September 30, 2026.

ADDRESSES: The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202608-0970-009. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OHS proposes collecting application materials from all states and territories receiving HSCO grants. These grants are non-competing and statutorily required. The new application instructions will guide states in aligning Collaboration Office activities with updated federal priorities and strengthening integration of Head Start within state early childhood systems.

The application will include brief narrative and structured responses describing state plans for coordination, systems integration, and program implementation. The request will ensure consistent documentation of proposed activities and enable ACF OHS to effectively administer and oversee the grants.

Existing HSCO grants will be extended through February 28, 2027, to allow time for PRA approval and transition to new grant awards. Following approval, OHS will issue new application instructions, and states will be provided with a defined application window to submit materials in advance of new 5-year grant awards.

Respondents: State governments (including the 50 states, the District of Columbia, and territories) receiving HSCO grants.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
HSCO Grant Application	52	1	10.4	540.8

Authority: Head Start Act (42 U.S.C. 9801 *et seq.*); PRA (44 U.S.C. 3501 *et seq.*)

Mary C. Jones,
ACF/OPRE Certifying Officer.
[FR Doc. 2026–17745 Filed 8–28–26; 8:45 am]
BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–6540]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Potential Tobacco Product Violations Reporting Form

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by September 30, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910–0716. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Potential Tobacco Product Violations Reporting Form

OMB Control Number 0910–0716—Extension

This information collection supports the opportunity to accept consumer and other stakeholder feedback and notification of potential violations of the FD&C Act, as amended by the Tobacco Control Act. Tobacco products are generally governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387u). The FD&C Act provides FDA authority to monitor compliance with Federal tobacco laws and regulations and take corrective action when violations occur.

As part of its enforcement strategy, FDA accepts information from the public regarding potential tobacco product violations of the FD&C Act. Potential tobacco product violations include (but are not limited to): (1) sales to underage purchasers (persons under 21); (2) flavored cigarette sales; (3) illegal marketing and advertising; (4) distribution of free samples of tobacco products except in limited circumstances; (5) placement of cigarette or smokeless tobacco product vending machines in prohibited areas (or providing access to self-service or direct access of tobacco products in prohibited areas); (6) the manufacture or sale of unauthorized tobacco products; and (7) sale of cigarettes in packages of less than 20.

FDA currently provides a form that may be used to collect this information from the public (Form FDA 3779, Potential Tobacco Product Violations Report). The Potential Tobacco Product Violations Report, Form FDA 3779, asks for the following information: (1) date potential violation occurred; (2) product type (*e.g.*, cigarette, smokeless, roll-your-own, cigar, e-cigarette, hookah, pipe tobacco); (3) tobacco brand; (4) potential violation type; (5) type of potentially violative promotional materials; (6) description of the potential violation (7) who potentially violated; (8) name and address of the potential violator (if known); (9) potential violator’s website or internet address URL (if available); (10) Optional filer contact information if additional information is needed or to receive notification the complaint was received; and (11) any additional files or information pertinent to the potential violation.

The public and interested stakeholders can report possible tobacco product violations of the FD&C Act by submitting information on Form FDA 3779 online, via email or postal mail, or by calling FDA’s Tobacco Call Center. Information on how to submit possible tobacco product violations using the options above can be found at <https://www.accessdata.fda.gov/scripts/ptvr/index.cfm>. Further details about reporting possible tobacco product violations of the FD&C Act can also be found at <https://www.fda.gov/tobacco-products/compliance-enforcement-training/report-potential-tobacco-product-violation>.

In the **Federal Register** of June 23, 2026 (91 FR 37410), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity and form FDA 3779	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response in hours	Total hours
Reporting potential tobacco product violations of the FD&C Act.	3,000	2	6,000	0.25 (15 minutes) ..	1,500

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden hour estimates for this collection of information were based on the type and rate of reporting submitted through the Potential Tobacco Violation Report Form and based on a review of

the information collection since our last request for OMB approval. FDA estimates that submitting the information (online, telephone, email,

or mail) will take 0.25 hours (*i.e.*, 15 minutes) per response. FDA estimates the number of annual respondents to this collection of information will be 3,000, who will each submit 2 reports. Each report is

expected to take 0.25 hours to complete and submit; therefore, total burden hours for this collection of information is estimated to be 1,500 hours (6,000 responses $\times$ 0.25 hours per response).

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026-17677 Filed 8-28-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-N-8690]

Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Human Drug Compounding Outsourcing Facilities Under the Federal Food, Drug, and Cosmetic Act and Associated Fees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection pertaining to the registration of human drug compounding outsourcing facilities under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and associated fees.

DATES: Either electronic or written comments on the collection of information must be submitted by October 30, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be

considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2026-N-8690 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Human Drug Compounding Outsourcing Facilities Under Section 503B of the FD&C Act and Associated Fees Under Section 744K." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-1244, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(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 (44 U.S.C. 3506(c)(2)(A)) requires Federal

Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Registration of Human Drug Compounding Outsourcing Facilities Under Section 503B of the FD&C Act and Associated Fees Under Section 744K

OMB Control Number 0910-0776—Extension

This information collection helps to support implementation of section 503B of the FD&C Act (21 U.S.C. 353b) and the assessment and remission of user fees under section 744K of the FD&C Act (21 U.S.C. 379j-62).

A. Registration

Under section 503B of the FD&C Act a facility that compounds drugs may elect to register with FDA as an outsourcing facility. Upon electing to do so, outsourcing facilities must register annually between October 1 and December 31, providing information that includes its name, place of business, a unique facility identifier, and a point of contact's email address and phone number. The outsourcing facility must also indicate: (1) whether it intends to compound, within the next calendar year, a drug that appears on our drug shortage list in effect under section 506E of the FD&C Act (21 U.S.C. 356e); and (2) whether it compounds from bulk drug substances and, if so, whether it compounds sterile or nonsterile drugs from bulk drug substances. Registered outsourcing facilities must submit a drug product

report upon initial registration under section 503B and twice each year in June and December for drug products produced during the previous 6-month period. We require this data be submitted electronically, unless a waiver is granted, in structured product labeling (SPL) format.

Drug products compounded in a registered outsourcing facility can qualify for exemptions from the FDA-approval requirements in section 505 of the FD&C Act (21 U.S.C. 355), the requirement to label products with adequate directions for use under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)), and the requirements for drug supply chain security in section 582 of the FD&C Act (21 U.S.C. 360eee-1) if the requirements in section 503B of the FD&C Act have been met. We provide general information and resources on website at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/human-drug-compounding>, including a list of currently registered outsourcing facilities as required under section 503B.

B. Registration Fees

Upon registration, and in accordance with section 503B and 744K of the FD&C Act, facilities are assessed an establishment fee and receive an annual invoice from FDA with instructions for remitting payment. Until payment is made for each given fiscal year (FY), an establishment is not considered to be registered as an outsourcing facility. In accordance with section 744K of the FD&C Act, certain outsourcing facilities may qualify for a small business reduction in the amount of the annual establishment fee. To qualify for this reduction, an outsourcing facility must submit a written request to FDA certifying that the entity meets the requirements for the reduction. For each FY a firm seeks to qualify as a small business and receive the fee reduction, it must submit to FDA a written request by April 30 of the preceding FY. For example, an outsourcing facility must have submitted a written request for the small business reduction by April 30, 2026, to qualify for a reduction in the FY 2027 annual establishment fee.

Section 744K of the FD&C Act also requires an outsourcing facility to submit written requests for a small business reduction in a specified format: Form FDA 3908 titled "Outsourcing Facilities for Human Drug Compounding: Small Business Establishment Fee Reduction Request." The completed form should be submitted via email to FDAUserFees@fda.hhs.gov. Form FDA 3908 is available

from our website at: <https://www.fda.gov/media/90740/download>. In response to the submission of a small business reduction request, FDA will send a notification letter of its decision and recommends that applicants retain the notification.

C. Reinspection Fees

In accordance with section 503B of the FD&C Act, outsourcing facilities are subject to inspection and, in accordance with section 744K of the FD&C Act, subject to reinspection fees. A reinspection fee will be incurred for each reinspection and is intended to reimburse FDA when a particular outsourcing facility requires reinspection because of noncompliance identified during a previous inspection. After a reinspection is conducted, FDA will send an invoice to the email address indicated in the facility's registration file. The invoice contains instructions for remitting the reinspection fee. For further information on human drug compounding outsourcing facility fees, please visit our website at <https://www.fda.gov/industry/fda-user-fee-programs/human-drug-compounding-outsourcing-facility-fees>.

D. Dispute Resolution

Agency regulations under § 10.75 (21 CFR 10.75) provide for internal Agency review of decisions. Accordingly, an outsourcing facility may request reconsideration of an FDA decision related to the fee provisions of section 744K of the FD&C Act. Requests for reconsideration should include the facility's rationale for its position that FDA's decision was in error and include any additional information that is relevant to the outsourcing facility's assertion. The denial of a request for reconsideration may be appealed by submitting a written request to FDA, consistent with § 10.75.

To assist respondents with the information collection provisions, we have developed Agency guidance documents. The guidance document titled "Registration of Human Drug Compounding Outsourcing Facilities Under Section 503B of the FD&C Act (November 2014)" describes the process for electronic submission of establishment registration information for outsourcing facilities and provides information on how to obtain a waiver from submitting registration information electronically. The guidance document titled "Fees for Human Drug Compounding Outsourcing Facilities Under Sections 503B and 744K of the FD&C Act (November 2014)" (Fees for Human Drug Compounding Outsourcing

Facilities guidance) describes the types and amounts of fees that outsourcing facilities must pay, the adjustments to fees required by law, how outsourcing facilities can submit payment to FDA, the consequences of outsourcing facilities' failure to pay fees, and how an outsourcing facility can qualify as a small business to obtain a reduction in fees. The guidance documents were

issued consistent with our good guidance practice regulations (21 CFR 10.115), which provide for public comment at any time, and are available on our website at <https://www.fda.gov/media/87570/download> and <https://www.fda.gov/media/136683/download>, respectively.

All requests for dispute resolution should be sent via email to the Division

of User Fee Management at FDAUserFees@fda.hhs.gov. If an outsourcing facility does not have email access, it can mail a request to FDA via the carrier of its choice to FDA, Division of User Fee Management, 10903 New Hampshire Ave., Bldg. 32, Room 4245, Silver Spring, MD 20993.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity; 21 CFR section; guidance or associated FDA form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Electronic Submission of Registration Information Using the SPL Format; 207.61; Section III. of the "eDRLS" ² guidance.	100	1	100	4.5	450
Waiver Request from Electronic Submission of Registration Information; 207.65; Section VI. of the "eDRLS" ² guidance.	1	1	1	1	1
Remission of Annual Establishment Fee from FDA Invoice; Section E.1. of the Fees for Human Drug Compounding Outsourcing Facilities guidance.	90	1	90	0.5 (30 minutes)	45
Request for Small Business Reduction (Form FDA 3908)	8	1	8	25	200
Reinspection Fees; Section C. of the Fees for Human Drug Compounding Outsourcing Facilities guidance.	12	1	12	0.5 (30 minutes)	6
Reconsideration Requests; Section V.B.1. of the Fees for Human Drug Compounding Outsourcing Facilities guidance.	1	1	1	1	1
Appeal of Reconsideration Denials; Section V.B.2. of the Fees for Human Drug Compounding Outsourcing Facilities guidance.	1	1	1	1	1
Total			213		704

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² "Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Drug Listing" (May 2009; available at: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/providing-regulatory-submissions-electronic-format-drug-establishment-registration-and-drug-listing>).

We estimate 100 respondents annually will submit outsourcing facility registrations using the SPL format as specified in Agency guidance and assume each registration will require 4.5 hours to prepare and complete. We expect no more than one waiver request from the electronic submission requirement annually and assume each waiver request will require

1 hour to prepare and submit. We estimate each of the 90 registrants will remit annual establishment fees and assume this task requires 30 minutes per respondent. We estimate that 8 of those respondents will request a small business reduction in the amount of the annual establishment fee using Form FDA 3908.

We estimate 12 outsourcing facilities annually will remit reinspection fees and assume this will require 30 minutes. We also estimate that we will receive one request for reconsideration and one appeal of a denial of a request for reconsideration and assume 1 hour per respondent for this activity.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Retention of Small Business Designation Notification Letter	8	1	8	0.5 (30 minutes)	4

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate that annually 8 outsourcing facilities will maintain a copy of their small business designation letter and that maintaining each record will require 30 minutes. These estimates reflect a slight increase in the number of annual registrations, but a decrease in reinspection fee submissions.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–17676 Filed 8–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–9349]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Reports of Removals and Corrections

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is

announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with reports of removals and corrections for medical and radiation emitting products

regulated by FDA's Center for Devices and Radiological Health (CDRH).

DATES: Either electronic or written comments on the collection of information must be submitted by October 30, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-

2026-N-9349 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Reports of Removals and Corrections." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Devices; Reports of Corrections and Removals—21 CFR Part 806

OMB Control Number 0910-0359—Extension

This information collection supports implementation of provisions of section 519(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(g)) requiring device manufacturers and importers to report promptly to FDA certain actions concerning device corrections and removals and to maintain associated records. Applicable regulations are found in 21 CFR part 806 and set forth definitions, prescribe format and required content elements for reporting, and identify actions that are exempt from the reporting requirements. The information collected is used by FDA to identify marketed devices that have serious problems and to ensure that defective devices are removed from the market. The

information also helps ensure that FDA has current and complete information regarding these corrections and removals to determine whether recall action is adequate.

Reports of corrections and removals may be submitted to FDA by mail, email, or using FDA's Electronic Submission Software (eSubmitter). To

assist respondents with submitting reports of corrections or removals, we developed Form FDA 5072, "Device Correction/Removal Report for Industry," a fillable PDF. Reports created using eSubmitter are transmitted to CDRH through FDA's Electronic Submission Gateway (ESG). Instructions for the completing Form FDA 5072 are

provided in pop-up text boxes that appear over each data field. We expect that use of the fillable form will expedite processing of the reports of corrections or removals submitted to FDA.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR; IC activity	Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours ¹	Total operating & maintenance costs
Electronic process setup 806; device product corrections or removals.	FDA Form 5072: "Device Correction/Removal Report for Industry".	463	1	463	3.08	1,426	\$23,150
4.102; combination product corrections or removals (including sharing information with other constituent part applicants under 4.103).		925	1	925	10	9,250	.....
		20	1	20	10	200	.....
Total				1,408	.....	10,876	23,150

¹ Figures rounded.

For respondents who submit corrections and removals using the ESG, the operating and maintenance costs associated with this information

collection are approximately \$50 per year to purchase a digital verification certificate (certificate must be valid for 1 to 3 years). This burden may be

reduced if the respondent has already purchased a verification certificate for other electronic submissions to FDA.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR; IC activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours ¹
806.20; device product corrections and removals	110	1	110	10	1,100
4.105; device-led combination products ¹	279	1	279	.5 (45 minutes)	140
Total			389	.....	1,240

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² Figures rounded.

Our estimated burden for this information collection reflects an overall decrease of 833 hours, with a corresponding decrease of 162 total annual responses and an increase of 170 total annual records. We attribute this adjustment to a decrease in the number of device correction and removal reports received over the last few years, which has reduced our reporting burden estimate from 1,033 to 925 respondents under 21 CFR part 806. This decrease in reporting burden is partially offset by an increase in recordkeeping burden, driven by a revised estimate of records per recordkeeper for device-led combination products under 21 CFR 4.105 and a modest increase in the number of device correction and removal recordkeepers. The estimated Operating and Maintenance Costs associated with electronic process setup has decreased by \$2,700 as a result of

fewer respondents expected to purchase a digital verification certificate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–17675 Filed 8–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0004]

Authorization of Emergency Use for Three Animal Drugs for the Prevention and Treatment of New World Screwworm; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is

announcing the issuance of three Emergency Use Authorizations (EUA or Authorization) under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for new animal products. FDA has issued one EUA for an animal product as requested by Zoetis Inc. for the prevention and treatment of infestations caused by New World screwworm (*Cochliomyia hominivorax*; NWS) larvae (myiasis) in dairy cattle, horses, swine, sheep, and deer. FDA has issued one EUA for an animal product as requested by Felix Pharmaceuticals Pvt. Ltd. for the treatment of infestations caused by NWS myiasis in dogs, puppies, cats, and kittens. FDA has issued one EUA for an animal product as requested by Alberta Vet Labs Ltd for the short-term prevention of infestations caused by NWS myiasis in horses. The Authorizations contain, among other things, conditions on the emergency use of the authorized products. The Authorizations follow the August 18,

2025, determination by the Secretary of Health and Human Services (HHS) that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves NWS. On the basis of such determination, the Secretary of HHS declared on August 18, 2025, that circumstances exist justifying the authorization of emergency use of animal drugs to treat or prevent NWS myiasis in animals. The Authorizations, which include an explanation of the reasons for issuance, are reprinted in this document.

DATES: The Authorizations are effective on their dates of issuance: May 19, 2026, June 11, 2026, and July 15, 2026, respectively.

ADDRESSES: Submit written requests for single copies of the EUAs to the Policy and Regulations Staff, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorizations.

FOR FURTHER INFORMATION CONTACT: Crystal Groesbeck, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 240-402-0819, Crystal.Groesbeck@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) allows FDA to strengthen public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives (among other criteria).

II. Criteria for EUA Authorization

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (A) a

determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents (CBRN); (B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, U.S. Code, of attack with (i) a CBRN; or (ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces;¹ (C) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a CBRN agent or agents, or a disease or condition that may be attributable to such agent or agents; or (D) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. 247d-6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Under section 564(h)(1) of the FD&C Act, revisions to an authorization shall be made available on FDA's website. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use in an actual or potential emergency when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products

¹ In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine, within 45 calendar days of such determination, whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration (see section 564(b)(6) of the FD&C Act).

and uses that are not approved, cleared, or licensed under sections 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, and 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc).

Under section 564(c) of the FD&C Act, FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA² concludes: (1) that an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii) of the FD&C Act, that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied. No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

III. The Authorizations

The Authorizations follow the August 18, 2025, determination by the Secretary of HHS that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and

² The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

security of U.S. citizens living abroad and that involves NWS. On the basis of such determination, the Secretary of HHS declared, on August 18, 2025, that circumstances exist justifying the authorization of emergency use of animal drugs to treat or prevent NWS myiasis in animals. Notice of the Secretary's determination and declaration was provided in the **Federal Register** on August 20, 2025 (90 FR 40609). Having concluded that the criteria for the issuance of the Authorizations under section 564(c) of the FD&C Act are met, FDA has issued three authorizations for the emergency use of animal products. On May 19, 2026, FDA issued an EUA to Zoetis Inc.

for the animal product Dectomax/ Dectomax-CA1 (doramectin injection), subject to the terms of its Authorization. On June 11, 2026, FDA issued an EUA to Felix Pharmaceuticals Pvt. Ltd. for the animal product Nitenpyram Tablets (nitenpyram), subject to the terms of its Authorization. On July 15, 2026, FDA issued an EUA to Alberta Vet Labs Ltd for the animal product Ivermectin Liquid for Horses (ivermectin oral solution), subject to the terms of its Authorization.

The initial Authorizations, included below in their entirety after section IV of this document (not including the authorized versions of the fact sheets and other written materials), provide explanations of the reasons for issuance,

as required by section 564(h)(1) of the FD&C Act. Any subsequent reissuance of the Authorizations can be found on FDA's web page at: <https://www.fda.gov/animal-veterinary/safety-health/new-world-screwworm-information-veterinarians>.

IV. Electronic Access

An electronic version of this document and the full text of the Authorizations are available on the internet at: <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization>.

BILLING CODE 4164-01-P



May 19, 2026

Zoetis Inc.
Attention: John Hallberg, DVM, PhD
Senior Director of Regulatory Affairs
333 Portage St.
Kalamazoo, MI 49007

Re: Emergency Use Authorization 006700

Dear Dr. Hallberg:

This letter is in response to the request by Zoetis Inc. (Zoetis) that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for the emergency use of DECTOMAX/DECTOMAX-CA1 (doramectin injection)¹ for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 360bbb-3).

On August 18, 2025, pursuant to Section 564(b)(1)(C) of the FD&C Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves New World screwworm (*Cochliomyia hominivorax*) (hereinafter "NWS"). On the basis of such determination, the Secretary of HHS on August 18, 2025, declared that circumstances exist justifying the authorization of emergency use of animal drugs to treat or prevent NWS myiasis in animals, pursuant to Section 564(b)(1) of the FD&C Act, subject to terms of any authorization issued under that section.²

DECTOMAX (doramectin injection) is an antiparasitic drug that is indicated under NADA 141-061 for the treatment and control of nematode and arthropod parasites in cattle and swine. DECTOMAX-CA1 (doramectin injection) is the same antiparasitic drug, is indicated under NADA 141-616, and conditionally approved for the prevention and treatment of infestations caused by larvae of *Cochliomyia hominivorax* (myiasis), and the prevention of reinfestation for 21 days in cattle.

Based on the totality of scientific evidence available to the FDA, including dose confirmation studies, pharmacokinetic studies, margin of safety studies, and published scientific literature, it

¹ Unless specified by name, products sold under separate distributor's labeling per 21 CFR 514.80(b)(5)(iii) (i.e., with a different proprietary name) are not subject to this EUA. A request must be made to change to the scope of this authorization for such products.

² See U.S. Department of Health and Human Services, Declaration of Emergency Pursuant to the Federal Food, Drug, and Cosmetic Act for New World Screwworm, August 20, 2025: <https://www.federalregister.gov/documents/2025/08/20/2025-15918/declaration-of-emergency-pursuant-to-the-federal-food-drug-and-cosmetic-act-for-new-world-screwworm>

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is reasonable to believe that DECTOMAX/DECTOMAX-CA1 (doramectin injection) may be effective for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, as described in this authorization, and when used under the conditions described in this authorization, the known and potential benefits of DECTOMAX/DECTOMAX-CA1 outweigh the known and potential risks of such product, since NWS infestations can have significant adverse health consequences and can be fatal if left untreated due to the extensive tissue damage caused by *Cochliomyia hominivorax* larvae.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the FD&C Act are met, I am authorizing the emergency use of DECTOMAX/DECTOMAX-CA1 (doramectin injection) for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, as described in this authorization and subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of DECTOMAX/DECTOMAX-CA1 for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, when administered as described in this authorization, meets the criteria for issuance of an authorization under Section 564(c) of the FD&C Act, because:

1. NWS can cause a serious or life-threatening disease or condition to animals and humans;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that DECTOMAX/DECTOMAX-CA1 may be effective in treating and/or preventing NWS, and that, when used under the conditions and within the scope described in this authorization, the known and potential benefits of DECTOMAX/DECTOMAX-CA1 when used to prevent and/or treat NWS outweigh the known and potential risks of such product; and
3. There is no adequate, approved,³ and available alternative to the emergency use of DECTOMAX/DECTOMAX-CA1 for the prevention and treatment of infestations caused

³ "Approved" products include conditionally approved products for purposes of EUAs issued under Section 564 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3.

by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer.⁴

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the FD&C Act, that the scope of this authorization is limited as follows:

- DECTOMAX/DECTOMAX-CA1, as covered by this authorization, will be used only for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, over the counter. DECTOMAX/DECTOMAX-CA1 may be administered by subcutaneous injection only in dairy cattle and deer, by intramuscular injection only in swine and horses, and by subcutaneous or intramuscular injection in sheep.
- The use of DECTOMAX/DECTOMAX-CA1 covered by this authorization must be in accordance with the authorized Fact Sheets.

Product Description

DECTOMAX/DECTOMAX-CA1 is a highly active, broad-spectrum parasiticide. It contains doramectin, a fermentation-derived macrocyclic lactone. The authorized DECTOMAX/DECTOMAX-CA1 (doramectin injection) Fact Sheets/label are clearly marked for the approved indications and for NVWS under Emergency Use Authorization with a website address and QR code that links to the authorized Fact Sheet(s).

Store below 30°C (86°F).

DECTOMAX/DECTOMAX-CA1 is authorized to be accompanied by the following product-specific information pertaining to emergency use, which is required to be made available to all users:

- Fact Sheet: Emergency Use Authorization of DECTOMAX/DECTOMAX-CA1 (doramectin injection) for New World Screwworm (NWS) Dairy Cattle, Swine, Sheep, and Deer
- Fact Sheet: Emergency Use Authorization of DECTOMAX/DECTOMAX-CA1

⁴ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the FD&C Act.

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(doramectin injection) for New World Screwworm (NWS) Horses

I have concluded, pursuant to Section 564(d)(2) of the FD&C Act, that it is reasonable to believe that the known and potential benefits of DECTOMAX/DECTOMAX-CA1, when used for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, and used in accordance with this authorization, outweigh its known and potential risks.

I have concluded, pursuant to Section 564(d)(3) of the FD&C Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that DECTOMAX/DECTOMAX-CA1 may be effective for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, when used in accordance with this authorization, pursuant to Section 564(c)(2)(A) of the FD&C Act.

Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that DECTOMAX/DECTOMAX-CA1, as described in this authorization, meets the criteria set forth in Section 564(c) of the FD&C Act concerning safety and potential effectiveness.

The emergency use of this product under an EUA must be consistent with, and may not exceed, the terms of this authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the FD&C Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the FD&C Act, DECTOMAX/DECTOMAX-CA1 is authorized for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer, except for horses under one year of age and lactating sheep, as described in this authorization, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

III. Conditions of Authorization

Pursuant to Section 564 of the FD&C Act, I am establishing the following conditions on this authorization:

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20903
www.fda.gov

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- A. Zoetis will ensure that the authorized DECTOMAX/DECTOMAX-CA1, accompanied with the authorized Fact Sheets, is distributed to authorized distributor(s)⁵ consistent with the terms and conditions of this EUA, and that authorized distributor(s) will limit distribution to other authorized distributors and end users.
- B. Zoetis will ensure that if a sticker is used on the labeling, the sticker contains a website address and QR code that link to the authorized Fact Sheets and that the sticker is placed in a blank space or does not obscure any important use or safety information.
- C. Zoetis and authorized distributor(s) will ensure that appropriate storage conditions are maintained until the product is delivered to the end user.
- D. Zoetis and authorized distributor(s) will provide to each authorized distributor immediately downstream in the supply chain a copy of this Letter of Authorization and promptly communicate any subsequent amendments that might be made to this Letter of Authorization and its authorized accompanying materials (e.g., its authorized Fact Sheets).
- E. Zoetis may request changes to this authorization, including to the authorized Fact Sheets for DECTOMAX/DECTOMAX-CA1. Requests for changes must be submitted to the Office of New Animal Product Evaluation. Such changes require appropriate authorization prior to implementation.⁶
- F. Reporting Adverse Drug Experiences and Product/Manufacturing Defects:

Zoetis will fully comply with the reporting requirements under 21 CFR 514.80. When collecting adverse event information, Zoetis will attempt to determine whether the use of DECTOMAX/DECTOMAX-CA1 was related to the EUA and will put this categorization, as well as the reason for use, in the narrative description of the adverse event. Zoetis will submit the reports electronically using either of the options that are described on FDA's Veterinary Adverse Event Reporting for Manufacturers webpage (www.fda.gov/IndustryReportAnimalAE).

Submitted reports must state in the "Narrative of Adverse Event" field: "DECTOMAX/DECTOMAX-CA1 use for NWS under an EUA". Contact the Pharmacovigilance Liaison in CVM's Division of Pharmacovigilance and Surveillance at CVMAESupport@fda.hhs.gov for any questions related to electronic reporting or for assistance with setting up a Safety Reporting Portal account.

⁵ The term "distributors" includes all parties in the supply chain between the recipient of this authorization letter and the end user, excluding veterinary facilities and veterinarians who only provide product to veterinarians and end users at their facility. "Authorized distributors" are all distributors who otherwise lawfully obtain and distribute the product, unless Zoetis places limits on distribution in writing (e.g., via contract or written notice accompanying the product).

⁶ Changes that do not necessitate revision to this letter (e.g., changes to the Fact Sheets, changes related to current good manufacturing practice requirements, expiration dating extensions) may be authorized through separate notification without reissuance of this letter.

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- G. Through a process of inventory control, Zoetis and authorized distributor(s) will maintain records regarding distribution of the authorized DECTOMAX/DECTOMAX-CA1 (i.e., lot numbers, quantity, receiving site, receipt date).
- H. Zoetis and authorized distributor(s) will maintain records in connection with this EUA for at least two years following the termination of the declaration or the revocation of the authorization, or until notified by HHS or FDA, whichever is sooner, and will make such records available to FDA for inspection upon request.
- I. Zoetis (and any other person engaged in manufacturing, packing, or holding) will comply with all other FD&C Act requirements applicable to the approved product, DECTOMAX/DECTOMAX-CA1, including, but not limited to, requirements related to registration and listing, drug quality, and the requirement to manufacture using the processes, facilities, controls, and equipment specified in the approved application,⁷ unless such requirements are specifically waived or modified in this authorization. Zoetis, and authorized distributor(s) who distribute EUA product under separate distributor labeling, if any, shall update their drug listing to reflect the EUA, including submission of updated labeling, before commercial distribution of the EUA product begins.

Conditions of Authorization Related to Advertisements and other Promotional Descriptive Printed Matter

- J. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter, relating to the authorized use of DECTOMAX/DECTOMAX-CA1, shall be consistent with the authorized Fact Sheets⁸ and the terms set forth in this EUA, as well as comply with FD&C Act Section 502(a). Additionally, the sponsor and authorized distributor(s) shall comply with any other applicable requirements in the FD&C Act and its implementing regulations regarding advertising and/or promotion.
- K. Zoetis and authorized distributor(s) may not imply that DECTOMAX/DECTOMAX-CA1 is FDA approved or conditionally approved for the authorized use by making statements such as "DECTOMAX/DECTOMAX-CA1 is safe and effective for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer." Zoetis and authorized distributor(s) may disseminate advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the emergency use of DECTOMAX/DECTOMAX-CA1 that provide accurate descriptions of safety and effectiveness information summarized in the

⁷ Changes shall be submitted and approved in accordance with 21 CFR 514.8, unless otherwise approved under Paragraph E of this letter.

⁸ If the authorized Fact Sheet references sections of a drug's FDA-approved labeling, the entirety of each section is considered part of the Fact Sheet, except as otherwise specified. Advertising and promotional materials may not use general references to approved labeling in lieu of summarizing or restating its contents when a summary or restatement is otherwise needed to comply with applicable requirements.

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authorized Fact Sheets. Such materials must include any limitations of information submitted to support this authorization.

- L. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the authorized use of DECTOMAX/DECTOMAX-CA1 shall be accompanied by the authorized Fact Sheets and the applicable approved labeling (e.g., package insert attached to the vial), and shall clearly and conspicuously state that:
- DECTOMAX/DECTOMAX-CA1 has not been approved for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal.
DECTOMAX/DECTOMAX-CA1 has not been approved for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer.
 - DECTOMAX/DECTOMAX-CA1 has been authorized by FDA under an EUA for the prevention and treatment of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in dairy cattle (lactating dairy cows, dry dairy cows, and replacement dairy heifers 20 months of age and older), except for calves that will be processed for veal; and, for the prevention of infestations caused by *Cochliomyia hominivorax* larvae (myiasis) in horses one year and older, swine, sheep except for lactating sheep, and deer; and
 - DECTOMAX/DECTOMAX-CA1 is authorized as described herein only for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of DECTOMAX/DECTOMAX-CA1 under Section 564(b)(1) of the FD&C Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or the authorization is revised or revoked sooner.
- M. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter must be submitted to the CVM OSC DER eSubmitter Program at the time of initial dissemination (publication or broadcast). Each submission of promotional labeling or advertisements must be accompanied by a completed Form FDA 2301.

If FDA notifies Zoetis or authorized distributor(s) that any descriptive materials, advertising, or promotional materials do not meet the terms set forth in this EUA, Zoetis or authorized distributor(s) must discontinue and/or cease distribution of such advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter in accordance with FDA's notification. Furthermore, as part of its notification, FDA may also require Zoetis or authorized distributor(s) to issue corrective communication(s).

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IV. Duration of Authorization

This EUA will be effective as described herein until the declaration that circumstances exist justifying the authorization of the emergency use of animal drugs during the NWS public health emergency is terminated under Section 564(b)(2) of the FD&C Act or the EUA is revised or revoked under Section 564(g) of the FD&C Act.

Sincerely,

{see appended electronic signature page}

Timothy Schell, Ph.D.
Director
Center for Veterinary Medicine
U.S. Food and Drug Administration

Enclosures:
Freedom of Information Summary
Fact Sheets (2)

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20903
www.fda.gov



June 11, 2026

Felixvet Inc.
Attention: Sreejith Kurup
Vice President
U.S. Agent for Felix Pharmaceuticals Pvt. Ltd.
25-28 North Wall Quay
Dublin 1, Ireland

Re: Emergency Use Authorization 006661

Dear Mr. Kurup:

This letter is in response to the request on behalf of Felix Pharmaceuticals Pvt. Ltd. (Felix) that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for the emergency use of Nitenpyram Tablets (nitenpyram)¹ for the treatment of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 360bbb-3).

On August 18, 2025, pursuant to Section 564(b)(1)(C) of the FD&C Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves New World screwworm (*Cochliomyia hominivorax*) (hereinafter "NWS"). On the basis of such determination, the Secretary of HHS on August 18, 2025, declared that circumstances exist justifying the authorization of emergency use of animal drugs to treat or prevent NWS myiasis in animals, pursuant to Section 564(b)(1) of the FD&C Act, subject to terms of any authorization issued under that section.²

Nitenpyram Tablets are an oral antiparasitic that are indicated under ANADA 200-858 to kill adult fleas and are indicated for the treatment of flea infestations on dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older. Nitenpyram Tablets are not approved for the treatment of NWS myiasis.

Based on the totality of scientific evidence available to the FDA, including data from published literature, it is reasonable to believe that Nitenpyram Tablets may be effective for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older, as described in this authorization, and when used under the conditions described in this authorization, the known and potential benefits of Nitenpyram Tablets outweigh the known and potential risks of such product, since NWS infestations can have significant adverse health consequences and

¹ Unless specified by name, products sold under separate distributor's labeling per 21 CFR 514.80(b)(5)(iii) (i.e., with a different proprietary name) are not subject to this EUA. A request must be made to change to the scope of this authorization for such products.

² See U.S. Department of Health and Human Services, Declaration of Emergency Pursuant to the Federal Food, Drug, and Cosmetic Act for New World Screwworm, August 20, 2025:
<https://www.federalregister.gov/documents/2025/08/20/2025-15918/declaration-of-emergency-pursuant-to-the-federal-food-drug-and-cosmetic-act-for-new-world-screwworm>

Felix Pharmaceuticals Pvt. Ltd.
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can be fatal if left untreated due to the extensive tissue damage caused by *Cochliomyia hominivorax* larvae.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the FD&C Act are met, I am authorizing the emergency use of Nitenpyram Tablets for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older, as described in this authorization and subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of Nitenpyram Tablets for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older, when administered as described in this authorization, meets the criteria for issuance of an authorization under Section 564(c) of the FD&C Act, because:

1. NWS can cause a serious or life-threatening disease or condition to animals and humans;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that Nitenpyram Tablets may be effective in treating NWS, and that, when used under the conditions and within the scope described in this authorization, the known and potential benefits of Nitenpyram Tablets when used to treat NWS outweigh the known and potential risks of such product; and
3. There is no adequate, approved³, and available alternative⁴ to the emergency use of Nitenpyram Tablets for the treatment of infestations caused by NWS (*Cochliomyia*

³ "Approved" products include conditionally approved products for purposes of EUAs issued under section 564 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3.

⁴ There are no approved alternatives for the treatment of NWS myiasis in cats and kittens.

There are no approved alternatives for the treatment of NWS myiasis in dogs and puppies between 4 and 8 weeks of age or weighing between 2 and 3.3 pounds because the conditionally approved product is indicated for the treatment of NWS in dogs and puppies at least 8 weeks of age and weighing at least 3.3 pounds.

Additionally, there are no adequate approved over the counter (OTC) products for dogs and puppies, and OTC marketing will allow the product to be available in circumstances where access to a veterinarian is limited.

Furthermore, there are no approved products with a single active ingredient for the treatment of NWS myiasis in dogs and puppies; Nitenpyram Tablets contain a single active pharmaceutical ingredient, whereas the conditionally approved product contains multiple active ingredients. The presence of multiple active ingredients in the conditionally approved product may increase the likelihood of adverse events in dogs and puppies that have recently been treated with a heartworm preventative or other antiparasitic drug in the same pharmacological class as one of the conditionally approved product's active ingredients. Because Nitenpyram Tablets contain only a single active ingredient that is not in that drug class, their use may minimize the potential for adverse events in these dogs.

Lastly, Nitenpyram Tablets act through a mechanism of action that is distinct from each of the active ingredients in the conditionally approved product. Because no approved alternative product works through the same mechanism of action as Nitenpyram Tablets, the conditionally approved product is not an adequate therapeutic substitute in circumstances where Nitenpyram Tablets distinct mechanism of action is clinically relevant.

Felix Pharmaceuticals Pvt. Ltd.

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hominivorax) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older.⁵

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the FD&C Act, that the scope of this authorization is limited as follows:

- Nitenpyram Tablets, as covered by this authorization, will be used only for over the counter use in dogs and cats 2 pounds of body weight or greater and 4 weeks of age and older; and
- The use of Nitenpyram Tablets covered by this authorization must be in accordance with the authorized Fact Sheet.

Product Description

Nitenpyram Tablets are oral tablets for dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older. Nitenpyram Tablets belong to the chemical class of neonicotinoids and kill adult fleas. The authorized Nitenpyram Tablets carton labeling is clearly marked for the approved indications and for NWS under Emergency Use Authorization, with a website address and QR code that links to the authorized Fact Sheet.

Store at 20° to 25°C (68° to 77°F); excursions permitted between 15° and 30°C (59° and 86°F).

Nitenpyram Tablets are authorized to be accompanied by the following product-specific information pertaining to emergency use, which is required to be made available to all users:

- Fact Sheet: Emergency Use Authorization of Nitenpyram Tablets (Nitenpyram) for New World Screwworm (NWS)

I have concluded, pursuant to Section 564(d)(2) of the FD&C Act, that it is reasonable to believe that the known and potential benefits of Nitenpyram Tablets, when used for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older and used in accordance with this authorization, outweigh its known and potential risks.

I have concluded, pursuant to Section 564(d)(3) of the FD&C Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that Nitenpyram Tablets may be effective for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older when used in accordance with this authorization, pursuant to Section 564(c)(2)(A) of the FD&C Act.

⁵ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the FD&C Act.

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Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that Nitenpyram Tablets, as described in this authorization, meet the criteria set forth in Section 564(c) of the FD&C Act concerning safety and potential effectiveness.

The emergency use of this product under an EUA must be consistent with, and may not exceed, the terms of this authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the FD&C Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the FD&C Act, Nitenpyram Tablets are authorized for the treatment of infestations caused by NVWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older as described in this authorization, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

III. Conditions of Authorization

Pursuant to Section 564 of the FD&C Act, I am establishing the following conditions on this authorization:

- A. Felix will ensure that the authorized Nitenpyram Tablets, accompanied with the authorized Fact Sheet, are distributed to authorized distributor(s)⁶ consistent with the terms and conditions of this EUA, and that authorized distributor(s) will limit distribution to other authorized distributors and end users.
- B. Felix will ensure that if a sticker is used on the labeling, the sticker contains a website address and QR code that link to the authorized Fact Sheet and that the sticker is placed in a blank space or does not obscure any important use or safety information.
- C. Felix and authorized distributor(s) will ensure that appropriate storage conditions are maintained until the product is delivered to the end user.
- D. Felix and authorized distributor(s) will provide to each authorized distributor immediately downstream in the supply chain a copy of this Letter of Authorization and promptly communicate any subsequent amendments that might be made to this Letter of Authorization and its authorized accompanying materials (e.g., its authorized Fact Sheet).

⁶ The term "distributors" includes all parties in the supply chain between the recipient of this authorization letter and the end user, excluding veterinary facilities and veterinarians who only provide product to veterinarians and end users at their facility. "Authorized distributors" are all distributors who otherwise lawfully obtain and distribute the product, unless Felix places limits on distribution in writing (e.g., via contract or written notice accompanying the product).

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- E. Felix may request changes to this authorization, including to the authorized Fact Sheet for Nitenpyram Tablets. Requests for changes must be submitted to the Office of Generic Animal Drugs. Such changes require appropriate authorization prior to implementation.⁷

- F. Reporting Adverse Drug Experiences and Product/Manufacturing Defects:

Felix will fully comply with the reporting requirements under 21 CFR 514.80. When collecting adverse event information, Felix will attempt to determine whether the use of Nitenpyram Tablets was related to the EUA and will put this categorization, as well as the reason for use, in the narrative description of the adverse event. Felix will submit the reports electronically using either of the options that are described on FDA's Veterinary Adverse Event Reporting for Manufacturers webpage (www.fda.gov/IndustryReportAnimalAE).

Submitted reports must state in the "Narrative of Adverse Event" field: "Nitenpyram Tablets use for NWS under an EUA". Contact the Pharmacovigilance Liaison in CVM's Division of Pharmacovigilance and Surveillance at CVMAESupport@fda.hhs.gov for any questions related to electronic reporting or for assistance with setting up a Safety Reporting Portal account.

- G. Through a process of inventory control, Felix and authorized distributor(s) will maintain records regarding distribution of the authorized Nitenpyram Tablets (i.e., lot numbers, quantity, receiving site, receipt date).
- H. Felix and authorized distributor(s) will maintain records in connection with this EUA for at least two years following the termination of the declaration or the revocation of the authorization, or until notified by HHS or FDA, whichever is sooner, and will make such records available to FDA for inspection upon request.
- I. Felix (and any other person engaged in manufacturing, packing, or holding) will comply with all other FD&C Act requirements applicable to the approved product, Nitenpyram Tablets, including, but not limited to, requirements related to registration and listing, drug quality, and the requirement to manufacture using the processes, facilities, controls, and equipment specified in the approved application,⁸ unless such requirements are specifically waived or modified in this authorization. Felix, and authorized distributor(s) who distribute EUA product under separate distributor labeling, if any, shall update their drug listing to reflect the EUA, including submission of updated labeling, before commercial distribution of the EUA product begins.

⁷ Changes that do not necessitate revision to this letter (e.g., changes to the Fact Sheet(s), changes related to current good manufacturing practice requirements, expiration dating extensions) may be authorized through separate notification without reissuance of this letter.

⁸ Changes shall be submitted and approved in accordance with 21 CFR 514.8, unless otherwise approved under Paragraph E of this letter.

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Conditions of Authorization Related to Advertisements and other Promotional Descriptive Printed Matter

- J. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter, relating to the authorized use of Nitenpyram Tablets, shall be consistent with the authorized Fact Sheet⁹ and the terms set forth in this EUA, as well as comply with FD&C Act Section 502(a). Additionally, the sponsor and authorized distributor(s) shall comply with any other applicable requirements in the FD&C Act and its implementing regulations regarding advertising and/or promotion.
- K. Felix and authorized distributor(s) may not imply that Nitenpyram Tablets are FDA approved, conditionally approved, or indexed for the authorized use. Felix and authorized distributor(s) may disseminate advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the emergency use of Nitenpyram Tablets that provide accurate descriptions of safety and effectiveness information summarized in the authorized Fact Sheet. Such materials must include any limitations of information submitted to support this authorization.
- L. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the authorized use of Nitenpyram Tablets shall be accompanied by the authorized Fact Sheet and the applicable approved labeling (e.g., package insert), and shall clearly and conspicuously state that:
- Nitenpyram Tablets have not been approved for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older;
 - Nitenpyram Tablets have been authorized by FDA under an EUA for the treatment of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) in dogs, puppies, cats and kittens 2 pounds of body weight or greater and 4 weeks of age and older; and
 - Nitenpyram Tablets are authorized as described herein only for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of Nitenpyram Tablets under Section 564(b)(1) of the FD&C Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or the authorization is revised or revoked sooner.
- M. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter must be submitted to the CVM OSC DER eSubmitter Program at

⁹ If the authorized Fact Sheet references sections of a drug's FDA-approved labeling, the entirety of each section is considered part of the Fact Sheet, except as otherwise specified. Advertising and promotional materials may not use general references to approved labeling in lieu of summarizing or restating its contents when a summary or restatement is otherwise needed to comply with applicable requirements.

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the time of initial dissemination (publication or broadcast). Each submission of promotional labeling or advertisements must be accompanied by a completed Form FDA 2301.

If FDA notifies Felix or authorized distributor(s) that any descriptive materials, advertising, or promotional materials do not meet the terms set forth in this EUA, Felix or authorized distributor(s) must discontinue and/or cease distribution of such advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter in accordance with FDA's notification. Furthermore, as part of its notification, FDA may also require Felix or authorized distributor(s) to issue corrective communication(s).

IV. Duration of Authorization

This EUA will be effective as described herein until the declaration that circumstances exist justifying the authorization of the emergency use of animal drugs during the NWS public health emergency is terminated under Section 564(b)(2) of the FD&C Act or the EUA is revised or revoked under Section 564(g) of the FD&C Act.

Sincerely,

{see appended electronic signature page}

Timothy Schell, Ph.D.

Director

Center for Veterinary Medicine

U.S. Food and Drug Administration

Enclosures:

Freedom of Information Summary

Fact Sheet



July 15, 2026

Argenta
Attention: Aaron Johnson, DVM, MS
Principal Regulatory Manager
U.S. Agent for Alberta Vet Labs Ltd
7226 107 Ave SE
Calgary, Alberta, T2C 5N6, Canada

Re: Emergency Use Authorization 006681

Dear Dr. Johnson:

This letter is in response to the request on behalf of Alberta Vet Labs Ltd (AVL) that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution)¹ for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 360bbb-3).

On August 18, 2025, pursuant to Section 564(b)(1)(C) of the FD&C Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is significant potential for a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves New World screwworm (*Cochliomyia hominivorax*) (hereinafter "NWS"). On the basis of such determination, the Secretary of HHS on August 18, 2025, declared that circumstances exist justifying the authorization of emergency use of animal drugs to treat or prevent NWS myiasis in animals, pursuant to Section 564(b)(1) of the FD&C Act, subject to terms of any authorization issued under that section.²

Ivermectin Liquid for Horses (ivermectin oral solution) is an antiparasitic. Ivermectin Liquid for Horses (ivermectin oral solution) is not FDA-approved for any indication.

Based on the totality of scientific evidence available to the FDA, including pharmacokinetic data from a bioequivalence study and information in published scientific literature, it is reasonable to believe that Ivermectin Liquid for Horses (ivermectin oral solution) may be effective for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses, as described in this authorization, and when used under the conditions described in this authorization, the known and potential benefits of Ivermectin Liquid for Horses (ivermectin oral

¹ Unless specified by name, products sold under separate distributor's labeling per 21 CFR 514.80(b)(5)(iii) (i.e., with a different proprietary name) are not subject to this EUA. A request must be made to change the scope of this authorization for such products.

² See U.S. Department of Health and Human Services, Declaration of Emergency Pursuant to the Federal Food, Drug, and Cosmetic Act for New World Screwworm, August 20, 2025:
<https://www.federalregister.gov/documents/2025/08/20/2025-15918/declaration-of-emergency-pursuant-to-the-federal-food-drug-and-cosmetic-act-for-new-world-screwworm>

solution) outweigh the known and potential risks of such product, since NWS infestations can have significant adverse health consequences and can be fatal if left untreated due to the extensive tissue damage caused by *Cochliomyia hominivorax* larvae.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the FD&C Act are met, I am authorizing the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution) for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses, as described in this authorization and subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution) for short-term prevention of infestations caused by NWS (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses, when administered as described in this authorization, meets the criteria for issuance of an authorization under Section 564(c) of the FD&C Act, because:

1. NWS can cause a serious or life-threatening disease or condition to animals and humans;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that Ivermectin Liquid for Horses (ivermectin oral solution) may be effective in preventing NWS, and that, when used under the conditions and within the scope described in this authorization, the known and potential benefits of Ivermectin Liquid for Horses (ivermectin oral solution) when used to prevent NWS outweigh the known and potential risks of such product; and
3. There is no adequate, approved,³ and available alternative to the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution) for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses.⁴

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the FD&C Act, that the scope of this authorization is limited as follows:

- Ivermectin Liquid for Horses (ivermectin oral solution), as covered by this authorization, will be used only for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses as ordered by veterinary prescription; and

³ "Approved" products include conditionally approved products for purposes of EUAs issued under Section 564 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3.

⁴ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the FD&C Act.

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- The use of Ivermectin Liquid for Horses (ivermectin oral solution) covered by this authorization must be in accordance with the authorized Fact Sheet.

Product Description

Ivermectin Liquid for Horses (ivermectin oral solution) is an oral antiparasitic for use in horses. The authorized Ivermectin Liquid for Horses (ivermectin oral solution) 120 mL bottle vial and carton labels and 15 mL syringe overwrap are clearly marked for NWS under Emergency Use Authorization, with a website address and QR code that links to the authorized Fact Sheet.

Ivermectin Liquid for Horses (ivermectin oral solution) should be stored tightly closed at or below 77°F (25°C) and protected from light.

Ivermectin Liquid for Horses (ivermectin oral solution) is authorized to be accompanied by the following product-specific information pertaining to emergency use, which is required to be made available to veterinarians and others who may administer the product:

- Fact Sheet for Veterinarians: Emergency Use Authorization of Ivermectin Liquid for Horses (ivermectin oral solution) for New World Screwworm (NWS)

I have concluded, pursuant to Section 564(d)(2) of the FD&C Act, that it is reasonable to believe that the known and potential benefits of Ivermectin Liquid for Horses (ivermectin oral solution), when used for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses and used in accordance with this authorization, outweigh its known and potential risks.

I have concluded, pursuant to Section 564(d)(3) of the FD&C Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that Ivermectin Liquid for Horses (ivermectin oral solution) may be effective for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses when used in accordance with this authorization, pursuant to Section 564(c)(2)(A) of the FD&C Act.

Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that Ivermectin Liquid for Horses (ivermectin oral solution), as described in this authorization, meets the criteria set forth in Section 564(c) of the FD&C Act concerning safety and potential effectiveness.

The emergency use of this product under an EUA must be consistent with, and may not exceed, the terms of this authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the FD&C Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the FD&C Act, Ivermectin Liquid for Horses (ivermectin oral solution) is

authorized for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses as described in this authorization, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

III. Conditions of Authorization

Pursuant to Section 564 of the FD&C Act, I am establishing the following conditions on this authorization:

- A. AVL will ensure that the authorized Ivermectin Liquid for Horses (ivermectin oral solution), accompanied with the authorized Fact Sheet, is distributed to veterinary facilities⁵ and veterinarians, or authorized distributor(s),⁶ consistent with the terms and conditions of this EUA, and that authorized distributor(s) will limit distribution to other authorized distributors and end users.
- B. AVL will ensure that if a sticker is used on the labeling, the sticker contains a website address and QR code that link to the authorized Fact Sheet and that the sticker is placed in a blank space or does not obscure any important use or safety information.
- C. AVL and authorized distributor(s) will ensure that appropriate storage conditions are maintained until the product is delivered to veterinary facilities and veterinarians.
- D. AVL and authorized distributor(s) will ensure that the terms and conditions of this EUA are made available to all relevant stakeholders (e.g., U.S. government agencies, state and local government authorities, authorized distributors, veterinary facilities, and veterinarians) involved in distributing or receiving authorized Ivermectin Liquid for Horses (ivermectin oral solution). AVL will provide to all relevant stakeholders a copy of this Letter of Authorization and communicate any subsequent amendments that might be made to this Letter of Authorization and its authorized accompanying materials (e.g., its authorized Fact Sheet).
- E. AVL may request changes to this authorization, including to the authorized Fact Sheet for Ivermectin Liquid for Horses (ivermectin oral solution). Requests for changes must be submitted to the Office of New Animal Product Evaluation. Such changes require appropriate authorization prior to implementation.⁷

⁵ Veterinary facilities include veterinary hospitals, veterinary clinics, and other establishments providing veterinary care. If a veterinarian is not associated with a veterinary facility, the veterinarian then assumes the obligations of the veterinary facility.

⁶ The term "distributors" includes all parties in the supply chain between the recipient of this authorization letter and the end user, excluding veterinary facilities and veterinarians who only provide product to veterinarians and end users at their facility. "Authorized distributors" are all distributors who otherwise lawfully obtain and distribute the product, unless AVL places limits on distribution in writing (e.g., via contract or written notice accompanying the product).

⁷ Changes that do not necessitate revision to this letter (e.g., changes to the Fact Sheet, changes related to current good manufacturing practice requirements, expiration dating extensions) may be authorized through separate notification without reissuance of this letter.

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F. Reporting Adverse Drug Experiences and Product/Manufacturing Defects:

AVL will report to FDA all product/manufacturing defects⁸ within 3 days, all serious adverse events⁹ and medication errors¹⁰ associated with the use of the authorized Ivermectin Liquid for Horses (ivermectin oral solution) that are reported to AVL within 15 days, and all non-serious adverse drug events within 90 days. Submit the reports electronically using either of the following options which are described on FDA's Veterinary Adverse Event Reporting for Manufacturers webpage (www.fda.gov/IndustryReportAnimalAE).

Option 1: Submit reports through the Safety Reporting Portal (SRP).

Option 2: Submit reports directly through the Electronic Submissions Gateway (ESG).

Submitted reports should state in the "Narrative of Adverse Event" field: "Ivermectin Liquid for Horses (ivermectin oral solution) use for NWS under an EUA". Contact the Pharmacovigilance Liaison in CVM's Division of Pharmacovigilance and Surveillance at CVMAESupport@fda.hhs.gov for any questions related to electronic reporting or for assistance with setting up a Safety Reporting Portal account.

G. Through a process of inventory control, AVL and authorized distributor(s) will maintain records regarding distribution of the authorized Ivermectin Liquid for Horses (ivermectin oral solution) (i.e., lot numbers, quantity, receiving site, receipt date).

H. AVL and authorized distributor(s) will maintain records in connection with this EUA for at least two years following the termination of the declaration or the revocation of the authorization, or until notified by HHS or FDA, whichever is sooner, and will make such records available to FDA for inspection upon request.

I. AVL and any person engaged in manufacturing, packing, or holding will comply with all FD&C Act requirements for animal drugs, including, but not limited to, registration and listing and drug quality requirements (e.g., current good manufacturing practice requirements)¹¹ unless such requirements are specifically waived or modified in this authorization. Sponsor and any person engaged in manufacturing, packing, or holding shall only manufacture Ivermectin

⁸ Product defect/manufacturing defect is the deviation of a distributed product from the standards specified in the approved application, or any significant chemical, physical, or other change, or deterioration in the distributed drug product, including any microbial or chemical contamination. A manufacturing defect is a product defect caused or aggravated by a manufacturing or related process. A manufacturing defect may occur from a single event or from deficiencies inherent to the manufacturing process. These defects are generally associated with product contamination, product deterioration, manufacturing error, defective packaging, damage from disaster, or labeling error. For example, a labeling error may include any incident that causes a distributed product to be mistaken for, or its labeling applied to, another product.

⁹ Serious adverse event is an adverse event that is fatal, or life-threatening, or requires professional intervention, or causes an abortion, or stillbirth, or infertility, or congenital anomaly, or prolonged or permanent disability, or disfigurement.

¹⁰ Medication error is any preventable event that may cause or lead to inappropriate medication use or patient harm while the medication is in the control of the health care professional, patient, or consumer. Such events may be related to professional practice, health care products, procedures, and systems, including prescribing; order communication; product labeling, packaging, and nomenclature; compounding; dispensing; distribution; administration; education; monitoring; and use.

¹¹ Among other requirements, all expiration dates shall be established in accordance with 21 CFR 211.137.

Liquid for Horses (ivermectin oral solution) using the processes, facilities, controls, and equipment specified in the file for this EUA request at the time of authorization, and no changes may be implemented until accepted by FDA.¹²

Conditions of Authorization for Veterinary Facilities and Veterinarians

- J. Veterinary facilities and veterinarians will ensure that they are aware of and adhere to the terms of this Letter of Authorization. Authorized Fact Sheets will be made available to veterinarians, and veterinary facilities and veterinarians will ensure that the client is aware that the drug is authorized for emergency use, but not approved, for the treatment of NWS myiasis and advise the client of the risks, benefits, and any alternatives.
- K. Veterinary facilities and veterinarians receiving Ivermectin Liquid for Horses (ivermectin oral solution) will track serious adverse events potentially related to Ivermectin Liquid for Horses (ivermectin oral solution) use under this EUA and must report these to FDA in accordance with the Fact Sheet for Veterinarians. Report by (1) contacting AVL at 1-877-456-2755, (2) downloading and submitting Form FDA 1932a available at <https://www.fda.gov/reportanimalae>, or (3) contacting FDA at 1-888-FDA-VETS to request this form. Include the statement "Ivermectin Liquid for Horses (ivermectin oral solution) use for NWS under an EUA" under the "Describe Adverse Event/Product Problem/Product Use Error" heading, followed by a detailed account of the adverse event.
- L. Veterinary facilities will maintain inventory records regarding the dispensing and administration of Ivermectin Liquid for Horses (ivermectin oral solution) for the use authorized in this Letter of Authorization. The records will include lot numbers, quantity, receiving site (if a multi-site clinic), and receipt date.
- M. Veterinary facilities will maintain health records that include the following information: client name, patient name, patient age, disease manifestation, number of doses prescribed or administered per patient, lot number prescribed or administered, and other drugs coadministered. The records shall be maintained in a manner that allows veterinary facilities to identify in a reasonable time which patients received drugs subject to this EUA.
- N. Veterinary facilities will maintain any records associated with this EUA for at least two years following the termination of the declaration or the revocation of the authorization, or until notified by HHS or FDA, whichever is sooner. Such records will be made available to AVL, HHS, and FDA for inspection upon request.

¹² Any request submitted via an update to the file is considered accepted after 30 calendar days unless FDA provides notice to the contrary.

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Conditions of Authorization Related to Advertisements and other Promotional Descriptive Printed Matter

- O. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter, relating to the authorized use of Ivermectin Liquid for Horses (ivermectin oral solution) shall be consistent with the authorized Fact Sheet¹³ and the terms set forth in this EUA, as well as comply with FD&C Act Sections 502(a) and 502(n), and 21 CFR Part 202. Additionally, the sponsor and authorized distributor(s) shall comply with any other applicable requirements in the FD&C Act and its implementing regulations regarding advertising and/or promotion.
- P. AVL and authorized distributor(s) may not imply that Ivermectin Liquid for Horses (ivermectin oral solution) is FDA approved, conditionally approved, or indexed for the authorized use. AVL and authorized distributor(s) may disseminate advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution) that provide accurate descriptions of safety and effectiveness information summarized in the authorized Fact Sheet. Such materials must include any limitations of information submitted to support this authorization.
- Q. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter relating to the authorized use of Ivermectin Liquid for Horses (ivermectin oral solution) shall be accompanied by the authorized Fact Sheet and the applicable approved labeling (e.g., package insert), and shall clearly and conspicuously state that:
- Ivermectin Liquid for Horses (ivermectin oral solution) has not been approved for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses;
 - Ivermectin Liquid for Horses (ivermectin oral solution) has been authorized by FDA under an EUA for short-term prevention of infestations caused by New World screwworm (*Cochliomyia hominivorax*) larvae (myiasis) when administered within 24 hours of birth or at the time of initial wound care in horses; and
 - Ivermectin Liquid for Horses (ivermectin oral solution) is authorized as described herein only for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of Ivermectin Liquid for Horses (ivermectin oral solution) under Section 564(b)(1) of the FD&C Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or the authorization is revised or revoked sooner.
- R. All advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter must be submitted to your Type VII Veterinary Master File as a G

¹³ If the authorized Fact Sheet references sections of a drug's FDA-approved labeling, the entirety of each section is considered part of the authorized Fact Sheet, except as otherwise specified. Advertising and promotional materials may not use general references to approved labeling in lieu of summarizing or restating its contents when a summary or restatement is otherwise needed to comply with applicable requirements.

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submission at the time of initial dissemination (publication or broadcast). When submitting, identify the submission as promotion and advertising material.

If FDA notifies AVL or authorized distributor(s) that any descriptive materials, advertising, or promotional materials do not meet the terms set forth in this EUA, AVL or authorized distributor(s) must discontinue and/or cease distribution of such advertisements (including printed and nonprinted communications) and other promotional descriptive printed matter in accordance with FDA's notification. Furthermore, as part of its notification, FDA may also require AVL or authorized distributor(s) to issue corrective communication(s).

IV. Duration of Authorization

This EUA will be effective as described herein until the declaration that circumstances exist justifying the authorization of the emergency use of animal drugs during the NWS public health emergency is terminated under Section 564(b)(2) of the FD&C Act or the EUA is revised or revoked under Section 564(g) of the FD&C Act.

Sincerely,

/S/

Timothy Schell, Ph.D.
Director
Center for Veterinary Medicine
U.S. Food and Drug Administration

Enclosures:
Freedom of Information Summary
Fact Sheet

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20903
www.fda.gov

Grace R. Graham,
*Deputy Commissioner for Policy, Legislation,
and International Affairs.*
[FR Doc. 2026-17719 Filed 8-28-26; 8:45 am]
BILLING CODE 4164-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-1599]

Rahim Shafa; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration,
HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is denying a request for a hearing submitted by Rahim Shafa (Dr. Shafa) and is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debarring Dr. Shafa from providing services in any capacity to a person that has an approved or pending drug product application and debarring Dr. Shafa for 20 years from importing or offering for import any drug into the United States.

FDA bases this order on the findings that Dr. Shafa was convicted of multiple felonies under Federal law that relate to the regulation of any drug product under the FD&C Act and the importation into the United States of any drug or controlled substance under the FD&C Act. FDA provided notice to Dr. Shafa of the proposed debarment and an opportunity to request a hearing. Dr. Shafa submitted a request for a hearing but failed to file with the Agency information and analyses sufficient to create a basis for a hearing.

DATES: This order is applicable August 31, 2026.

ADDRESSES: Any application for termination of debarment by Dr. Shafa under section 306(d) of the FD&C Act (21 U.S.C. 335a(d)) (application) may be submitted as follows:

Electronic Submissions

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All applications must include the Docket No. FDA-2025-N-1599. An application will be placed in the docket and, unless submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your application and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket, 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 between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Rachael Vieder Linowes, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4206, Silver Spring, Maryland 20993, 240-402-5931, Rachael.Linowes@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act mandates permanent debarment of an

individual from providing services in any capacity to a person that has an approved or pending drug product application if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of drug products under the FD&C Act. Separately, section 306(b)(3)(C) of the FD&C Act permits FDA to debar an individual from importing or offering for import into the United States a drug if the Agency finds that the individual has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. On December 16, 2024, following a jury trial, the U.S. District Court for the District of Massachusetts entered a judgment against Dr. Shafa for multiple offenses, including the four felony convictions underlying the bases for these two debarments: three counts of importing merchandise contrary to law in violation of 18 U.S.C. 545, and one count of receiving and delivering a misbranded drug in violation of sections 301(c) and 303(a)(2) of the FD&C Act (21 U.S.C. 331(c) and 333(a)(2)). On February 12, 2025, the court sentenced Dr. Shafa to 36 months in Federal prison and restitution.

By letter dated September 15, 2025 (hereafter "Notice of Opportunity of Hearing" or "NOOH"), FDA's Office of Inspections and Investigations (OII) notified Dr. Shafa of a proposal to issue an order permanently debaring him from providing services in any capacity to a person with an approved or pending drug product application and debaring him for 20 years from importing or offering for import any drug into the United States. As explained in the NOOH, Dr. Shafa's convictions stemmed from his actions while he owned and operated Novel Psychopharmacology.

As described in the NOOH, from on or before January 2008 to on or about January 2018, Dr. Shafa purchased disulfiram pellet implants, disulfiram injections, and naltrexone pellet implants from an overseas supplier and had them unlawfully shipped from Hong Kong to him on multiple occasions. The articles shipped to him were drugs under section 201(g)(1) of the FD&C Act (21 U.S.C. 321(g)(1)) in that they were intended to treat Dr. Shafa's patients for alcohol and opioid dependence. As stated in the NOOH, the drugs at issue were not FDA-approved for these uses in the United States. As further outlined in the NOOH, Dr. Shafa agreed with the supplier that it would falsify the shipping documents to conceal the actual contents of the

packages of disulfiram pellet implants, disulfiram injections, and naltrexone pellet implants sent to him. The contents of the packages Dr. Shafa's supplier used included descriptions such as "plastic beads in plastic tubes" and listed values below the actual value of the drugs. Knowing that the actual contents of the packages had been concealed, Dr. Shafa accepted the packages the supplier sent containing the disulfiram pellet implants, disulfiram injections, and naltrexone pellet implants. Dr. Shafa then administered the drugs to patients. Several of Dr. Shafa's patients experienced complications from the procedures or did not find the drugs effective. Despite reports of complications and complaints of ineffectiveness, Dr. Shafa continued to administer the unapproved drugs to patients.

The NOOH explained that the proposed permanent mandatory debarment from providing services to a person with an approved or pending drug application was based on his felony convictions and that the conduct underlying the convictions related to the regulation of drug products under the FD&C Act. The NOOH explained that the proposed 20-year permissive debarment related to drug importation was also based on his felony convictions and that the conduct underlying the convictions related to the importation of drugs into the United States. The NOOH explained that the maximum period of debarment from drug importation for an individual subject to permissive debarment for a felony under section 306(c)(2)(A)(iii) of the FD&C Act is 5 years and that the debarment periods may run consecutively or concurrently.

The NOOH also outlined findings concerning the three relevant factors that OII considered in determining the appropriateness and period of debarment from drug importation under section 306(b)(1)(D) of the FD&C Act, as provided in section 306(c)(3): (1) the nature and seriousness of any offense involved, (2) the nature and extent of voluntary steps to mitigate the impact on the public of any offense involved, and (3) prior convictions under the FD&C Act or under other Acts involving matters within the jurisdiction of FDA. OII found that the nature and seriousness of the offenses and the nature and extent of voluntary steps to mitigate the effect on the public are unfavorable considerations for Dr. Shafa. OII found the lack of prior convictions involving matters within FDA jurisdiction as a favorable consideration for Dr. Shafa. OII concluded that the facts supporting the

unfavorable factors outweigh those supporting the favorable factor, thereby warranting a 20-year debarment from drug importation, 5 years for each conviction to run consecutively. The NOOH also provided Dr. Shafa with an opportunity for him to request a hearing under section 306(i) of the FD&C Act and part 12 (21 CFR part 12).

In response to the NOOH, in a letter dated October 2, 2025, Dr. Shafa requested a stay "of any proceeding" due to an appeal of his convictions. On October 6, 2025, Dr. Shafa submitted a timely hearing request and notice of appearance. Dr. Shafa reiterated that he was requesting a hearing "following the fulfillment of my litigation, appeal process, and completion of my sentencing." On November 19, 2025, the Director of the Office of Scientific Integrity (OSI Director) denied Dr. Shafa's request to stay the matter and gave Dr. Shafa until December 19, 2025, to submit analyses and information in support of his hearing request. On December 10, 2025, Dr. Shafa submitted additional information.¹ Dr. Shafa's response challenges the proposed debarments on the grounds that he was wrongfully accused and convicted of the offenses at issue and that he has appealed his convictions. Additionally, Dr. Shafa contends that there are material factual disputes concerning the circumstances of his convictions, the medical necessity of the procedures identified in the NOOH, and "irregularities that affected the outcome."

Under the authority delegated to him by the Commissioner of Food and Drugs, the OSI Director has considered Dr. Shafa's request for a hearing. Hearings are granted only if there is a genuine and substantial issue of fact. A request for a hearing may not rest on mere allegations or denials but must present specific facts showing that there is a genuine and substantial issue of fact that justifies a hearing. Hearings will not be granted on issues of policy or law, on mere allegations, denials or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see § 12.24(b)).

¹ Dr. Shafa submitted supplemental information by letter dated December 29, 2025. This letter, which FDA marked received on January 9, 2026, was untimely as information offered in support of the hearing request because it was received after the December 19, 2025, deadline for submitting such information. Furthermore, even if the OSI Director were to consider the letter, none of the information contained therein raises a material factual issue suitable for a hearing.

II. Analysis

As an initial matter, Dr. Shafa challenges his proposed debarment under sections 306(a)(2)(B) and 306(b)(3)(C) of the FD&C Act by contending, "I was wrongfully accused[,] and my conviction is under appeal." Pursuant to section 306(l) of the FD&C Act, however, a person is deemed to have been convicted of a criminal offense when a judgment of conviction has been entered against the person by a Federal or State court, regardless of whether there is an appeal pending. Dr. Shafa does not dispute that the U.S. District Court for the District of Massachusetts entered the judgment of convictions underlying the proposals to debar him. Under section 306(l) of the FD&C Act, a pending appeal is not a ground for postponing either ruling on a hearing request or conducting a hearing on a proposed debarment. If Dr. Shafa's appeal ultimately results in the convictions being overturned, he may seek termination of his debarment (see section 306(d)(B)(ii) of the FD&C Act).

Dr. Shafa further maintains that "an evidentiary hearing is required [for] debarment." Under § 12.24(b), however, FDA may deny a hearing request if there are no factual issues suitable for a hearing. "FDA may deny a request for a hearing unless 'the [hearing request] . . . identifi[es] a material issue of fact'" (*Vanda Pharms., Inc. v. U.S. FDA*, 150 F.4th 563, 573 (D.C. Cir. 2025) (quoting *Am. Cyanamid Co. v. FDA*, 606 F.2d 1307, 1314 (D.C. Cir. 1979)) and citing § 12.24(b); see also *Costle v. Pacific Legal Found.*, 445 U.S. 198, 214 (1980) (a party seeking a hearing is required to meet a "threshold burden of tendering evidence suggesting the need for a hearing"), *reh'g denied*, 446 U.S. 947 (1980), citing *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 620–21 (1973); *Pineapple Growers Ass'n v. FDA*, 673 F.2d 1083, 1085–86 (9th Cir. 1982) (holding that no hearing is necessary unless "material issues of fact" have been raised)).

In support of his hearing request, Dr. Shafa nonetheless contends that there are four areas in which there are material factual disputes: (1) "whether the alleged conduct constitutes willful wrongdoing," (2) whether the medical procedures and drugs used performed to clinical standards, (3) whether evidence exists that undermined the proceeding, such as "clear determining exculpatory evidence," and (4) whether the purchase of implants was strictly for patients' personal use and compatible with personal importation law. Additionally, Dr. Shafa states that he has maintained all required continuing medical

education requirements and that he has never had disciplinary proceedings against him by the Massachusetts Board of Medicine for his medical practice.

A. There Are No Genuine and Substantial Issues of Fact Warranting a Hearing on Whether Dr. Shafa Is Subject to Debarment Under Sections 306(a)(2)(B) and 306(b)(3)(C) of the FD&C Act

Under section 306(a)(2)(B) of the FD&C Act, an individual convicted of a Federal felony for conduct relating to the regulation of drug products under the FD&C Act is subject to permanent debarment. Further, section 306(b)(3)(C) of the FD&C Act authorizes FDA to debar an individual from importing or offering for import into the United States a drug if the Agency finds that the individual has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. The relevant factual considerations as to whether Dr. Shafa is subject to debarment under these provisions are whether he was convicted of a felony under Federal law and whether the conduct underlying the convictions related to the regulation of drug products and the importation into the United States of any drug or controlled substance.

As explained in the NOOH, Dr. Shafa was convicted of three counts of importing merchandise contrary to law in violation of 18 U.S.C. 545 and one count of receiving and delivering a misbranded drug in violation of section 301(c) and 303(a)(2) of the FD&C Act. Dr. Shafa does not deny that he was, in fact, convicted of those violations. As explained above, Dr. Shafa's appeal of those convictions does not affect whether he is currently subject to debarment. Furthermore, there is no genuine and substantial issue of fact as to whether the conduct underlying the convictions related to both the regulation of drug products and the importation of drug products into the United States. As described in the NOOH, the conduct underlying Dr. Shafa's convictions included his coordinating the shipment of unapproved and misbranded drugs into the United States and the falsification of the labeling to conceal the actual contents of the shipments. The criminal proceedings further establish that Dr. Shafa administered the unapproved and misbranded drugs to patients. The conduct underlying Dr. Shafa's felony convictions thus relates to both the regulation of drug products and the importation of drugs into the United States.

In short, there is no dispute as to whether Dr. Shafa's four felony convictions and underlying conduct relate to both the regulation of drug products under the FD&C Act and the importation of drugs into the United States. Therefore, Dr. Shafa has failed to justify a hearing on whether he is subject to debarment under either section 306(a)(2)(B) or 306(b)(3)(C) of the FD&C Act.

B. There Is No Genuine and Substantial Issue of Fact Warranting a Hearing Regarding the Proposed Permissive Debarment

Having determined that Dr. Shafa is subject to mandatory debarment under section 306(a)(2)(B) of the FD&C Act and permissive debarment under section 306(b)(3)(C) of the FD&C Act, FDA then must determine the debarment period for the permissive debarment.

In considering the appropriateness and period of proposed debarment relating to the importation into the United States of a drug or controlled substance, FDA considers the factors outlined in section 306(c)(3) of the FD&C Act where applicable. As explained above, OII determined that the applicable factors for the appropriateness and period of Dr. Shafa's debarment, as provided in section 306(c)(3) of the FD&C Act were (1) the nature and seriousness of any offense involved; (2) the nature and extent of voluntary steps to mitigate the impact on the public of any offense involved; and (3) prior convictions under the FD&C Act or under other Acts involving matters within the jurisdiction of FDA. Given these considerations, OII proposed that Dr. Shafa be debarred for a total of 20 years from importing drugs or offering drugs for import into the United States, by imposing a period of 5 years for each conviction and running those periods consecutively.

Dr. Shafa does not specifically address the factors underpinning the proposed total debarment period of 20 years; however, FDA construes several of his arguments as attempts to mitigate the nature and seriousness of his offense under section 306(c)(3)(A) of the FD&C Act. In arguing that he should not be debarred from importing drugs into the United States on the basis of his felony convictions, Dr. Shafa contends that he did not act with an intent to defraud. He also argues, in essence, that his purchase of the drugs in question was consistent with FDA's exercise of enforcement discretion as to personal importation law. Dr. Shafa further contends that he complied with reporting his medical procedures to the

Massachusetts Board of Medicine and that the board never levied any restrictions or penalties regarding the procedure or his use of the implants. He also states that "The District Administration Law Hearing . . . on behalf of the Medical Board of Massachusetts" found that his practice was compatible with "Standard Care" medical practice.

Dr. Shafa's felony convictions under 18 U.S.C. 545 required the jury to find that he "fraudulently or knowingly, with intent to defraud the United States" smuggled merchandise into the country, and his conviction under section 303(a)(2) of the FD&C Act required the jury to find that he violated section 301(c) of the FD&C Act "with an intent to defraud or mislead." Indeed, the criminal proceedings established that Dr. Shafa coordinated shipping unapproved and misbranded drugs into the United States and concealing their identity through false and misleading shipping documents and that he then administered the drugs to patients. His claim that he did not act with an intent to defraud thus does not raise a material factual dispute suitable for a hearing given the evidence adduced at trial and the elements of the offenses for his convictions. Furthermore, as OII stated in the NOOH, the drugs in question posed significant risks to Dr. Shafa's patients because they had not been reviewed by FDA for safety, effectiveness, or quality and thus determined to be safe and effective for their intended uses. The deceptive conduct underlying Dr. Shafa's convictions—which is not in dispute and involved concealing the identity of such drug products from the government—was sufficiently egregious to warrant OII's conclusion that the nature and seriousness of Dr. Shafa's offenses constitute an unfavorable consideration under section 306(c)(3)(A) of the FD&C Act. Dr. Shafa's arguments regarding FDA's personal importation policy and his medical practice simply fail to counter OII's conclusion regarding the nature and seriousness of his offenses under section 306(c)(3)(A) of the FD&C Act to a degree sufficient to raise a genuine and substantial issue of fact with respect to that consideration. Therefore, the OSI Director treats this consideration as unfavorable.

In the NOOH, OII stated that it was unaware of any steps Dr. Shafa took to mitigate the impact on the public of his actions. Dr. Shafa has not presented any information or analysis addressing this factor; therefore, he failed to raise a genuine and substantial issue of fact with respect to the nature and extent of

voluntary steps to mitigate the impact on the public. Consistent with OII's findings in the NOOH, the OSI Director will thus treat this consideration as unfavorable.

Based on the undisputed record, a 20-year debarment period is appropriate. Although it is undisputed that Dr. Shafa has no previous criminal convictions related to matters within the jurisdiction of FDA, this single favorable factor does not counterbalance the nature and seriousness of his offense and lack of voluntary steps promptly taken to mitigate the impact of his offense on the public. Therefore, the OSI Director concurs with OII's conclusion that "the facts supporting the unfavorable factors outweigh those supporting the favorable factor and therefore warrants the imposition of a twenty-year period of debarment, five years for each conviction."

III. Findings and Order

Therefore, under section 306(a)(2)(B) of the FD&C Act and authority delegated to him by the Commissioner of Food and Drugs, the OSI Director finds that Dr. Shafa has been convicted of a felony under Federal law for conduct relating to the regulation of drug products under the FD&C Act. The OSI Director also finds that Dr. Shafa has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance and is subject to debarment as set forth in section 306(b)(3)(C) of the FD&C Act. The OSI Director considered the applicable factors listed in section 306(c)(3) of the FD&C Act and determined, based on the undisputed record before him, that debarring Dr. Shafa for 20 years from importing or offering for import into the United States any drugs is appropriate.

As a result of the foregoing findings, Dr. Shafa is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective August 31, 2026 (see 21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application, who knowingly uses the services of Dr. Shafa, in any capacity during his period of debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Shafa, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be

subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Dr. Shafa during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Additionally, as a result of the foregoing findings, Dr. Shafa is debarred for a period of 20 years from importing or offering for import any drug into the United States, effective August 31, 2026. Pursuant to section 301(cc) of the FD&C Act, the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Dr. Shafa, is a prohibited act.

George M. Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2026-17659 Filed 8-28-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities" unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 11⁷/₈%, as fixed by the Secretary of the Treasury, is certified for the quarter ended June 30, 2026. This rate is based on the Interest Rates for Specific Legislation, "National Health Services Corps Scholarship Program (42 U.S.C. 2540(b)(1)(A))" and "National Research Service Award Program (42 U.S.C. 288(c)(4)(B))." This interest rate will be applied to overdue

debt until the Department of Health and Human Services publishes a revision.

Yianting Lee,

Acting Director, Office of Financial Policy and Reporting.

[FR Doc. 2026-17759 Filed 8-28-26; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Center for Advancing Translational Sciences Advisory Council, September 18, 2026, 11:00 a.m. to September 18, 2026, 05:30 p.m., National Center for Advancing Translational Sciences, 9609 Medical Center Drive, Rockville, MD 20892 which was published in the **Federal Register** on August 03, 2026, 91 FR 48905.

Amendment to add Proposed Organizational Change: Office of Special Initiatives as an open session agenda item. The meeting is partially Closed to the public.

Dated: August 26, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17686 Filed 8-28-26; 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: Genes, Genomes, and Genetics Integrated Review Group;

Therapeutic Approaches to Genetic Diseases Study Section.

Date: October 14–15, 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: Maddalena Tilli Shiffert, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 710P, Bethesda, MD 20892, (301) 594–4257, shiffertmt@csr.nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: October 14–15, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, tatiana.cohen@nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Oral, Dental and Craniofacial Sciences Study Section.

Date: October 15–16, 2026.

Time: 8:00 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: Yun Mei, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4639, yun.mei@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, tothct@csr.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Vascular Inflammation Study Section.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Courtney Watkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3093, courtney.watkins2@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Clinical Care, Treatment & Disease Management.

Date: October 15–16, 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: Christiane M. Robbins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 451–4989, crobbs@mail.nih.gov.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Viral Dynamics and Transmission 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: Alfredo J Guerra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–2569, alfredo.guerra@nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Lifestyle Change and Behavioral Health Study Section.

Date: October 15–16, 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: Pamela Jeter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 10J08, Bethesda, MD 20892, (301) 827–6401, pamela.jeter@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 26, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17687 Filed 8–28–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Public Hearing: NIAID Proposed Reorganization

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: Pursuant to the NIH Reform Act of 2006 (42 U.S.C. 281(d)(4)), notice is hereby given that the National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) will be accepting comments on a proposed reorganization involving the Division of Clinical Research (DCR).

DATES: Comments regarding this proposed reorganization are best assured of having their full effect if received from September 14th, 2026–September 18th, 2026.

ADDRESSES: Information on the proposed reorganization can be found at: <https://www.niaid.nih.gov/about/niaid-organization-DCR>. The following email address is being provided for comments on the reorganization NIAIDExecutiveServices@mail.nih.gov. The Website will be active September 14th through September 18th, 2026.

FOR FURTHER INFORMATION CONTACT: For additional questions about this proposed reorganization contact: Katherine Beck, Acting Executive Officer, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20892.

SUPPLEMENTARY INFORMATION: NIAID's proposal to implement organizational changes involving the Division of Clinical Research (DCR). The goal for the reorganization is to abolish several offices and the Division of Clinical Research (DCR) and realign the clinical operations and oversight across multiple NIAID components. The proposed reorganization aims to better align with Presidential priorities and to reflect the Institute's updated vision and revised mission focus while continuing important research to benefit the

American public with proper oversight and transparency.

John H. Powers III,

Acting Director, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2026-17685 Filed 8-28-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-MB-2026-3335; FF09M32000-267-FXMB1231099BPP0]

Authorization Conditions and State Seasons for Seasonal Migratory Game Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) announces the availability of the 2026 Migratory Game Bird Hunting (MGBH) Memorandum setting forth the authorization conditions (conditions or limits) within which States and Tribes may establish their hunting regulations for certain migratory game birds. The conditions include species for which seasons may be opened, season dates, season lengths, shooting hours, bag and possession limits, areas where migratory game bird hunting may occur, and other restrictions. The conditions are necessary to allow States and Tribes to establish their migratory game bird hunting regulations and to allow harvest at levels compatible with migratory game bird population status and habitat conditions. Migratory game bird hunting seasons provide opportunities for recreation and sustenance, and aid Federal, State, and Tribal governments in the management of migratory game birds. We are also announcing the availability of the 2026 memorandum with seasons, hours, areas, and daily bag and possession limits for migratory game bird hunting in certain States that requested we publish these. Taking of migratory birds is prohibited unless specifically provided for in this memorandum and other applicable State and Federal regulations.

DATES:

Comments: You may comment on the MGBH Memorandum, specifically selection of the alternative conditions in our decision frameworks based on application of current data, until September 30, 2026.

State proposed annual regulations: Each State's proposed annual regulations for migratory game bird

hunting is due to the Service by May 31 each year. With respect to the 2026-27 season, each State's proposed regulations have already been received by the Service.

ADDRESSES: You may view the MGBH Memorandum containing the conditions at <https://www.regulations.gov> under Docket No. FWS-HQ-MB-2026-3335, on the Service's website at <https://www.fws.gov/program/migratory-birds>, or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, below.

Comment submission: All submissions must include the docket number FWS-HQ-MB-2026-3335 for this document. You must submit comments by one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-MB-2026-3335, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on "Comment." Please ensure that you have found the correct document before submitting your comments.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-MB-2026-3335, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so.

Document availability: Comments and materials we receive, as well as supporting documentation we used in preparing this notice, will be available for public inspection on <https://www.regulations.gov> at Docket No. FWS-HQ-MB-2026-3335, or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, below.

State proposed annual regulations: States should send their proposed annual regulations for migratory game

bird hunting by email to the Service's corresponding Flyway Representative, or by U.S. mail at Division of Migratory Bird Management, U.S. Fish and Wildlife Service, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT:

Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358-2606. 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: Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-712), the Secretary of the Interior is authorized to determine when "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg" of migratory game birds can take place, and to adopt regulations for this purpose (16 U.S.C. 704(a)). These regulations give due regard to "the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds" (16 U.S.C. 704(a)). This responsibility has been delegated to the Service as the lead Federal agency for managing and conserving migratory birds in the United States. However, migratory bird management is a cooperative effort of Federal, State, and Tribal governments.

The Service adopted general regulations for migratory game bird hunting, which are set forth in title 50 of the Code of Federal Regulations (CFR) at 50 CFR part 20. These regulations provide that the Service will establish the conditions (limits) from which States and Tribes may establish their seasonal migratory game bird hunting regulations. The limits include season dates, season lengths, shooting hours, bag and possession limits, areas where migratory game bird hunting may occur, and other restrictions, and are communicated via the MGBH Memorandum and notification in the **Federal Register**. These limits are necessary to allow harvest at levels compatible with migratory game bird

population status and habitat conditions. After the conditions are established, States and Tribes may establish their migratory game bird hunting regulations within the conditions and in accordance with our general regulations at 50 CFR 20. We provided a detailed overview of the process for establishing the conditions for seasonal migratory game bird hunting in the June 26, 2026, **Federal Register** (91 FR 38543).

We provided the meeting dates and locations for the Service Migratory Bird Regulations Committee (SRC; <https://www.fws.gov/event/us-fish-and-wildlife-service-migratory-bird-regulations-committee-meeting>) and Flyway Council (<https://www.fws.gov/partner/migratory-bird-program-administrative-flyways>) meetings on our website. The SRC conducts open meetings with the Flyway Council Consultants to review information on the current status of migratory game birds and their habitats. Using this information, the SRC develops recommendations for the conditions for seasonal migratory game bird hunting. The most recent SRC meetings were held on December 16, 2025, and May 5, 2026. We have considered all pertinent comments received, which includes comments submitted in response to our previous Federal limits published in the August 18, 2025, **Federal Register** (90 FR 40178) and comments from the SRC meetings.

This notice makes available the 2026 MGBH Memorandum that contains the conditions for migratory game bird hunting. The Service will continue to make annual decisions on appropriate harvest levels and will update this notice and the MGBH Memorandum if changes are prescribed by applying biological data to our decision frameworks annually. Please see **ADDRESSES**, above, for information on how to view the MGBH Memorandum. If we receive substantive public comments indicating revisions to the MGBH Memorandum are necessary, particularly for errors in applying current data to the decision frameworks to select the appropriate limits among alternatives, we will update the MGBH Memorandum and publish a notice making available the revised MGBH Memorandum. Any administrative corrections to the conditions would be made immediately through the MGBH Memorandum available on the Service's Migratory Bird Program website or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. Each State's proposed annual regulations for migratory game bird hunting are due on the date specified above in **DATES**.

Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, we conclude that the hunting seasons provided for in the MGBH memorandum are compatible with the current status of migratory game bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received during the public comment period.

Population Status and Harvest

We periodically publish reports that provide detailed information on the status and harvest of certain migratory game bird species. These reports contain descriptions of species population segments referenced in status assessments. These reports are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or from our website at <https://www.fws.gov/library/collections/population-status>, <https://www.fws.gov/library/collections/migratory-bird-hunting-activity-and-harvest-reports>, and <https://www.fws.gov/project/adaptive-harvest-management>.

We used the most recently published reports in the development of the MGBH Memorandum:

- Adaptive Harvest Management;
- American Woodcock Population Status;
- Band-tailed Pigeon Population Status;
- Migratory Bird Hunting Activity and Harvest;
- Mourning Dove Population Status;
- Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations; and
- Waterfowl Population Status.

Regulatory Impact Analysis

The nationwide economic effects generated by migratory game bird hunting are substantial, estimated at about \$2.7 billion in associated economic activity based on data from the 2011 and the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, the most recent years for which data are available. Small, incremental adjustments made to Federal migratory bird hunting conditions are not expected to materially alter those underlying

economic inputs nor impose additional Federal costs. Annual adjustments to season lengths and bag limits have historically produced minimal and highly variable economic effects, and available evidence shows hunter participation remains unchanged by these adjustments. A regulatory impact analysis associated with the relative changes in Federal conditions was prepared for the 2026–27 migratory game bird hunting season. Copies of the regulatory impact analysis are available from <https://www.regulations.gov> at Docket No. FWS–HQ–MB–2026–3335 or upon request from the person listed above under **FOR FURTHER INFORMATION CONTACT**.

The conditions established by this notice and MGBH Memorandum allow States and Tribes to establish their regulations authorizing seasonal migratory game bird hunting. A wide range of businesses and individuals benefit economically from the establishment of State and Tribal migratory game bird hunting seasons. Migratory game bird seasons could be considered economically significant at the State level depending on the baseline.

National Environmental Policy Act and Endangered Species Act

The programmatic document, “Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),” filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). This EIS and Record of Decision are part of the record for this notice and available for public inspection as provided in **ADDRESSES**, *Document availability*.

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that the Secretary shall insure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat. We conducted a formal consultation to ensure that actions resulting from these regulations will not likely jeopardize the continued existence of endangered or

threatened species or result in the destruction or adverse modification of their critical habitat. Findings from this consultation are included in a biological opinion, which concludes that the authorization conditions are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. The biological opinion resulting from this section 7 consultation is part of the record for this notice and available for public inspection as provided in **ADDRESSES**, *Document availability*.

Public Comments

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity for public comment. Accordingly, we invite interested persons to submit written comments regarding the MGBH memorandum made available through this notice. Comments should be specific to selection of the alternative conditions in our decision frameworks based on application of current data.

We will consider all pertinent comments we receive. Such comments, and any additional information we receive, may lead to changes, particularly editorial corrections, to the MGBH Memorandum. We would make purely administrative or nonsubstantive corrections to the MGBH memorandum immediately, without public comment, and would identify such changes in the revised MGBH Memorandum. In addition, for substantive changes, we would publish a notice in the **Federal Register** making available the revised MGBH Memorandum. The revised MGBH Memorandum would include a response to public comments that addresses the substantive revisions.

You must submit your comments and materials concerning the MGBH Memorandum by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. Finally, we will not consider mailed comments that are not postmarked by the date specified in **DATES**. We will post all comments in their entirety—including your personal identifying information—on <https://www.regulations.gov>. 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. Comments and materials we receive, as well as supporting documentation we used in preparing the MGBH memorandum and this document, will be available for public inspection on <https://www.regulations.gov>.

Authority: The authority for this action is the Migratory Bird Treaty Act (16 U.S.C. 703–712).

Kevin Lilly,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026–17732 Filed 8–27–26; 4:15 pm]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7468; NPS–WASO–NAGPRA–NPS0043596; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Norfolk District, Norfolk, VA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Norfolk District, has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ms. Sara Bahnson, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, VA 23510, email Sara.E.Bahnson@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Norfolk District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 10 individuals have been identified from three archaeological sites in Bath County, Virginia. Archaeological sites 44BA3 (Perkins Point), 44BA5 (Huffman), and 44BA15 (Noah's Ark) were investigated as part of archaeological studies conducted for the construction of the Gathright Dam and Lake Moomaw Project. Field investigations were conducted by the James Madison University Archaeological Research Center under the direction of Clarence R. Geier and colleagues between 1978 and 1982. The 357 lots of associated funerary objects are one lot copper beads, three lots copper bead fragments, one lot bifaces, 126 lots of lithic flakes, 10 lots of lithic tool fragments, 54 lots of ceramic sherds, 140 lots of botanical material, two lots of faunal, one lot of red ochre, one possible bead, and 18 lots of unmodified stone. No hazardous substances have been used to treat any of the human remains or associated funerary objects to the knowledge of the U.S. Army Corps of Engineers.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Norfolk District, has determined that:

- The human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- The 357 lots described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Monacan Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows,

by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Norfolk District, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Norfolk District, is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17709 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7457; NPS-WASO-NAGPRA-NPS0043585; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Fullerton, Fullerton, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Fullerton (CSUF) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Sean Walker, California State University, Fullerton, 2600 Nutwood

Avenue, Fullerton, CA 92831, email SWALKER@FULLERTON.EDU.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of CSUF, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The 57 associated funerary objects are 24 ceramic vessels, 18 bone implements, two charmstones, one lithic tool, one bead, seven projectile points, two flakes and lithic fragments, one mano, and one fragment of turquoise. The human remains and cultural items were removed by Earl and Mildred Wilson, private collectors that focused primarily on areas of New Mexico and Arizona. The Wilsons noted their collecting locations on hand-drawn maps and the human remains and associated funerary objects were removed from two locations along NM State Road 117, near the northeast boundary of the El Malpais National Monument, in 1960 and 1961. The human remains and associated funerary objects were brought to CSUF in 1974 for curation and the university purchased the collection in 1981.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

CSUF has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 57 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Pueblo of Acoma, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary

objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, CSUF must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. CSUF is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17701 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7456; NPS-WASO-NAGPRA-NPS0043590; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to June Carpenter, Field Museum, 1400 S. Lake Shore Drive, Chicago, IL 60605, email jcarpenter@fieldmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 45 individuals have been identified. The 83 associated funerary objects are rings, bracelets, and faunal remains.

In May of 1897, Curator George A. Dorsey removed four individuals and five associated funerary objects from the Blood 148 Reserve in Alberta, Canada. In May of 1894, Indian Agent, Robert N. Wilson removed 23 individuals and 78 associated funerary objects from the Blood 148 Reserve, and five individuals from the Piikani 147 Reserve in Alberta, Canada. The Field Museum accessioned all of these 32 individuals in October of 1897. At some time prior to August 10, 1905, Wilson removed 13 individuals from the Piikani 147 Reserve. The Museum accessioned these individuals on August 10, 1905. Museum records and consultation indicate that these 45 individuals are culturally affiliated with the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana based on a relationship of shared group identity. While they were removed from locations in Alberta, the human remains bear a relationship to a Tribe indigenous to the United States. There is no known presence of hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Field Museum has determined that:

- The human remains described in this notice represent the physical remains of 45 individuals of Native American ancestry.
- The 83 objects described in this notice are reasonably believed to have been placed intentionally with or near

individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17706 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7444; NPS-WASO-NAGPRA-NPS0043568; PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:
Arizona State University, School of
Human Evolution and Social Change,
Tempe, AZ**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State University, Center for Archaeology and Society Repository (CASR) acting in place of the Arizona State University, School of Human Evolution and Social Change (SHESC), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ASU CASR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The human remains were removed from the Las Estufas site in Maricopa County, AZ, during a 1979 archaeological undertaking to mitigate the impacts of disturbance of sub-surface cultural remains during construction for a housing development project. Archaeological evidence suggests that the Las Estufas site was occupied from the Hohokam Colonial through the Sedentary Periods (approximately A.D. 550 to 1100). The two associated funerary objects are one lot of ceramics and one lot of pollen samples.

There is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt

River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the human remains or associated funerary objects listed above with pesticides or other known hazardous substances.

If additional human remains and associated funerary objects are located from the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The ASU, SHESC, CASR has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The two lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River

Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17712 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7450; NPS-WASO-NAGPRA-NPS0043582; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ball State University intends to repatriate certain cultural items that meet the definition of sacred objects or objects of cultural patrimony and that have a

cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email NAGPRA@bsu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ball State University and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The one sacred object is a pair of beaded moccasins. The one object of cultural patrimony is a beaded belt. The moccasins (catalog number 1938.500.223a-b) were purchased from William Shrawder in 1938. They are described as Central Plains or possibly Sioux beaded leather moccasins. The moccasins were identified as Arapaho during consultation. The beaded belt (catalog number 1983.006.051) was donated by a private donor in 1983, who purchased the belt in Jackson Hole, Wyoming in 1974. It is described as an Arapaho beaded belt. Ball State University is unaware of any potentially hazardous substances used to treat any of the cultural items.

Determinations

The Ball State University has determined that:

- The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band,

clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**]. If competing requests for repatriation are received, the Ball State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Ball State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17698 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7454; NPS-WASO-NAGPRA-NPS0043588; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: University of Illinois Urbana-Champaign, Champaign, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the

University of Illinois Urbana-Champaign intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Krystiana Krupa, University of Illinois Urbana-Champaign, 601 E John Street, Champaign, IL 61802, email klkrupa@illinois.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Illinois Urbana-Champaign, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 115 cultural items have been requested for repatriation. The 115 unassociated funerary objects include stone points, spearheads, knives, celts, gouges, abraders, hammerstones, iron pyrites, paint grinders, plummets, red and yellow ochre, pestles, bone fishhooks, bone awls, an iron hatchet, and a birch bark basket. The objects described in this notice were removed from various burial sites in Maine, including Emerson Cemetery, Hartford Cemetery, Mason Cemetery, Orland, Boynton's Point, Frenchman Bay, Stover's Shell Heap, and unknown locations in Hancock County, Penobscot County, Piscataquis County, and Waldo County. They were gifted to the University's Museum of Natural History in 1921 by Warren K. Moorehead during his tenure at the Phillips Academy in Andover, Massachusetts.

No hazardous substances are known to have been used to treat any of the unassociated funerary objects.

Determinations

The University of Illinois Urbana-Champaign has determined that:

- The 115 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American

culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Houlton Band of Maliseet Indians; Mi'kmaq Nation (previously listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; and the Penobscot Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the University of Illinois Urbana-Champaign must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of Illinois Urbana-Champaign is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17704 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N7448; NPS-WASO-NAGPRA-
NPS0043572; PPWOCRADN0-
PCU00RP14.R50000]

**Notice of Inventory Completion:
Arizona State University, School of
Human Evolution and Social Change,
Tempe, AZ**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State University, Center for Archaeology and Society Repository (CASR) acting in place of the Arizona State University, School of Human Evolution and Social Change (ASU SHESC) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ASU CASR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The human remains were removed from the Dobson Ranch site in Maricopa County, AZ, during a 1974 archaeological undertaking to mitigate the impacts of disturbance of sub-surface cultural remains during repairs to a water line on a golf course owned by the City of Mesa. Archaeological evidence suggests that the Dobson Ranch site was occupied during the

Hohokam Classic Period (approximately A.D. 900 to 1450). The seven lots of associated funerary objects are four lots of ceramics, one lot of shell pendants, and two lots of samples.

There is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the ancestral remains and associated funerary objects listed above with pesticides or other known hazardous substances. Catalog numbers were applied in black ink to some human remains. An unidentified adhesive is present on two reconstructed ceramic vessels. The type of adhesive and the date of its application are unknown.

If additional human remains and associated funerary objects are located from the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The ASU, SHESC, CASR has determined that:

- The human remains described in this notice represent the physical remains of, at least, two individuals of Native American ancestry.

- The seven lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17696 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N7452; NPS-WASO-NAGPRA-NPS0043584; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Fullerton, Fullerton, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Fullerton (CSUF) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Sean Walker, California State University, Fullerton, 2600 Nutwood Avenue, Fullerton, CA 92831, email SWALKER@FULLERTON.EDU.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of CSUF, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural item have been requested for repatriation. The four objects of cultural patrimony are lithic tools that were collected near Ludlow, an unincorporated community in San Bernardino County, CA. The cultural items (Acc. #117.17.1–117.17.4) were part of a donation to the university from a private individual in 1988. CSUF has no records indicating the presence of any potentially hazardous substances on the cultural items.

Determinations

California State University, Fullerton has determined that:

- The four objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the

Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Morongo Band of Mission Indians, California, and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, California State University, Fullerton must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. California State University, Fullerton is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–17700 Filed 8–28–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N7446; NPS-WASO-NAGPRA-NPS0043570; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Arizona State University, School of Human Evolution and Social Change, Tempe, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Center for Archaeology and Society Repository (CASR) acting in place of the Arizona State University (ASU) School of Human Evolution and Social Change (SHESC) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287–2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Arizona State University Center for Archaeology and Society Repository, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 32 lots of cultural items have been requested for repatriation.

The 12 lots of unassociated funerary objects are 10 lots of faunal bone, one lot of ground stone objects, and one lot of raw stone objects.

The 20 lots of sacred objects/objects of cultural patrimony are two lots of ceramic objects, two lots of chipped stone objects, four lots of ground stone objects, and 12 lots of shell objects.

The cultural items were removed from the Science Library site in Maricopa County, AZ, during the construction of the ASU Nobel Science Library building in 1980 and 1981, by a graduate student leading other graduate and undergraduate students from the Department of Anthropology at ASU. The collections were curated by what was then the Department of Anthropology, now the School of Human Evolution and Social Change, at ASU CASR.

There is a relationship of shared group identity that can be reasonably traced between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the cultural items listed above with pesticides or other known hazardous substances.

If additional sacred objects/objects of cultural patrimony or unassociated funerary objects are located within the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Determinations

The ASU, SHESC, CASR has determined that:

- The 12 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 20 lots of sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).

- There is a connection between the cultural items described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17714 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7443; NPS-WASO-NAGPRA-NPS0043567; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Arizona State University, School of Human Evolution and Social Change, Tempe, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Center for Archaeology and Society Repository (acting in place of the Arizona State University School of Human Evolution and Social Change) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Arizona State University (ASU) Center for Archaeology and Society Repository (CASR), and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 97 cultural items have been requested for repatriation.

The 44 unassociated funerary objects are five lots of faunal bone, 15 lots of ceramic objects, two lots of chipped stone objects, seven lots of ground stone objects, three lots of raw stone objects, one lot of botanicals, two lots of daub/adobe, and nine lots of shell objects.

The 53 lots of sacred objects/objects of cultural patrimony are two lots of ceramic objects, seven lots of chipped

stone objects, 22 lots of ground stone objects, four lots of raw stone objects, and 18 lots of shell objects.

The cultural items were removed from the Las Estufas site in Maricopa County, AZ during three separate archaeological undertakings involving ASU archaeological personnel and students between 1978 and 1986, associated with anticipated and inadvertent sub-surface disturbance of cultural remains during residential housing construction by developer Knoell Homes, Inc. After each field undertaking, the collections were curated by what was then the Department of Anthropology, now the School of Human Evolution and Social Change, at ASU CASR.

There is a relationship of shared group identity that can be reasonably traced between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the cultural items listed above with pesticides or other known hazardous substances. An unidentified adhesive is present on one reconstructed ceramic unassociated funerary object. The type of adhesive and the date of its application are unknown.

If additional sacred objects/objects of cultural patrimony or unassociated funerary objects are located within the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Determinations

The ASU CASR has determined that:

- The 44 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 53 lots of sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).

- There is a connection between the cultural items described in this notice and the Gila River Indian Community of the Gila Indian Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy

of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17711 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-NER-ACAD-41230; PPNEACADSO, PPMPSPDIZ.YM0000]

Notice of Public Meetings for the Acadia National Park Advisory Commission

AGENCY: National Park Service, Interior.
ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Park Service (NPS) is hereby giving notice that the Acadia National Park Advisory Commission (Commission) will meet as indicated below.

DATES: The Commission will meet: Monday, September 14, 2026; and Monday, February 1, 2027. All scheduled meetings will begin at 1:00 p.m. and will end by 4:00 p.m. (Eastern).

ADDRESSES: The September 14, 2026, meeting will be held at the Atlantic Oceanside Hotel & Event Center, 119 Eden Street, Bar Harbor, Maine 04609. The February 1, 2027, meeting will be held at Acadia National Park, at park headquarters, McFarland Hill Drive, Bar Harbor, Maine 04609. All meetings are open to the public and a virtual participation option will be available for those who are unable to attend in person and will be closed captioned. Virtual registration and final agendas will be posted online at least seven (7) business days prior to the meeting dates on the Acadia National Park Advisory Commission page at <https://www.nps.gov/acad/getinvolved/acadia-advisory-commission.htm>.

FOR FURTHER INFORMATION CONTACT:

Kathy Flanders, Superintendent's Secretary, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone (207) 288-8702 or kathy_flanders@nps.gov. 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 Commission was established by section 103 of Public Law 99–420, as amended, (16 U.S.C. 341 note), and in accordance with the Federal Advisory Committee Act (5 U.S.C. Ch. 10), as amended. The Commission advises the Secretary of the Interior and the NPS on matters relating to the management and development of Acadia National Park, including but not limited to, the acquisition of lands and interests in lands (including conservation easements on islands) and the termination of rights of use and occupancy.

Interested persons may make oral presentations to the Commission. Such requests should be made to the Superintendent at the beginning of the meeting. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Written comments can be sent to Kathy Flanders [see **FOR FURTHER INFORMATION CONTACT**]. All comments received will be provided to the Commission.

The Commission meeting locations may change based on inclement weather or exceptional circumstances. If the meeting location is changed, the Superintendent will issue a press release and use local newspapers to announce the change. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Purpose of the Meeting: The Commission meetings will consist of the following proposed agenda items:

1. Superintendent's Report
2. Committee Reports:
 - Land Conservation
 - Park Use
 - Science and Education
 - Historic Preservation
3. Old Business
4. New Business
5. Chairman's Report
6. Public Comments
7. Adjournment

Meeting Accessibility/Special Accommodations: The meetings are open to the public. 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.

Public Disclosure of Information: Before including your address, phone number, email address, or other personal identifying information in your comments, 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.

Authority: 5 U.S.C. Ch. 10.

Alma Ripps,
Chief, Office of Policy.

[FR Doc. 2026–17751 Filed 8–28–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[N7449; NPS–WASO–NAGPRA–
NPS0043573; PPWOCRADNO–
PCU00RP14.R50000]**

Notice of Intended Repatriation: Arizona State University, School of Human Evolution and Social Change, Tempe, AZ

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State University, Center for Archaeology and Society Repository (ASU CASR) acting in place of the Arizona State University School of Human Evolution and Social Change (ASU SHESC) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287–2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ASU CASR, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of six cultural items have been requested for repatriation. The six sacred objects are four baskets, one bone awl, and a jar. The four baskets are ethnographic and affiliated with the O'odham culture. The bone awl was a Found In Collection item that was associated with an O'odham basket. The jar is prehistoric and in the style of Ancestral O'odham.

There is a relationship of shared group identity that can be reasonably traced between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any documented treatment of the cultural items listed above with pesticides or other known hazardous substances. Non-destructive analytical testing detected elevated sulfur levels in the baskets; because sulfur may occur naturally in plant materials or may be associated with historical pesticide treatments, the source has not been determined, and the presence of pesticide residues has not been confirmed.

Determinations

The ASU CASR has determined that:

- The six sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17697 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7460; NPS-WASO-NAGPRA--NPS0043586; PPWOCRADNO-PCU00RP14.R50000J]

Notice of Inventory Completion: California State University, Fullerton, Fullerton, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Fullerton (CSUF) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Sean Walker, California State University, Fullerton, 2600 Nutwood Avenue, Fullerton, CA 92831, email SWALKER@FULLERTON.EDU.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of CSUF, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The four associated funerary objects are one complete cogstone, one complete pestle, one mortar fragment, and one wedge-shaped stone. The human remains and cultural items were collected between 1927–1929 in Wilmington, CA by a private individual during the bulldozing of a property. According to the donation records, the human remains and cultural items were found at approximately 15 ft. below the surface of the ground at the site of an oil refinery. The human remains and funerary objects were donated to CSUF in 1982 and were recorded as Accession #42.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

California State University, Fullerton has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Morongo Band of Mission Indians, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, California State University, Fullerton must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. California State University, Fullerton is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–17702 Filed 8–28–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7451; NPS–WASO–NAGPRA–
NPS0043583; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Inventory Completion: The University of Texas at Austin, Texas Archeological Research Laboratory, Austin, TX, and Texas Parks and Wildlife Department, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The University of Texas at Austin, Texas Archeological Research Laboratory (TARL), and Texas Parks and Wildlife Department (TPWD) have completed an inventory of human remains and associated funerary objects and have determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jessica Ulmer, The University of Texas at Austin Texas Archaeological Research Laboratory, 1 University Station, R7500, Austin, TX 78712, email jessica.ulmer@austin.utexas.edu, or Aina Dodge, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, TX 78744, email Aina.Dodge@tpwd.texas.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of TARL and TPWD, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

TARL houses human remains and materials from multiple sites in Nueces

County, all associated with the Rockport material culture associated with the Texas Central Gulf Coast region.

Mustang Island State Park, Nueces County, TX

In 1995, a park visitor identified one Native American individual within the Mustang Island State Park. The human remains were turned over to TPWD. No associated funerary objects were identified with the individual.

Webb Island (41NU1)

From 1929–1955, human remains representing, at least, two Native American individuals were removed from site 41NU1 in Nueces County, Texas. No associated funerary objects were recorded from site 41NU1.

Oso Bay (41NU2)

From 1900–2004, human remains representing, at least, 161 Native American individuals and 1,299 associated funerary objects were removed from site 41NU2 in Nueces County, Texas. The 1,299 associated funerary objects represent asphaltum clumps, faunal bones, bone tool, charcoal samples, soil samples, daub, debitage, marine shells, modified shell, and ochre.

Bill Jenkins Farm (41NU3)

In 1936, human remains representing, at least, two Native American individual was removed from site 41NU3 in Nueces County, Texas. No associated funerary objects were recorded from site 41NU3.

Jesse Hunter Farm (41NU8)

In 1936, human remains representing, at least, two Native American individual was removed from site 41NU8 in Nueces County, Texas. No associated funerary objects were recorded from site 41NU8.

41NU23

From 1967–1973, two Native American individuals were removed from site 41NU23 in Nueces County, Texas. No associated funerary objects were recorded from site 41NU23.

Erving Phillips Farm; W.E. (Buck) Richardson Farm (41NU71)

From 1931–1932, human remains representing, at least, 13 Native American individuals were removed from site 41NU71 (also referred to as 41NU74) in Nueces County, Texas. No associated funerary objects were recorded from site 41NU71.

Hog Island (41NU298)

From 2004–2005, human remains representing, at least, one Native

American individual and 19 associated funerary objects were removed from site 41NU298 in Nueces County, Texas. The 19 associated funerary objects are represented by unmodified faunal bones.

Unknown Nueces County, Texas (41NU)

Human remains representing, at least, nine Native American individuals and two shells were identified associated with Nueces County. The remains are associated with “Rincon Point,” a location within Nueces County, but have no site identification, nor are they associated with any records with further information currently available at TARL. The two associated funerary objects are two shells.

TARL has no knowledge or record of any potentially hazardous substances being used to treat the human remains or associated funerary objects within this notice. However, wooden dowels, glue residue, metal wires, ink, and shellac have been noted in and on human remains and associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

TARL and TPWD have determined that:

- The human remains described in this notice represent the physical remains of 193 individuals of Native American ancestry.
- The 1,320 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribes of Texas; Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Tribe (previously listed as Kiowa Indian Tribe of Oklahoma); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Thlopthlocco Tribal Town; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, TARL must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. TARL is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17699 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7453; NPS-WASO-NAGPRA-NPS0043587; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and California State University Stanislaus, Turlock, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the California State University Stanislaus intends to repatriate certain cultural items that

meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Tamara Billie, Bureau of Indian Affairs, Office of Trust Services, Division of Environmental Services and Cultural Resources Management, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email tamara.billie@bia.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 20 cultural items have been requested for repatriation. The 20 objects of cultural patrimony are pottery sherds and groundstone items. These objects of cultural patrimony were removed from the Pauma Band of Luiseño Mission Indians Reservation land in San Diego County, California by Lewis K. Napton with the Institute for Archaeological Research, California State College, Stanislaus (Stanislaus State). Archeological surveys were conducted in 1978 and 1979 in search of evidence of cultural resources in preparation for housing construction on the Reservation as requested by the All Mission Indian Housing Authority (AMIHA), Valley Center, California. The objects of cultural patrimony have since been housed at Stanislaus State and were never officially accessioned by the university. An unknown number of unidentified cultural items may be missing from the collections, which may include other categories of items. Stanislaus State continues to search for any additional items that were removed from the Pauma Band of Luiseño Mission Indians Reservation to support their repatriation to the Tribe. There is no documentation that these items have been treated with chemical, harmful, or hazardous substances in the past.

Determinations

The BIA has determined that:

- The 20 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the BIA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The BIA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17703 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0043566; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State University, School of Human Evolution and Social Change, Tempe, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State University, Center for Archaeology and Society Repository (ASU CASR) acting in place of the Arizona State University, School of Human Evolution and Social Change (ASU SHESC) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287–2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ASU CASR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The human remains were removed from site AZ U:15:002 (ASU) in Pinal County, AZ, during a 1974 archaeological undertaking to mitigate the impacts of disturbance of sub-surface cultural remains during excavation of a sewer trench on private property. Archaeological evidence suggests that AZ U:15:002 (ASU) was occupied during the Hohokam Classic Period (approximately A.D. 900 to 1450). The five associated funerary objects are four lots of ceramics and one lot of shell bracelet fragments.

There is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River

Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the ancestral remains and associated funerary objects listed above with pesticides or other known hazardous substances. Unknown adhesives were used to reconstruct one ceramic vessel and portions of the human cranial remains. A coating, likely a preservative, is present on some cranial remains. In addition, specimen and catalog numbers were applied in black ink to some ceramic sherds and human remains. The type of adhesives and preservatives and the date of their application are unknown.

If additional human remains and associated funerary objects are located from the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The ASU, SHESC, CASR, Tempe, AZ, has determined that:

- The human remains described in this notice represent the physical remains of, at least, two individuals of Native American ancestry.
- The five lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the

time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–17710 Filed 8–28–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7458; NPS-WASO-NAGPRA-
NPS0043591; PPWOCRADNO-
PCU00RP14.R50000]

**Notice of Inventory Completion:
Atchison County Historical Society;
Atchison, KS**

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Atchison County Historical Society has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Stephen W Caplinger, Atchison County Historical Society, 200 S 10th Street, Atchison, KS 66002, email gowest1854@gmail.com.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Atchison County Historical Society, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. Partial remains were found in 2025 in a box at the Atchison County Historical Society. Writing on the box said '2 Skulls, 1 skull from 14DP2 at KS Historical Society (Arch. Dept.) for measurement. November 1985 . . . Marshal Warner (son of Clyde, *aka Claude*) found this skull.' In 1985, one skull (noted as being from 14DP2) was given to the Kansas Historical Society and repatriated in 2016. Provenience for the second skull is technically unknown but potentially from Doniphan County, KS as well. A shiny surface is noticed on the larger of the remains which would indicate someone has coated it with a varnish like material.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Atchison County Historical Society has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Kaw Nation, Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the Atchison County Historical Society must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Atchison County Historical Society is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 26, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17707 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7445; NPS-WASO-NAGPRA-
NPS0043569; PPWOCRADNO-
PCU00RP14.R50000]

**Notice of Intended Repatriation:
Arizona State University, School of
Human Evolution and Social Change,
Tempe, AZ**

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Center for Archaeology and Society Repository (acting in place of the Arizona State University School of Human Evolution and Social Change) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Arizona State University (ASU) Center for Archaeology and Society Repository (CASR), and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 19 lots of cultural items have been requested for repatriation. The 14 lots of unassociated funerary objects are 10 lots of faunal bone, one lot of botanicals, and three lots of shell. The five lots of sacred objects/objects of cultural patrimony are one ceramic object and four lots of shell.

The cultural items were removed from the Barry M. Goldwater Center for Science and Engineering site in Maricopa County, AZ, during a single

archaeological undertaking of subsurface testing and mitigation fieldwork associated with ASU in November 1988.

There is a relationship of shared group identity that can be reasonably traced between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'Odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'Odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the cultural items listed above with pesticides or other known hazardous substances. An unidentified adhesive is present on one reconstructed ceramic unassociated funerary object. The type of adhesive and the date of its application are unknown.

If additional sacred objects/objects of cultural patrimony or unassociated funerary objects are located within the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Determinations

The ASU CASR has determined that:

- The 14 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been

identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The five lots of sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).

- There is a connection between the cultural items described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.)

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17713 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7447; NPS-WASO-NAGPRA-NPS0043571; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State University, School of Human Evolution and Social Change, Tempe, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State University, Center for Archaeology and Society Repository (ASU CASR) acting in place of the Arizona State University, School of Human Evolution and Social Change (ASU SHESC) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Allisen Dahlstedt, Head of Repatriation, School of Human Evolution and Social Change, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402, email Allisen.Dahlstedt@asu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ASU CASR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. The 176 lots of associated funerary objects are four lots of faunal bone, one lot of botanicals, 48 lots of ceramics, 32 lots of chipped stone, one lot of daub, 17 lots of ground stone, 10 lots of raw stone, 42 lots of samples, and 21 lots of shell. The human remains were removed from the Science Library site in Maricopa County, AZ, during the

construction of the ASU Nobel Science Library building in 1980 and 1981, by a graduate student lead team of students from the Department of Anthropology at ASU. Archaeological evidence suggests that the remains were from the prehistoric component of the site which was occupied during the Hohokam Classic Period (approximately A.D. 1100 to 1450).

There is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona. The Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Cultural continuity between the prehistoric Hohokam archeological culture and present-day O'odham peoples is supported by continuities in settlement patterns, architectural technologies, basketry, textiles, ceramic technology, and ritual practices. Oral traditions that are documented for the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona support their cultural affiliation with Hohokam archeological sites in central and southern Arizona.

ASU CASR is unaware of any treatment of the ancestral remains and associated funerary objects listed above with pesticides or other known hazardous substances.

If additional human remains and associated funerary objects are located from the collections discussed above, they will be returned to the Tribe as part of this repatriation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The ASU, SHESC, CASR, Tempe, AZ, has determined that:

- The human remains described in this notice represent the physical remains of, at least, four individuals of Native American ancestry.
- The 176 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the ASU CASR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The ASU CASR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17695 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7459; NPS-WASO-NAGPRA-NPS0043592; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Birmingham Museum of Art, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Birmingham Museum of Art (BMA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 30, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Anne Forschler-Tarrasch, Director of Collections & Exhibitions, Birmingham Museum of Art, 2000 Rev. Abraham Woods, Jr. Boulevard, Birmingham, AL 35203, email aforschler@artsbma.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects are one pipe bowl, one string of shell beads, and one axe head. On unknown dates, the items were removed from Lauderdale County, Alabama by Dr. Samuel Fischer, III, of Birmingham, Alabama. The pipe bowl and string of shell beads were removed from Florence, Lauderdale County, Alabama. The axe head was removed from Seven Mile Island, Tennessee River, Lauderdale County, Alabama. In 1969, Fischer donated the items to the BMA as part of a larger donation including Native American human remains and associated funerary objects, since published in Notices of Inventory Completion in the **Federal Register**, as

well as other Native American items collected from different locations along the Tennessee River.

Determinations

The BMA has determined that:

- The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the BMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The BMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17708 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7455; NPS-WASO-NAGPRA-NPS0043589; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Mississippi Department of Archives and History, Jackson, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Mississippi Department of Archives and History has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after September 30, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Cindy-Carter Davis, Chief Archaeologist, Mississippi Department of Archives and History, Historic Preservation Division, 100 South State Street, P.O. Box 571, Jackson, MS 39205, email ccarterdavis@mdah.ms.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Mississippi Department of Archives and History and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, in 2018 human remains from 22TU500 (Hollywood) were listed in a Notice of Inventory Completion, published in the **Federal Register** on April 13, 2018 (FR 2018-07699). In 2021, human remains from 22UN500 (Ingomar), 22TU514 (Mhoon Landing/Perry), and additional human remains and AFO from 22TU500 (Hollywood) were listed in a Notice of Inventory Completion, published in the **Federal Register** on January 22, 2021 (FR 2021-01340). In 2022, additional human remains and AFO from 22UN500 (Ingomar), 22TU500 (Hollywood), and 22TU514 (Mhoon Landing/Perry) were

listed in a Notice of Inventory Completion, published in the **Federal Register** on July 14, 2022 (FR 2022-15041). Also in 2022, human remains and AFO from 22QU501 (Ware), 22QU502 (Tom Harris Place), 22QU531 (Blue Lake), and 22QU570 (Crawford) were listed in a Notice of Inventory Completion, published in the **Federal Register** on July 14, 2022 (FR 2022-15042). In 2023, additional AFO from 22QU531 (Blue Lake) were listed in a Notice of Inventory Completion, published in the **Federal Register** on March 29, 2023 (FR 2023-06474). In 2025, human remains from 22PA10 (Mothershead) were listed in a Notice of Inventory Completion, published in the **Federal Register** on December 16, 2025 (FR 2025- 22921). These human remains and associated funerary objects were repatriated to The Chickasaw Nation. This current notice includes additional associated funerary objects not included in the previous repatriations by the Mississippi Department of Archives and History.

No human remains are present; additional objects associated with human remains from 22TU500 (Hollywood) have been identified. The four lots of associated funerary objects consist of one lot fired clay, one lot bead, one lot soil sample, and one lot finescreen. Most of the collections from this site were recovered by MDAH throughout the 1990s. A surface collection was recovered from the site between 1965-1971 and transferred from the C.H. Nash Museum at Chucalissa to the Desoto County Museum in 2012 then transferred to MDAH between 2015- 2019. A private individual, Burt Jaeger, donated a collection to MDAH in 2009. An additional collection was transferred from the University of Mississippi to MDAH in 2026.

No human remains are present; additional objects associated with human remains from 22TU514 (Mhoon Landing/Perry) have been identified. The three lots of associated funerary objects consist of one lot ceramics, one lot lithic, and one lot fired clay. In 1983, a surface collection identified as the Osborn Collection was removed from the site and donated to the C.H. Nash Museum at Chucalissa. This collection was later transferred to the Desoto County Museum in 2012 and then transferred to MDAH between 2015-2019.

No human remains are present; additional objects associated with human remains from 22UN500 (Ingomar) have been identified. The four lots of associated funerary objects consist of one lot lithic, one lot

ceramics, one lot daub, and one lot shell. A collection recovered from this site by Moreau B. Chambers in the 1930s was transferred from the Louisiana State University's Museum of Natural Science to MDAH in 2021. Another surface collection was jointly recovered by the C.H. Nash Museum and Memphis State University in 1964 and transferred from the C.H. Nash Museum at Chucalissa to MDAH in 2015. An additional collection has no provenience information.

No human remains are present; additional objects associated with human remains from 22QU501 (Ware) have been identified. The two lots of associated funerary objects consist of one lot lithic and one lot ceramics. The collection was recovered from this site by a private individual at an unknown date.

No human remains are present; additional objects associated with human remains from 22QU502 (Tom Harris Place) have been identified. The one lot of associated funerary objects consist of one lot lithic. A collection removed from this site was transferred from the University of Mississippi to MDAH in 2021. An additional collection has no provenience information.

No human remains are present; additional objects associated with human remains from 22QU531 (Blue Lake) have been identified. The two lots of associated funerary objects consist of one lot lithic and one lot ceramics. A collection was recovered from the site by a private individual and donated to MDAH at an unknown date. An additional collection has no provenience information.

No human remains are present; additional objects associated with human remains from 22QU570 (Crawford) have been identified. The three lots of associated funerary objects consist of one lot lithic, one lot ochre, and one lot organic materials. The collection recovered from this site has no provenience information.

No human remains are present; additional objects associated with human remains from 22PA10 (Mothershead) have been identified. The three lots of associated funerary objects consist of one lot lithic, one lot Native American ceramics, and one lot faunal bone awls. The collection was recovered from this site by a private individual.

Through Tribal consultation, these 22 lots of associated funerary objects were identified as culturally affiliated with The Chickasaw Nation. To our knowledge, no potentially hazardous substances were used to treat any of the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Mississippi Department of Archives and History has determined that:

- The 22 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after September 30, 2026. If competing requests for repatriation are received, the Mississippi Department of Archives and History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Mississippi Department of Archives and History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-17705 Filed 8-28-26; 8:45 am]

BILLING CODE 4312-52-P

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Renewal of a Currently Approved Information Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Merit Systems Protection Board.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Merit Systems Protection Board (MSPB) is seeking to renew a currently approved information collection in accordance with the Paperwork Reduction Act (PRA) of 1995. MSPB will submit the information collection abstracted below, OMB No. 3124-0015, to the Office of Management and Budget (OMB) pursuant to the PRA for review and clearance. MSPB's Information Collection Request (ICR) is set to expire on August 31, 2026. The ICR describes the nature of the information collection and its expected burden. MSPB developed this information collection as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. The purpose of this notice is to allow 30 days for public comment after submission of the collection to OMB.

DATES: Consideration will be given to all comments received by September 30, 2026.

ADDRESSES: Submit written comments and recommendations 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. All comments must reference OMB Control No. 3124-0015.

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board and Senior Agency Official for Privacy, at privacy@mspb.gov. You may submit written questions to the Office of the Clerk of the Board by any of the following methods: by email to privacy@mspb.gov, or by mail to Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419. Please include OMB Control No. 3124-0015 with your questions.

SUPPLEMENTARY INFORMATION: MSPB intends to seek a three-year renewal, without change, of a currently approved

information collection, “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,” OMB Control No. 3124–0015. MSPB previously sought a renewal of this information collection and published a notice in the **Federal Register** on April 9, 2026, at 91 FR 18006 with a 60-day public comment period. MSPB received one comment in response to the 60-day notice and request for comments. The commenter did not provide any substantive comment or suggested modifications to this ICR. Therefore, MSPB has not modified this ICR. The purpose of this 30-day notice is to notify the public that MSPB will submit the information collection abstracted below to OMB for review and clearance.

Information Collection Requirement

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3124–0015.

Type of Information Collection: Renewal, without change, of a currently approved information collection.

ICR Status: This ICR is currently scheduled to expire on 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.

Abstract of Proposed Collection: This collection is part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery and provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with MSPB’s commitment to improving service delivery. Responses to any collection of information under this ICR are voluntary.

Affected Public: Individuals and Households; Businesses and Organizations.

Estimated Total Number of Respondents: 600.

Estimated Frequency of Responses: Once per year.

Estimated Total Average Number of Responses for Each Respondent: Once per year.

Estimated Total Annual Burden Hours: 49.8.

Estimated Total Cost: \$1,887.42.

Comments: Comments should be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to: (a) evaluate whether the collection of information is necessary for the proper performance of the functions of MSPB, including whether the information shall have practical utility; (b) evaluate the

accuracy of MSPB’s estimate of the burden of the collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; (d) minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) evaluate the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Gina K. Grippando,
Clerk of the Board.

[FR Doc. 2026–17678 Filed 8–28–26; 8:45 am]

BILLING CODE 7400–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–048]

Name of Information Collection: NASA To Research, Evaluate, Assess, and Treat (TREAT) Astronauts Act

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of revision of a currently approved information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the Paperwork Reduction Act (PRA), invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections. **DATES:** Comments are due by September 30, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting “Currently under Review—Open for Public Comments”.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, or email hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA’s Office of the Chief Health and Medical Officer, in collaboration with the Johnson Space Center (JSC) Flight Medicine Clinic (FMC), has implemented the requirements of the TREAT Astronauts Act, authorized under subsection 441 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Pub. L. 115–10). Under this authority, NASA collects health-related information from former astronauts and former payload specialists to provide medical evaluation and treatment for conditions associated with human spaceflight. This ongoing information collection supports clinical care and contributes to a comprehensive knowledge base on the long-term effects of spaceflight. It also enables NASA to identify gaps in services that support medical monitoring, diagnosis, and treatment of spaceflight-associated conditions. Records are collected by authorized healthcare providers within the JSC Occupational Health Branch.

These activities ensure the continued maintenance of complete medical records covering routine healthcare, emergency treatment, surveillance examinations, and exposure histories for active and retired astronauts. The collection fulfills NASA’s responsibilities under the TREAT Astronauts Act to advance understanding of spaceflight-related health outcomes and to ensure appropriate long-term medical support for former crew members, as mandated by Public Law 115–10.

NASA is committed to effectively performing the Agency’s communication function in accordance with the National Aeronautics and Space Act of 1958, Section 203(a)(3), as amended states “provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof”, and to enhance public understanding of, and participation in, the Nation’s aeronautics and space programs.

II. Methods of Collection

Electronic and paper.

III. Data

Title: NASA To Research, Evaluate, Assess, and Treat (TREAT) Astronauts Act.

OMB Number: 2700–0171.

Type of Review: Revision of a Currently Approved Information Collection.

Affected Public: Former Astronauts and Payload Specialists).

Estimated Annual Number of Activities: 1.

Estimated Number of Respondents per Activity: 175.

Annual Responses: 175.

Estimated Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 87.5.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stacy Harris Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–17737 Filed 8–28–26; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 31, September 7, 14, 21, 28, and October 5, 2026. 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>.

PLACE: 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 ReasonableAccommodations.Resource@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices 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.

MATTERS TO BE CONSIDERED:

Week of August 31, 2026

There are no meetings scheduled for the week of August 31, 2026.

Week of September 7, 2026—Tentative

Wednesday, September 9, 2026

10:00 a.m. Briefing on NRC

International Activities (Closed Ex. 1 and 9)

Week of September 14, 2026—Tentative

There are no meetings scheduled for the week of September 14, 2026.

Week of September 21, 2026—Tentative

There are no meetings scheduled for the week of September 21, 2026.

Week of September 28, 2026—Tentative

Tuesday, September 29, 2026

10:00 a.m. All Employees Meeting (Public Meeting) (Contact: Wesley Held: 301–287–3591)

Additional Information: The meeting will be held in the TWFN Auditorium, 11545 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of October 5, 2026—Tentative

There are no meetings scheduled for the week of October 5, 2026.

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 NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 27, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–17738 Filed 8–27–26; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–3071]

Information Collection: DOE/NRC Form 740M, Concise Note; DOE/NRC Form 741, Nuclear Material Transaction Report; DOE/NRC Form 742, Material Balance Report; and DOE/NRC Form 742C, Physical Inventory Listing

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “DOE/NRC Form 740M, Concise Note; DOE/NRC Form 741, Nuclear Material Transaction Report; DOE/NRC Form 742, Material Balance Report; and DOE/NRC Form 742C, Physical Inventory Listing.”

DATES: Submit comments by October 30, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by NRC–2026–3071, electronically through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–3071. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments****A. Obtaining Information**

Please refer to Docket ID NRC–2026–3071 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–2026–3071. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2026–3071 on this website.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2026–3071, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment

submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* DOE/NRC Form 740M, Concise Note; DOE/NRC Form 741, Nuclear Material Transaction Report; DOE/NRC Form 742, Material Balance Report; and DOE/NRC Form 742C, Physical Inventory Listing.
2. *OMB approval number:* 3150–0057, 3150–0003, 3150–0004, and 3150–0058.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* DOE/NRC Form 740M, DOE/NRC Form 741, DOE/NRC Form 742, and DOE/NRC Form 742C.

5. *How often the collection is required or requested:* DOE/NRC Form 741, Nuclear Material Transaction Report, will be collected whenever nuclear material is shipped or received into the Material Balance Area; DOE/NRC Form 742, Material Balance Report, will be collected on an annual basis; DOE/NRC Form 742C, Physical Inventory Listing, will be collected on an annual basis; DOE/NRC Form 740M, Concise Note, is used when needed.

6. *Who will be required or asked to respond:* Persons licensed to possess specified quantities of nuclear material are required to respond as follows: Any licensee who ships, receives, or otherwise undergoes an inventory change of nuclear material is required to submit a DOE/NRC Form 741 to document the change. Additional information regarding these transactions shall be submitted through Form 740M, with Safeguards Information identified and handled in accordance with section 73.21 of title 10 of the *Code of Federal Regulations*, "Protection of Safeguards Information: Performance

requirements." Any licensee who had possessed in the previous reporting period, at any one time and location, nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742. In addition, each licensee, Federal or State, who is authorized to possess, at any one time of location, one kilogram of foreign obligated source material, is required to file with the NRC an annual statement of source material inventory which is foreign obligated. Any licensee, who had possessed in the previous reporting period, at any one time and location, special nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742C.

7. *The estimated number of annual responses:* DOE/NRC Form 740M: 67; DOE/NRC Form 741: 28,031; DOE/NRC Form 742: 327; DOE/NRC Form 742C: 327.

8. *The estimated number of annual respondents:* DOE/NRC Form 740M: 17; DOE/NRC Form 741: 327; DOE/NRC Form 742: 327; DOE/NRC Form 742C: 327.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* DOE/NRC Form 740M: 50; DOE/NRC Form 741: 35,039; DOE/NRC Form 742: 981; DOE/NRC Form 742C: 1,145.

10. *Abstract:* Persons licensed to possess specified quantities of nuclear material currently report inventory and transaction of material to the Nuclear Materials Management and Safeguards System via the DOE/NRC Forms: DOE/NRC Form 740M, Concise Note; DOE/NRC Form 741, Nuclear Material Transaction Report; DOE/NRC Form 742, Material Balance Report; and DOE/NRC Form 742C, Physical Inventory Listing. These forms provide data that is required under domestic and international safeguards regulations. This collection is being renewed to allow the U.S. to continue fulfilling its responsibilities as a participant in the U.S.-IAEA Safeguards Agreements and to satisfy various bilateral agreements for nuclear cooperation with other countries, and its domestic safeguards responsibilities.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents

be minimized, including the use of automated collection techniques or other forms of information technology?

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Draft OMB supporting statement for DOE/NRC Form 740M, "Concise Note"	ML26219A171.
Draft OMB supporting statement for DOE/NRC Form 741	ML26219A170.
Draft OMB supporting statement for DOE/NRC Form 742	ML26219A169.
Draft OMB supporting statement for DOE/NRC Form 742C, "Physical Inventory Listing"	ML26219A168.
D-24, Personal Computer Data Input for Nuclear Regulatory Commission Licensees	ML26222A086.
NUREG/BR 0006, Revision 10, "Instructions for Completing Nuclear Material Transaction Reports (DOE/NRC Forms 741 and 740M)"	ML26222A096.
NUREG/BR 0007, Revision 10, "Instructions for the Preparation and Distribution of Material Status Reports (DOE/NRC Forms 742 and 742C)"	ML26222A102.
DOE/NRC Form 740M, "Concise Note"	ML26222A115.
DOE/NRC Form 741, "Nuclear Material Transaction Report"	ML26222A122.
DOE/NRC Form 742, "Material Balance Report"	ML26222A121.
DOE/NRC Form 742C, "Physical Inventory Listing"	ML26222A120.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: August 27, 2026.

For the Nuclear Regulatory Commission.

Kristen Benney,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026-17736 Filed 8-28-26; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. CP2026-10; Order No. 9703]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission concerning time-limited changes in rates and classifications of general applicability for Competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 4, 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 and Overview
- II. Initial Administrative Actions
- III. Ordering Paragraphs

I. Introduction and Overview

On August 25, 2026, the Postal Service filed notice with the Commission concerning time-limited changes in rates of general applicability for Competitive products.¹ The Postal Service represents that, as required by 39 CFR 3035.102(b), the Notice includes an explanation and justification for the changes, the effective date, a schedule of the changed rates, and a schedule showing current prices that shall be restored. *See* Notice at 1. The changes are scheduled to take effect on October 4, 2026, and will roll back to current levels on January 17, 2027. *Id.*

Attached to the Notice is Governors' Decision No. 26-7, which states the new prices are in accordance with 39 U.S.C. 3632 and 3633 and 39 CFR 3035.102.²

The Governors' Decision provides an analysis of the Competitive products' price changes intended to demonstrate that the changes comply with 39 U.S.C. 3633 and 39 CFR part 3035. Governors' Decision No. 26-7 at 1. The attachment to the Governors' Decision sets forth the price changes and includes draft *Mail Classification Schedule* (MCS) language for Competitive products of general applicability, as well as the MCS sections with the prices that will be restored on January 17, 2027. No price changes are being made to Special Services or International Competitive products. Notice at 1.

The Notice includes a non-public version of the annex showing Fiscal Year (FY) 2027 projected volumes, revenues, attributable costs, contribution, and cost coverage for each affected product. Notice at 2. The Notice also includes an application for non-public treatment of the attributable costs, contribution, and cost coverage data in the unredacted version of the annex to the Governors' Decision, as well as the supporting materials for the data. *Id.*

Planned price adjustments. The Governors' Decision includes an overview of the Postal Service's planned price changes, which is summarized in Table I-1.

¹ USPS Notice of Time-Limited Changes in Rates of General Applicability for Competitive Products, August 25, 2026 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings

in the **Federal Register** at least 30 days before the effective date of the new rates.

² Notice, Decision of the Governors of the United States Postal Service on Changes in Rates of General

Applicability for Competitive Products (Governors' Decision No. 26-7), at 1 (Governors' Decision No. 26-7).

TABLE I-1—PROPOSED PRICE CHANGES

Product name	Average price increase (percent)
Domestic Competitive Products	
Priority Mail Express	6.0
Retail	6.0
Commercial	6.0
Priority Mail	6.0
Retail	6.0
Commercial	6.0
USPS Ground Advantage	6.0
Retail	6.0
Commercial	6.0
Parcel Select	6.0

Source: See Governors' Decision No. 26–7 at 2.

II. Initial Administrative Actions

The Commission establishes Docket No. CP2026–10 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E. Comments are due no later than September 4, 2026. For specific details of the planned price changes, interested persons are encouraged to review the Notice, which is available on the Commission's website at www.prc.gov.

Pursuant to 39 U.S.C. 505, Christopher Mohr is appointed to serve as Public Representative to represent the interests of the general public in this docket. The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2026–10 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E.

2. Comments are due no later than September 4, 2026.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher Mohr to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. This Order shall be published in the **Federal Register**.

By the Commission.

Sarah Wessel,

Senior Paralegal Specialist.

[FR Doc. 2026–17656 Filed 8–28–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–362 and K2026–353; MC2026–363 and K2026–354; MC2026–364 and K2026–355]

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.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service

agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041.

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).

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)

None. See Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s)*: MC2026–362 and K2026–353; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1077 and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s)*: MC2026–363 and K2026–354; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1078, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s)*: MC2026–364 and K2026–355; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1079, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,
Legal Assistant.

[FR Doc. 2026–17729 Filed 8–28–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106196; File No. SR–CBOE–2026–061]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on 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

August 26, 2026.

On June 30, 2026, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to amend its rules to permit the listing and trading of binary options overlying key performance indicators (“KPIs”) reported by certain issuers of stock (“binary KPI options”). The proposed rule change was published for comment in the **Federal Register** on July 15, 2026.³

Section 19(b)(2) of the Act ⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 29, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates October 13, 2026, as the date by which the Commission shall either

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 105877 (July 10, 2026), 91 FR 43418. Comments received on the proposed rule change are available on the Commission's website at: <https://www.sec.gov/rules-regulations/public-comments/sr-cboe-2026-061>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CBOE–2026–061).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–17667 Filed 8–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106197; File No. SR–MX2–2026–04]

Self-Regulatory Organizations; MX2 LLC; Notice of Filing and Immediate Effectiveness of a Proposal To Amend Rule 20.6 (Nullification and Adjustment of Options Transactions Including Obvious Errors) Regarding the Roster Requirements for the Obvious Error Panel

August 26, 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 24, 2026, MX2 LLC (“MX2” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ 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 amend Exchange Rule 20.6 (Nullification and Adjustment of Options Transactions including Obvious Errors) to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at <https://>

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4.

info.memxtrading.com/regulation/rules-and-filings/.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 20.6 (Nullification and Adjustment of Options Transactions including Obvious Errors) to simplify the representative requirement for the Obvious Error Panel. Specifically, as described below, the Exchange proposes to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel to avoid an unnecessary administrative burden on the Exchange and its Options Members.

Under Rule 20.6(l), an Options Member affected by a determination made under Rule 20.6 may request review by an Obvious Error Panel. Under Rule 20.6(l)(1), each Obvious Error Panel must be comprised of the Exchange's Chief Regulatory Officer ("CRO"), or a designee of the CRO; one representative of an Options Member engaged in market making (any such representative, a "MM Representative"); and two representatives of Options Members that satisfy specified criteria designed to ensure that such representatives are not engaged principally in options market making (any such representative, a "Non-MM Representative").

Under current Rule 20.6(l)(2), the Exchange must designate at least ten MM Representatives and at least ten Non-MM Representatives to be called upon to serve on the Obvious Error Panel as needed. That rule further provides that an Obvious Error Panel may not include a person affiliated with a party to the trade in question and that, to the extent reasonably possible, the Exchange must call upon designated

representatives to participate on panels on an equally frequent basis.

The Exchange believes that the requirement to designate at least ten MM Representatives and at least ten Non-MM Representatives to be called upon to serve on the Obvious Error Panel is unnecessarily burdensome to both the Exchange and the representatives. The Exchange believes that a mandatory roster of twenty or more designated representatives is larger than necessary to administer the appeals process effectively and imposes avoidable administrative burdens on both the Exchange and its Options Members. Maintaining such a roster requires the Exchange to identify, solicit, qualify, designate, track, and periodically refresh a substantial number of representatives, even though only three industry representatives serve on a particular panel, and appeals occur only periodically and infrequently.

The Exchange believes that Rule 20.6, as amended, will facilitate a more efficient administration of the appeal process while retaining the requirement of having both MM Representatives and Non-MM Representatives on the panel. The proposed amendment will streamline the appeal process by removing the unnecessary burden of maintaining an active list of at least twenty representatives to serve on an Obvious Error Panel. The Exchange does not believe it is necessary to designate such a large number of representatives because the composition of each Obvious Error Panel will remain unchanged, as each panel will continue to include one MM Representative and two Non-MM Representatives, in addition to the CRO or the CRO's designee. The Exchange believes this composition provides a proper balance of competing interests and helps ensure regulatory fairness when resolving trade disputes.

The proposal will not alter the eligibility criteria for Non-MM Representatives. In addition, Rule 20.6(l)(2) will retain the requirements that an Obvious Error Panel may not include a person affiliated with a party to the trade in question and that, to the extent reasonably possible, the Exchange must call upon designated representatives to participate on panels on an equally frequent basis. These provisions will continue to promote impartiality and equitable participation in the appeal process.

The Exchange expects to continue designating a sufficient number of qualified MM Representatives and Non-MM Representatives to convene panels promptly, taking into account

representative availability, potential conflicts, and the applicable review timeframes. Eliminating the fixed minimum roster size will provide the Exchange flexibility to maintain a roster appropriately sized to its operational needs without affecting the composition, independence, or substantive authority of the Obvious Error Panel.

The Exchange notes that the proposed approach is consistent with the rules of other national securities exchanges.⁵

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.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ 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)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act,⁹ which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and

⁵ Nasdaq Options 3, Section 20(l)(1) provides that a Nasdaq Review Council panel will be comprised minimally of one representative of a member engaged in market making and two industry representatives not engaged in market making, and that no more than 50% of the panel may be engaged in market making. The rule does not require Nasdaq to designate or maintain a minimum roster of potential panel representatives. Nasdaq ISE and Nasdaq MRX maintain materially similar panel-composition provisions in Options 3, Section 20(k)(1) of their respective rulebooks, likewise without imposing a minimum roster requirement.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ 15 U.S.C. 78f(b)(1).

regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes the proposed amendment to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel will make the administration of the appeal process more efficient by reducing an unnecessary numerical condition while preserving the provisions governing panel composition, representative qualifications, conflicts of interest, review timing, and decisional authority. The required panel composition, the eligibility criteria for Non-MM Representative, and the prohibition on participation by a person affiliated with a party to the trade will remain unchanged. The Exchange believes these retained safeguards provide a proper balance of competing interests and protect investors and the public interest.

The Exchange does not believe that requiring a roster of at least twenty designated representatives is necessary to ensure fair review. Rather, fairness is achieved through the composition of the panel that hears the appeal, the qualifications and independence of its representatives, and the substantive and procedural protections in Rule 20.6. The proposed change also will serve to avoid wasting Options Member and Exchange resources on maintaining an excessive list of Options Member representatives.

The Exchange further believes that the proposal's consistency with the rules of Nasdaq and its affiliated options exchanges supports the conclusion that the fixed roster requirement is not necessary to protect investors or ensure fair review. Those exchanges rely on panel-composition safeguards similar to those that will remain in Rule 20.6, but do not require the maintenance of a roster of at least ten market-maker and ten non-market-maker representatives.

Finally, the proposal is not designed to permit unfair discrimination. Rather, the proposal relates only to the Exchange's administrative requirements for maintaining a roster of eligible representatives and will apply uniformly to all Options Members and all appeals under Rule 20.6. The Exchange will continue to maintain a roster of qualified representatives appropriately sized to its operational needs and will continue to select representatives in accordance with the rule's objective criteria and, to the extent reasonably possible, call upon designated representatives on an equally frequent basis.

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. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because the proposed change will apply uniformly to all Members and will not affect any Member's ability to request or obtain review of an obvious error determination. Further, the proposal will not impact the fairness or impartiality of the appeal process. The Exchange will continue to appoint qualified individuals to serve on the Obvious Error Panel and to administer the appeals process in a fair and consistent manner, and all similarly situated parties will continue to have access to the same appeal procedures and protections under Rule 20.6. The Exchange also does not believe the proposed rule change will impose any burden on intermarket competition because the proposal relates solely to the Exchange's internal administration of the Obvious Error Panel and does not affect the standards for determining whether a transaction is erroneous, the relief available for market participants, the rights or obligations of any Member, the Exchange's trading functionality or the ability of Members to compete on the Exchange or across 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

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 Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) 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 any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MX2-2026-04 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-MX2-2026-04. 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-MX2-2026-04 and should be submitted on or before September 21, 2026.

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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17668 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106202; File No. 600-43]

TriOptima AB; Notice of Filing of Application for Exemption From Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

August 26, 2026.

I. Introduction

On August 9, 2024, TriOptima AB (“TriOptima”) filed with the Securities and Exchange Commission (“Commission”) an application on Form CA-1 (“Application”) seeking an exemption from registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934 (“Exchange Act”) and Rule 17Ab2-1 thereunder.¹ In its Application, TriOptima states that it is requesting an exemption from clearing agency registration in connection with certain post-trade risk reduction services for transactions in security-based swaps (“SBS”) offered through its triReduce and triBalance services.² TriOptima also requests that the exemption be applied to its planned expansion of these services to cover transactions in repurchase and reverse repurchase agreements involving any type of underlying securities (“Repo

Products”), including U.S. Treasury securities.³

The Commission is publishing this notice to solicit comments from interested persons on the Application. The Commission will consider any comments it receives in making its determination whether to grant TriOptima’s request for an exemption from registration as a clearing agency.⁴

II. Background

TriOptima has been providing the services described in Part III of this notice pursuant to a temporary, class-based exemption issued by the Commission in 2011 (“2011 Temporary Exemption”).⁵ Specifically, the 2011 Temporary Exemption provided exemptive relief to entities performing (non-central counterparty) post-trade services for SBS that otherwise would have to register as a clearing agency or obtain an exemption from registration.⁶ In adopting Regulation SE in 2023, the Commission terminated the 2011 Temporary Exemption, while extending its exemptive relief to entities that applied for registration or an exemption from registration as a clearing agency.⁷ Pursuant to the terms set forth in the Regulation SE adopting release,

³ Application, Exhibit S-1.

⁴ Because the Application seeks an exemption from registration, the timing requirements in Section 19(a) of the Exchange Act do not apply. See 15 U.S.C. 78q-1(b)(2) (applying the provisions of Section 19(a) to applications for registration but not applications for an exemption from registration).

⁵ See Order Pursuant to Section 36 of the Securities Exchange Act of 1934 Granting Temporary Exemptions from Clearing Agency Registration Requirements under Section 17A(b) of the Exchange Act for Entities Providing Certain Clearing Services for Security-Based Swaps, Release No. 34-64796 (July 1, 2011), 76 FR 39963 (July 7, 2011).

⁶ See 2011 Temporary Exemption, 76 FR at 39964.

⁷ See Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities, Release No. 34-98845 (Nov. 2, 2023), 88 FR 87156, 87229 (Dec. 15, 2023) (“Regulation SE”) (stating that “[f]or any entity currently relying on the 2011 Clearing Agency Exemption that becomes required to register as a clearing agency, the exemptive relief will terminate 180 days after the Effective Date of Regulation SE, which will be 60 days after the date of publication in the **Federal Register**, except that (1) with respect to an entity that has filed an application to register as a clearing agency with the Commission on Form CA-1 within 180 days of the Effective Date of Regulation SE, the relief will terminate 240 days after the Effective Date of Regulation SE; and (2) with respect to an entity that has filed an application on Form CA-1 within 180 days after the Effective Date of Regulation SE and whose application on Form CA-1 is complete (having responded to requests by the Commission’s staff for revisions or amendments) within 240 days after the effective date, the exemptive relief will terminate 30 days after the Commission acts to approve or disapprove the application on Form CA-1.”).

TriOptima has continued to provide the services described below.⁸

III. Summary of TriOptima’s Organization and Services

A. Organization

Orion ELP LP, which is owned by funds and other vehicles controlled by KKR, is the ultimate parent of TriOptima.⁹ TriOptima is incorporated as a private limited company in Stockholm and has branches in the United Kingdom and in Singapore.¹⁰ TriOptima also has four subsidiaries, each of which provide services to TriOptima in the form of client relationship management, sales, and marketing activities.¹¹ All clients of TriOptima services enter into contractual arrangements only with TriOptima, the applicant.¹²

B. Description of Services

In its Application, TriOptima explains that offers the triReduce and triBalance services to enable financial institutions to reduce risks in their non-cleared and cleared portfolios of positions in various derivative products, including SBS.¹³ Customers of the services include SBS dealers, inter-dealer brokers, prime brokers, and institutional buy-side firms. As stated above, in addition to serving the SBS market, TriOptima proposes in its Application to expand its service offerings to include Repo Products, including for U.S. Treasury securities. Below is a description of each of the triReduce and triBalance services.

1. triReduce

triReduce, a portfolio compression service, is a web-based service that enables multilateral and multi-contract early termination of cleared and uncleared OTC derivatives (primarily interest rate swaps, cross currency swaps, inflation swaps, credit default swaps and FX forwards).¹⁴ TriOptima

⁸ See Regulation SE, 88 FR at 87229; see also Application, Exhibit J, at 1, and Exhibit S-1.

⁹ See Application, Exhibits D and D-1. This change in ownership was reflected in an amendment filed on December 22, 2025.

¹⁰ The Application explains that these branches are not involved with the services that constitute the clearing agency functions. See Application, Exhibit D, at 2.

¹¹ The subsidiaries are TriOptima North America LLC, TriOptima UK Limited, TriOptima Asia Pacific Pte LTD, OSTTRA Japan KK. The Application explains that the purpose of the subsidiaries is to provide global coverage via the so-called “follow the sun” model. See Application, Exhibit D, at 2.

¹² *Id.*

¹³ See Application, Exhibit J, at 2, and Exhibit S-1.

¹⁴ See Application, Exhibit S-1, at 5.

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78q-1; 17 CFR 240.17ab2-1 (“Rule17Ab2-1”).

² Application, Exhibit S-1. TriOptima subsequently amended its application on December 11, 2024, in 2025 on January 6, November 26, and December 22, and in 2026 on February 13. The non-confidential exhibits of its application are available for viewing on the Commission’s website at <https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>. On August 5, 2026, TriOptima amended its application by letter, explaining that, over the next 12 months, certain product names will change because its parent company has relinquished certain naming rights, including use of the words “Markit” and “Serv.” OSTTRA Group, on behalf of TriOptima, explains that, although not directly affected by this change, in Q4 2026 the “triReduce” service will be renamed “OSTTRA Reduce” and the “triBalance” service will be renamed “OSTTRA ReBalance.” It also explains that these changes are strictly a renaming exercise and introduce no changes to technical architecture, risk controls, or operational support. See Letter from Michelle Hallet, Head of Compliance, OSTTRA, dated August 5, 2026.

offers the triReduce service to banks and investment firms. In its Application, TriOptima explains that its service helps market participants eliminate unnecessary line items and notional principal outstanding for both cleared and uncleared OTC derivatives, helping to manage counterparty risk and achieve compliance with Basel III liquidity requirements.¹⁵ TriOptima states that, by removing unnecessary, outstanding transaction from their portfolios, market participants can eliminate costs and credit and operational risk, and thereby reduce their capital requirements.¹⁶

The triReduce process involves subscribers and any adhering parties taking the following steps in relation to the creation of each “unwind” proposal:

1. Signing up to an appropriate contractual framework to facilitate the early termination/revision/replacement of transactions;
2. Trade linking (the input of trades between subscribers/adhering parties or a clearing house, as applicable, in the unwind process);
3. Establishment of subscribers’ tolerances (subscribers setting the parameters of the unwind proposal, or to put it another way, the tolerances set by each subscriber within which an unwind proposal must fit);
4. Unwind proposal generation (creating the unwind proposal in accordance with the subscribers’ tolerances); and
5. Contract formation between the subscribers/adhering parties or a clearing house, as applicable.¹⁷

2. triBalance

triBalance, a portfolio rebalancing service, is a web-based service that enables multilateral and multi-contract rebalancing of counterparty risk exposures of OTC derivatives portfolios. In its Application, TriOptima explains that the triBalance service is used to rebalance bilateral and cleared outstanding risk exposures. As explained in its Application, the triBalance service seeks to mitigate the outstanding exposures by proposing new bilateral transactions that are added to existing netting sets to offset outstanding risk exposures.¹⁸ TriOptima states that the triBalance service helps market participants reduce credit risk exposure by identifying transactions to rebalance counterparty risk exposures across a participant’s counterparties for non-cleared positions and central counterparties while maintaining an

unchanged market risk position within small pre-defined tolerances as set by the subscriber.¹⁹

The triBalance process involves the following steps:

1. Signing up to an appropriate contractual framework;
2. Submission of subscribers’ relevant outstanding risk exposures;
3. Submission of subscribers’ tolerances; and
4. triBalance proposal generation.²⁰

In addition to its current product offerings, TriOptima in its Application describes plans to offer triBalance to clients and prospective clients with respect to their Repo Product portfolios of cleared positions and uncleared positions, including both tri-party and bilateral transactions. Repo Product portfolios may include cash market transactions in the types of securities underlying the Repo Products. In its Application, TriOptima explains that the output of a rebalancing (or “optimization”), for a Repo Product portfolio may include proposals to execute securities transactions to rebalance the portfolio.²¹

IV. Statutory Standard

Section 17A(b)(1) of the Exchange Act requires any clearing agency to register with the Commission before performing the functions of a clearing agency with respect to any security (other than an exempted security).²² Section 17A(b)(1) of the Exchange Act also provides that, by rule or order, upon its own motion or upon application, the Commission may conditionally or unconditionally exempt a clearing agency from any provisions of Section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.²³

V. Request for Exemption

TriOptima has requested that the Commission grant an exemptive order pursuant to which it may continue to provide the triReduce and triBalance services as to SBS transactions, and to provide the triBalance service for Repo Products once the activity with respect to these products expands beyond a de

minimis volume of activity.²⁴ In relation to its request for Repo Products, TriOptima explains that it expects activity with respect to these products to be de minimis until at least June 2027.²⁵ In its Application, TriOptima requests that the exemption apply to enhancements to the triReduce and triBalance services, as well as expansion to any additional SBS products in the future, beyond those described in the Application.²⁶

A. Application of Statutory Standard

TriOptima explains in its request that the Commission may exempt a person from registering as a clearing agency if the Commission determines that granting the exemption is consistent with the public interest, the protection of investors, and the policy goals of Section 17A.²⁷ TriOptima also describes factors that the Commission previously has applied in granting exemptive relief, including: (i) prompt and accurate clearance and settlement of securities transactions, and the safeguarding of securities and funds; (ii) facilitating development and expansion of support services to reduce risk; and (iii) reducing unnecessary costs.²⁸

According to TriOptima, the Commission has consistently found that exemption from registration is appropriate where such exemption promotes a safe and efficient clearance and settlement system.²⁹ TriOptima states that the services further the objectives of Section 17A of the Exchange Act by providing “tools for SBS market participants to manage and reduce risks inherent in the portfolios of open non-cleared and cleared positions in derivatives, including SBS.”³⁰ As explained further in the Application, TriOptima states that the triReduce service enables market participants to reduce the gross notional exposure of their portfolios and to terminate or amend unnecessary or duplicative transactions, and that the triBalance service allows market participants to optimize and mitigate counterparty credit risk without changing overall market risk on the portfolio, enabling users to reinvest capital and reduce the gross value of outstanding contracts. TriOptima states that such services promote market stability and efficient usage of capital.

²⁴ See Application, Exhibit S–1.

²⁵ See Application, Exhibit S–1, at 2.

²⁶ See *id.* at 12.

²⁷ See *id.* at 11.

²⁸ See *id.*

²⁹ See *id.* at 8.

³⁰ See *id.* at 12.

¹⁵ See *id.* at 4.

¹⁶ See *id.*

¹⁷ See *id.* at 6.

¹⁸ See Application, Exhibit J, at 1.

¹⁹ See Application, Exhibit S–1, at 4.

²⁰ See *id.* at 7.

²¹ See *id.* at 8.

²² See 15 U.S.C. 78q–1(b)(1); 17 CFR 240.17ab2–1.

²³ See 15 U.S.C. 78q–1(b)(1).

Additionally, TriOptima explains that requiring it to register as clearing agencies and to comply with the full set of obligations applicable to registered clearing agencies under the Exchange Act would increase the costs to provide its services “without any attendant benefit” and would “serve only to increase the operating costs of the applicant, and thus the costs on market participants.”³¹ TriOptima also states that it does not, and for Repo Products would not, hold any customer assets, manage or direct any customer collateral, manage margin requirements, or match executions.³² Finally, TriOptima explains that it maintains systems and controls that promote the public interest and are generally in accordance with industry best practices.³³

B. Conditions to Exemption

In support of the request for an exemption from registration, TriOptima sets forth conditions with which it would comply if its request for an exemption from registration is granted. Specifically, TriOptima agrees to: (1) provide the Commission with information on any material changes to the clearing agency services that are the subject of the exemption; (2) allow the Commission to inspect its facilities where such clearing agency functions are performed and where related records are maintained; and (3) make periodic disclosures to the Commission regarding its operations as required or requested by the Commission.³⁴

VI. Request for Written Comments

Interested persons are invited to provide written data, views, and arguments concerning the Application, including whether the proposed exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act. To the extent possible, commenters are requested to provide empirical data and other factual support for their views. In addition, the Commission seeks comment generally on the following questions relevant to the consideration of the Application:

1. Since the Commission issued the 2011 Temporary Exemption, has TriOptima provided clearing agency services and operated consistent with the public interest, the protection of investors, and the purposes of the Exchange Act? Why or why not? To what extent has TriOptima's provision

of clearing agency services affected the ongoing development of the national system for clearance and settlement?

2. What operational or other risks, if any, do the triBalance and triReduce services pose to their respective customers or to clearing agencies with which they interact? Does TriOptima's proposed conditions sufficiently address any such risks? Please explain.

3. Are TriOptima's proposed conditions consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds? Would any revisions to the proposed conditions better promote the purposes of Section 17A of the Exchange Act? Why or why not? If so, which conditions should be modified? Should any conditions be added? Why or why not?

4. Are TriOptima's proposed conditions designed to promote innovation and to facilitate competition among service providers?

5. Are there any aspects of the services provided by TriOptima or proposed to be provided by TriOptima that would support applying Commission rules such as Regulation SCI or the recordkeeping requirements for registered clearing agencies under 17 CFR 240.17a-1? If so, which rules and why?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/how-submit-comment>); or
- Send an email to rule-comments@sec.gov. Please include File Number 600-43 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number 600-43. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>). 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 600-43 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17673 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106198; File No. SR-MIAX-2026-35]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay Implementation of a Change to Rule 515A, MIAX Price Improvement Mechanism (“PRIME”) and PRIME Solicitation Mechanism

August 26, 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 12, 2026, Miami International Securities Exchange, LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared 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 delay implementation of the proposed change to Exchange Rule 515A, MIAX Price Improvement Mechanism (“PRIME”) and PRIME Solicitation Mechanism, to permit orders for the accounts of Market Makers assigned in the applicable options class, to be solicited as a contra party to the Agency Order submitted for execution in a PRIME or cPRIME Auction.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/>

³¹ See *id.* at 13.

³² See *id.*

³³ See *id.*

³⁴ See Application, Exhibit S-1.

³⁵ 17 CFR 200.30-3(a)(16).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 15, 2026, the Exchange filed a proposal³ to amend Exchange Rule 515A, MIAX Price Improvement Mechanism ("PRIME") and PRIME Solicitation Mechanism, to permit orders for the accounts of Market Makers⁴ assigned in the applicable options class, to be solicited as a contra party to the Agency Order⁵ submitted for execution in a PRIME or cPRIME Auction.⁶ The proposal indicated that the Exchange would implement this functionality in Q3 of 2026 and would publish a Regulatory Circular at least 30 days prior to the implementation date. The Exchange has not issued a Regulatory Circular as described above and now proposes to delay the implementation of this functionality until Q2 of 2027.

³ See Securities Exchange Act Release No.105570 (May 28, 2026), 91 FR 33011 (June 2, 2026) (SR-MIAX-2026-21) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 515A, MIAX Price Improvement Mechanism and PRIME Solicitation Mechanism).

⁴ The term "Market Makers" refers to "Lead Market Makers," "Primary Lead Market Makers," and "Registered Market Makers" collectively. See Exchange Rule 100.

⁵ PRIME is a process by which a Member may electronically submit for execution ("Auction") an order it represents as agent ("Agency Order") against principal interest, and/or an Agency Order against solicited interest. See Exchange Rule 515A(a). The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁶ "cPRIME" is the process by which a Member may electronically submit a "cPRIME Order" (as defined in Rule 518(b)(7)) it represents as agent (a "cPRIME Agency Order") against principal or solicited interest for execution (a "cPRIME Auction"). See Exchange Rule 515A.12(a).

The Exchange proposes this delay in order to allow the Exchange and its Members⁷ ample time to complete the necessary technical changes prior to the implementation of the change. The Exchange proposes to issue a Regulatory Circular notifying market participants at least 30 days prior to implementing this functionality.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest by allowing the Exchange and its Members additional time to implement the proposed change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to delay the implementation of the proposed functionality does not impose an undue burden on competition. Delaying the implementation will simply allow the Exchange and its Members additional time to properly prepare for, and implement, the proposed functionality.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the delay will apply equally to all Members of the Exchange.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the proposal is to delay the implementation of approved functionality and does not impact intermarket competition.

⁷ The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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 for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MIAX-2026-35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 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.

¹² 15 U.S.C. 78s(b)(2)(B).

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MIAX-2026-35. 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-2026-35 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17669 Filed 8-28-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106188; File No. SR-CBOE-2026-072]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee ("ORF")

August 26, 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 13, 2026, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its Fees Schedule relating to the Options Regulatory Fee ("ORF"). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/cone/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 12, 2025, the Exchange adopted a new methodology for the assessment and collection of an On-Exchange ORF whereby ORF is assessed by the Exchange only for options transactions that occur on the Exchange³ that clear in the customer⁴ range at The Options Clearing

Corporation ("OCC").⁵ In its filing, the Exchange set forth a July 1, 2026 implementation date for the new methodology. The Exchange proposes to increase ORF from \$0.0023 per contract side under the current method that assesses ORF to all customer range transactions regardless of the Exchange on which it occurs to \$0.01248 per contract side under the new method that assesses ORF to all customer range transactions that occur on the Exchange only, effective July 1, 2026.⁶ The Exchange is also proposing nonsubstantive changes to the fees schedule to clarify its description of ORF and delete outdated language (as further described below).⁷

Beginning July 1, 2026, ORF is assessed by the Exchange to each Trading Permit Holder ("TPH") on each side of a transaction for options transactions cleared by OCC in the customer range for executions that occur on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder ("CTPH") that was the clearing firm for the transaction or a non-TPH that was the clearing firm, where a CTPH was the executing clearing firm for the transaction and a TPH was the executing firm for the transaction.⁸

Revenues generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, are designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

⁵ See Securities Exchange Act Release No. 104417 (December 17, 2025), 90 FR 59899 (December 22, 2025) (SR-CBOE-2025-086).

⁶ Today, ORF is assessed by the Exchange to each Trading Permit Holder ("TPH") for options transactions cleared by the TPH that are cleared by the OCC in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a TPH, even if the transactions do not take place on the Exchange.

⁷ The Exchange initially filed the proposed rule change on June 29, 2026 (SR-CBOE-2026-058). On August 13, 2026, the Exchange withdrew that filing and submitted this proposal.

⁸ The current language in the fees schedule states ORF is collected by OCC on behalf of the Exchange from the CTPH or a non-CTPH on each side of the transaction that ultimately clears the transaction. The Exchange proposes to revise this language as set forth above. The Exchange believes the proposed language provides additional clarity regarding how ORF is collected, but has no impact on that process. The proposed rule change also deletes the language regarding the reimbursement of routing brokers for linkage transactions, as that is no longer applicable given ORF applies only to on-Exchange transactions.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange notes ORF also applies to Customer-range transactions executed during Global Trading Hours.

⁴ ORF is assessed by the Exchange and collected via OCC on behalf of the Exchange on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the "C" range at OCC. On the Exchange, a "Public Customer" means a person that is not a broker or dealer in securities and includes both Priority Customers and Professionals. A "Priority Customer" means a person or entity that is a Public Customer and is not a Professional. A "Professional" is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF.

Regulatory costs include direct regulatory expenses⁹ and certain indirect expenses in support of the regulatory function.¹⁰ Indirect expenses are estimated to be approximately 43% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 57% of total regulatory costs for 2026. In addition, it is the Exchange's practice that revenue generated from ORF not exceed 75% of total regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2026 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the "Commission"). The Exchange also notifies TPHs of adjustments to the ORF via an Exchange Notice, including for the change being proposed herein.¹¹ Based on the Exchange's review of regulatory costs and revenues in preparation for implementation of the new On-Exchange ORF, the Exchange is proposing to increase the amount of ORF that will be collected by the Exchange from \$0.0023 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.01248 per contract side for only those transactions that execute on the Exchange and clear in the customer range.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

The Exchange also proposes to delete the provision stating that the Exchange uses reports from OCC when assessing and collecting the ORF. The Exchange

currently uses its own reports when assessing and collecting the ORF, so the current language is outdated.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹² Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹³ which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. 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.

The Exchange believes the proposed fee change is reasonable because it would permit the Exchange to collect revenue from the ORF, in combination with other regulatory fees and fines, in a manner that would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF to generate revenues that would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. The Exchange determined to modify the ORF rate in conjunction with implementation of the On-Exchange ORF,¹⁵ a new methodology for assessment and collection of ORF, and after its review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines. When taking into account recent options volume, coupled with the anticipated regulatory fees and anticipated reductions in other regulatory fees, the Exchange believes it's reasonable to increase the ORF rate from \$0.0023 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.01248 per contract side for only those transactions that execute on the Exchange and clear in the customer range. Particularly, the proposed change is reasonable as it

would offset the anticipated increased regulatory costs, while still not exceeding 75% of the Exchange's total regulatory costs.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the ORF by submitting a fee change filing to the Commission.¹⁶

The Exchange also believes the proposed change is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the customer range at the OCC. The Exchange believes On-Exchange ORF it is fair and reasonable to assess a specific fee to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a TPH) benefit from the protections of a robust regulatory program, including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because CTPHs and Market Maker TPHs (who clear in the Firm and Market Maker range, respectively), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, CTPHs and Market Maker TPHs are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to TPHs and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that CTPHs from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers are subject to various quoting and other obligations so that

⁹ Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

¹⁰ Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

¹¹ See Exchange Notice, C2026052000 "Cboe Options Exchanges Regulatory Fee Update Effective July 1, 2026" (May 20, 2026).

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ See Securities Exchange Act Release No. 104417 (December 17, 2025), 90 FR 59899 (December 22, 2025) (SR-CBOE-2025-086).

¹⁶ Consistent with Rule 2.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in customer-range activity, regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff and travel expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., TPH proprietary transactions) of its regulatory program.¹⁷ While the Exchange notes that it has broad regulatory responsibilities with respect to its TPHs' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange.

The Exchange also believes the proposed rule change is equitable and not unfairly discriminatory because the On-Exchange ORF model more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as \$0.023 per transaction per side.¹⁸ While the Exchange's proposed ORF rate under the On-Exchange ORF model of \$0.01248 is higher than its current ORF rate of \$0.0023 under the current model, beginning July 1, 2026, the Exchange understands all U.S. options exchanges will implement a similar on-exchange model, and ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by the Exchange and other

options exchanges that also assess an ORF. Beginning July 1, 2026, transactions that would clear in the customer range occurring on other exchanges would no longer be subject to an ORF assessed by the Exchange.

The Exchange believes the proposed nonsubstantive changes to the rule text will protect investors and the public interest, as it provides additional clarity regarding how ORF is collected and deletes outdated language, but has no impact on that process and thus will have no impact on customers.

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. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate intermarket burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The proposed nonsubstantive changes have no impact 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 Act¹⁹ and paragraph (f) of Rule 19b-4²⁰ 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 shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2026-072 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2026-072. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CBOE-2026-072 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17662 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

¹⁷ If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

¹⁸ As of June 1, 2026.

¹⁹ 15 U.S.C. 78s(b)(3)(A).

²⁰ 17 CFR 240.19b-4(f).

²¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106189; File No. SR-C2-2026-021]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee (“ORF”)

August 26, 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, Cboe C2 Exchange, Inc. (the “Exchange” or “C2”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the “Exchange” or “C2 Options”) proposes to amend its Fees Schedule relating to the Options Regulatory Fee (“ORF”). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/options/regulation/rule_filings/ctwo/), and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 2, 2025, the Exchange adopted a new methodology for the assessment and collection of an On-Exchange ORF whereby ORF is assessed by the Exchange only for options transactions that occur on the Exchange that clear in the customer³ range at The Options Clearing Corporation (“OCC”).⁴ In its filing, the Exchange set forth a July 1, 2026 implementation date for the new methodology. The Exchange proposes to increase ORF from \$0.0003 per contract side under the current method that assesses ORF to all customer range transactions regardless of the Exchange on which it occurs to \$0.01417 per contract side under the new method that assesses ORF to all customer range transactions that occur on the Exchange only, effective July 1, 2026.⁵ The Exchange is also proposing nonsubstantive changes to the fees schedule to clarify its description of ORF and delete outdated language (as further described below).⁶

Beginning July 1, 2026, ORF is assessed by the Exchange to each Trading Permit Holder (“TPH”) on each side of a transaction for options transactions cleared by OCC in the customer range at OCC for executions that occur on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder (“CTPH”) that was the

³ ORF is assessed by the Exchange and collected via OCC on behalf of the Exchange on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the “C” range at OCC. On the Exchange, a “Public Customer” means a person that is not a broker or dealer in securities and includes Professionals. A “Professional” is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF.

⁴ See Securities Exchange Act Release No. 104395 (December 15, 2025), 90 FR 59242 (December 18, 2025) (SR-C2-2025-027).

⁵ Today, ORF is assessed by the Exchange to each Trading Permit Holder (“TPH”) for options transactions cleared by the TPH that are cleared by the OCC in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a TPH, even if the transactions do not take place on the Exchange.

⁶ The Exchange initially filed the proposed rule change on June 29, 2026 (SR-C2-2026-018). On August 13, 2026, the Exchange withdrew that filing and submitted this proposal.

clearing firm for the transaction or a non-TPH that was the clearing firm, where a CTPH was the executing clearing firm for the transaction and a TPH was the executing firm for the transaction.⁷

Revenues generated from ORF, when combined with all of the Exchange’s other regulatory fees and fines, are designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses⁸ and certain indirect expenses in support of the regulatory function.⁹ Indirect expenses are estimated to be approximately 24% of the Exchange’s total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 76% of total regulatory costs for 2026. In addition, it is the Exchange’s practice that revenue generated from ORF not exceed 75% of total regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2026 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from ORF, when combined with all of the Exchange’s other regulatory fees and fines, will cover a material portion, but not all, of the Exchange’s regulatory costs.

The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the “Commission”). The Exchange also

⁷ The current language in the fees schedule states ORF is collected by OCC on behalf of the Exchange from the CTPH or a non-CTPH on each side of the transaction that ultimately clears the transaction. The Exchange proposes to revise this language as set forth above. The Exchange believes the proposed language provides additional clarity regarding how ORF is collected, but has no impact on that process. The proposed rule change also deletes the language regarding the reimbursement of routing brokers for linkage transactions, as that is no longer applicable given ORF applies only to on-Exchange transactions. The proposed rule change also updates outdated references of “Clearing Participant” to “Clearing Trading Permit Holder.”

⁸ Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

⁹ Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

notifies TPHs of adjustments to the ORF via an Exchange Notice, including for the change being proposed herein.¹⁰ Based on the Exchange's review of regulatory costs and revenues in preparation for implementation of the new On-Exchange ORF, the Exchange is proposing to increase the amount of ORF that will be collected by the Exchange from \$0.0003 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.01417 per contract side for only those transactions that execute on the Exchange and clear in the customer range.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

The Exchange also proposes to delete the provision stating that the Exchange uses reports from OCC when assessing and collecting the ORF. The Exchange currently uses its own reports when assessing and collecting the ORF, so the current language is outdated. Additionally, the Exchange proposes to delete the provision requiring TPHs to provide the Exchange with a complete list of its OCC clearing numbers and keep such information up to date with the Exchange. The Exchange currently receives from OCC on a daily basis TPHs' OCC clearing numbers, so the Exchange no longer needs TPHs to separately provide the Exchange with this information.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹² which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would permit the Exchange to collect revenue from the ORF, in combination with other regulatory fees and fines, in a manner that would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF to generate revenues that would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. The Exchange determined to modify the ORF rate in conjunction with implementation of the On-Exchange ORF,¹⁴ a new methodology for assessment and collection of ORF, and after its review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines. When taking into account recent options volume, coupled with the anticipated regulatory fees and anticipated reductions in other regulatory fees, the Exchange believes it's reasonable to increase the ORF rate from \$0.0003 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.01417 per contract side for only those transactions that execute on the Exchange and clear in the customer range. Particularly, the proposed change is reasonable as it would offset the anticipated increased regulatory costs, while still not exceeding 75% of the Exchange's total regulatory costs.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the ORF by submitting a fee change filing to the Commission.¹⁵

The Exchange also believes the proposed change is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the customer range at the OCC. The

Exchange believes On-Exchange ORF it is fair and reasonable to assess a specific fee to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a TPH) benefit from the protections of a robust regulatory program, including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because CTPHs and Market Maker TPHs (who clear in the Firm and Market Maker range, respectively), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, CTPHs and Market Maker TPHs are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to TPHs and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that CTPHs from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers are subject to various quoting and other obligations so that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in customer-range activity, regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff and travel expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory

¹⁰ See Exchange Notice, C2026052000 "Cboe Options Exchanges Regulatory Fee Update Effective July 1, 2026" (May 20, 2026).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(4).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See Securities Exchange Act Release No. 104395 (December 15, 2025), 90 FR 59242 (December 18, 2025) (SR-C2-2025-027).

¹⁵ Consistent with Rule 2.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

program are materially higher than the costs associated with administering the non-customer component (e.g., TPH proprietary transactions) of its regulatory program.¹⁶ While the Exchange notes that it has broad regulatory responsibilities with respect to its TPHs' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange.

The Exchange also believes the proposed rule change is equitable and not unfairly discriminatory because the On-Exchange ORF model more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as \$0.023 per transaction per side.¹⁷ While the Exchange's proposed ORF rate under the On-Exchange ORF model of \$0.01417 is higher than its current ORF rate of \$0.0003 under the current model, beginning July 1, 2026, the Exchange understands all U.S. options exchanges will implement a similar on-exchange model, and ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by the Exchange and other options exchanges that also assess an ORF. Beginning July 1, 2026, transactions that would clear in the customer range occurring on other exchanges would no longer be subject to an ORF assessed by the Exchange.

The Exchange believes the proposed nonsubstantive changes to the rule text will protect investors and the public interest, as it provides additional clarity regarding how ORF is collected and deletes outdated language, but has no impact on that process and thus will have no impact on customers.

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. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to

offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate intermarket burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The proposed nonsubstantive changes have no impact 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 Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ 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 shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-C2-2026-021 on the subject line.

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

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-C2-2026-021. 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-C2-2026-021 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17663 Filed 8-28-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106191; File No. SR-CboeBZX-2026-066]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee ("ORF")

August 26, 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 13, 2026, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁶ If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

¹⁷ As of June 1, 2026.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX Options") proposes to amend its Fees Schedule relating to the Options Regulatory Fee ("ORF"). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 2, 2025, the Exchange adopted a new methodology for the assessment and collection of an On-Exchange ORF whereby ORF is assessed by the Exchange only for options transactions that occur on the Exchange that clear in the customer³ range at The Options Clearing Corporation ("OCC").⁴ In its filing, the Exchange set forth a July

1, 2026 implementation date for the new methodology. The Exchange proposes to increase ORF from \$0.0002 per contract side under the current method that assesses ORF to all customer range transactions regardless of the Exchange on which it occurs to \$0.00476 per contract side under the new method that assesses ORF to all customer range transactions that occur on the Exchange only, effective July 1, 2026.⁵ The Exchange is also proposing nonsubstantive changes to the fees schedule to clarify its description of ORF and delete outdated language (as further described below).⁶

Beginning July 1, 2026, ORF is assessed by the Exchange to each Member on each side of a transaction for options transactions cleared by OCC in the customer range for executions that occur on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member that was the clearing firm for the transaction or a non-Member that was the clearing firm, where a Clearing Member was the executing clearing firm for the transaction and a Member was the executing firm for the transaction.⁷

Revenues generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, are designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses⁸ and

certain indirect expenses in support of the regulatory function.⁹ Indirect expenses are estimated to be approximately 29% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 71% of total regulatory costs for 2026. In addition, it is the Exchange's practice that revenue generated from ORF not exceed 75% of total regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2026 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the "Commission"). The Exchange also notifies Members of adjustments to the ORF via an Exchange Notice, including for the change being proposed herein.¹⁰ Based on the Exchange's review of regulatory costs and revenues in preparation for implementation of the new On-Exchange ORF, the Exchange is proposing to increase the amount of ORF that will be collected by the Exchange from \$0.0002 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.00476 per contract side for only those transactions that execute on the Exchange and clear in the customer range.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

The Exchange also proposes to delete the provision stating that the Exchange uses reports from OCC when assessing and collecting the ORF. The Exchange currently uses its own reports when assessing and collecting the ORF, so the current language is outdated. Additionally, the Exchange proposes to delete the provision requiring Members

³ ORF is assessed by the Exchange and collected via OCC on behalf of the Exchange on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the "C" range at OCC. On the Exchange, a "Public Customer" means a person that is not a broker or dealer in securities and includes both Priority Customers and Professionals. A "Priority Customer" means a person or entity that is not a broker or dealer in securities or a Professional. A "Professional" is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF.

⁴ See Securities Exchange Act Release No. 104403 (December 18 [sic], 2025), 90 FR 59247 (December 18, 2025) (SR-CboeBZX-2025-157).

⁵ Today, ORF is assessed by the Exchange to each Member for options transactions cleared by the Member that are cleared by the OCC in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange.

⁶ The Exchange initially filed the proposed rule change on June 29, 2026 (SR-CboeBZX-2026-056). On August 13, 2026, the Exchange withdrew that filing and submitted this proposal.

⁷ The current language in the fees schedule states ORF is collected by OCC on behalf of the Exchange from the Clearing Member or a non-Clearing Member on each side of the transaction that ultimately clears the transaction. The Exchange proposes to revise this language as set forth above. The Exchange believes the proposed language provides additional clarity regarding how ORF is collected, but has no impact on that process. The proposed rule change also deletes the language regarding the reimbursement of routing brokers for linkage transactions, as that is no longer applicable given ORF applies only to on-Exchange transactions.

⁸ Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

⁹ Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

¹⁰ See Exchange Notice, C2026052000 "Cboe Options Exchanges Regulatory Fee Update Effective July 1, 2026" (May 20, 2026).

to provide the Exchange with a complete list of its OCC clearing numbers and keep such information up to date with the Exchange. The Exchange currently receives from OCC on a daily basis Members' OCC clearing numbers, so the Exchange no longer needs Members to separately provide the Exchange with this information.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹² which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would permit the Exchange to collect revenue from the ORF, in combination with other regulatory fees and fines, in a manner that would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF to generate revenues that would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. The Exchange determined to modify the ORF rate in conjunction with implementation of the On-Exchange ORF,¹⁴ a new methodology for assessment and collection of ORF, and after its review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines. When taking into account recent options volume, coupled with the anticipated regulatory fees and anticipated reductions in other regulatory fees, the Exchange believes it's reasonable to increase the ORF rate from \$0.0002 per contract side on all

customer range transactions regardless of the Exchange on which the transaction executed to \$0.00476 per contract side for only those transactions that execute on the Exchange and clear in the customer range. Particularly, the proposed change is reasonable as it would offset the anticipated increased regulatory costs, while still not exceeding 75% of the Exchange's total regulatory costs.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the ORF by submitting a fee change filing to the Commission.¹⁵

The Exchange also believes the proposed change is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the customer range at the OCC. The Exchange believes On-Exchange ORF it is fair and reasonable to assess a specific fee to those Members that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a Member) benefit from the protections of a robust regulatory program, including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because Clearing Members and Market Maker Members (who clear in the Firm and Market Maker range, respectively), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, Clearing Members and Market Maker Members are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are

assessed only to Members and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that Clearing Members from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers are subject to various quoting and other obligations so that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in customer-range activity, regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff and travel expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Member proprietary transactions) of its regulatory program.¹⁶ While the Exchange notes that it has broad regulatory responsibilities with respect to its Members' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange.

The Exchange also believes the proposed rule change is equitable and not unfairly discriminatory because the On-Exchange ORF model more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as \$0.023 per transaction per side.¹⁷ While the Exchange's proposed ORF rate under the On-Exchange ORF model of \$0.00476 is higher than its

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(4).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See Securities Exchange Act Release No. 104403 (December 15, 2025), 90 FR 59247 (December 18, 2025) (SR-CboeBZX-2025-157).

¹⁵ Consistent with Rule 15.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

¹⁶ If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on Member proprietary transactions if the Exchange deems it advisable.

¹⁷ As of June 1, 2026.

current ORF rate of \$0.0002 under the current model, beginning July 1, 2026, the Exchange understands all U.S. options exchanges will implement a similar on-exchange model, and ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by the Exchange and other options exchanges that also assess an ORF. Beginning July 1, 2026, transactions that would clear in the customer range occurring on other exchanges would no longer be subject to an ORF assessed by the Exchange.

The Exchange believes the proposed nonsubstantive changes to the rule text will protect investors and the public interest, as it provides additional clarity regarding how ORF is collected and deletes outdated language, but has no impact on that process and thus will have no impact on customers.

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. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate intermarket burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The proposed nonsubstantive changes have no impact 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 Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ 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 shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2026-066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2026-066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2026-066 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17665 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106203; File No. 600-46]

DTCC ITP LLC; Notice of Filing of Application for Exemption From Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

August 26, 2026.

I. Introduction

On September 18, 2025, DTCC ITP LLC ("DTCC ITP" or "Applicant") filed with the Securities and Exchange Commission ("Commission") an application ("Application") on Form CA-1 seeking an exemption from registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934 ("Exchange Act").¹ The Application explains that DTCC ITP proposes to engage in a transaction involving its wholly owned subsidiary, DTCC ITP Matching ("ITPM"), that will result in DTCC ITP providing the central trade matching services² and electronic trade confirmation ("ETC") services that ITPM currently provides pursuant to a conditional exemption from registration as a clearing agency granted by the Commission in 2001 ("ITPM Exemption").³ Accordingly, in its Application DTCC ITP seeks an exemption from registration as a

²⁰ 17 CFR 200.30-3(a)(12).

¹ See 15 U.S.C. 78q-1; 17 CFR 240.17Ab2-1.

² The term "matching service" as used here means an electronic service to centrally match trade information between a broker-dealer and its institutional customer. On April 6, 1998, the Commission issued an interpretive release regarding matching services (the "Matching Release"). See Confirmation and Affirmation of Securities Trades; Matching, Exchange Act Release No. 34-39829 (Apr. 6, 1998), 63 FR 17943 (Apr. 13, 1998). In the Matching Release, the Commission concluded that "matching constitutes a clearing agency function within the meaning of the clearing agency definition" under Section 3(a)(23)(A) of the Exchange Act; specifically, "comparison of data respecting the terms of settlement of securities transactions." See *id.*, 63 FR at 17943; see also 15 U.S.C. 78c(a)(23)(A).

³ Global Joint Venture Matching Services—US, LLC; Order Granting Exemption From Registration as a Clearing Agency, Exchange Act Release No. 44188 (Apr. 17, 2001), 66 FR 20494 (Apr. 23, 2001) ("ITPM Exemption").

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

clearing agency to provide these same services.⁴

The Commission is publishing this notice to solicit comments from interested persons on the Application. The Commission will consider any comments it receives in making its determination whether to grant DTCC ITP's request for an exemption from registration as a clearing agency.⁵

II. Background

DTCC ITP's wholly owned subsidiary, ITPM, has been providing central matching and ETC services pursuant to the ITPM Exemption since 2001.⁶ As described more fully in Exhibit S, DTCC ITP proposes to assume ITPM's role and obligations as a central matching services provider and exempt clearing agency, so that eventually, ITPM may withdraw its exemption status and be duly dissolved.⁷ As a result, DTCC ITP intends to directly provide the services that had been provided previously by its subsidiary. As part of this assumption of ITPM's role, DTCC ITP would enter into agreements with the National Securities Clearing Corporation ("NSCC") and The Depository Trust Company ("DTC") to act as a Qualified Clearing Agency or Matching Utility for purposes of managing interactions and instructions sent to NSCC and DTC under their rules.⁸

III. Summary of the Applicant's Organization and Services

A. Organization

DTCC ITP states that it is a Delaware limited liability company whose sole member ("Member") is the Depository Trust & Clearing Corporation ("DTCC"), a New York corporation.⁹ In its Application, DTCC ITP states that its Amended and Restated Limited

Liability Company Agreement ("LLC Agreement") would provide that its member, DTCC, "shall have full discretion to manage and control the business and affairs" of DTCC ITP and to "take all actions it deems necessary, appropriate or convenient to accomplish the purpose of the DTCC ITP," except for power granted to the Board of Managers ("Board") under the LLC Agreement.¹⁰ DTCC ITP describes that the LLC Agreement provides for up to 16 managers on the Board (each, a Manager), up to three of whom are representatives of DTCC.¹¹ DTCC ITP also describes that the Board will have the powers set forth in the LLC Agreement and in the proposed DTCC ITP LLC Board of Managers Charter.¹²

In the Application, DTCC ITP explains that it operates entirely through its services agreements with DTCC ("Service Agreements").¹³ DTCC ITP further explains that it has "zero" employees and that all personnel who are engaged in or support the clearing agency activities its Application describes are employed by DTCC or one DTCC's affiliate entities acting as a service provider ("Service Provider").¹⁴ Specifically, DTCC ITP states that approximately 60 full-time employees provide dedicated support to DTCC ITP.¹⁵ DTCC ITP writes that it also has two Executive Officers, the Principal and the General Manager, who control the operation of its business.¹⁶

B. Description of Services in Application

1. Proposed Services

As described further in Exhibit J, DTCC ITP proposes to provide the same services ITPM currently provides (collectively, the "Client Services") to support post-trade allocation, confirmation, matching, and affirmation of securities transactions for its clients.¹⁷ DTCC ITP writes that its clients would comprise a "broad array" of securities market participants.¹⁸ Specifically, DTCC ITP states these clients would continue to include: (i) investment managers, investment manager outsourcers, hedge funds, and other institutions (all, "institutions"); (ii) broker-dealers (including brokers acting as clearing brokers, brokers acting as agents or correspondents for other

brokers, and traditional executing brokers); (iii) custodians (and brokers acting as custodians by providing prime brokerage services); and (iv) agents (including parties without "an active role in post-trade processing but may have an interest in, or need access to the [Client Services] for the administration of the allocation, confirmation, matching, and/or allocation process" (collectively, "Clients")).¹⁹

DTCC ITP describes that its Client Services would continue to consist of three (3) core services: (i) CTM ("a post-trade matching service"); (ii) TradeSuite ID ("primarily a confirmation and affirmation service"); and (iii) ALERT ("a global database of securities, cash and collateral standing settlement instructions").²⁰ As discussed further below, these core services may involve additional functionality, depending on the subscription type, as well as optional workflows and "add-on or ancillary" services.²¹ DTCC ITP writes that it will also continue to offer one non-core service: ITP Integration Business Services, to assist its clients to implement the Client Services.²²

(a) CTM

In Exhibit J, DTCC ITP states that CTM is a central matching platform used to allocate and centrally match securities transactions post-trade.²³ In Exhibit J, DTCC ITP describes CTM's process as occurring between a broker-dealer (or "confirming") Client, and institution (or "instructing") Client.²⁴ After the Clients enter the trade's block and allocation data into CTM, CTM compares and matches (matching based on "both mandatory and optional trade data").²⁵

If CTM determines that all mandatory and optional trade data match, then CTM sends a status message to each Client that is a party to the trade and generates block and allocation matched status messages to update each party to the trade.²⁶ If data submitted by the Client does not match for the mandatory and select optional matching fields, then an exception occurs.²⁷ If an exception occurs, CTM automatically sends each party to the trade a notification message that provides the matching status and provides each party to the trade the ability to identify and

⁴ Application, Exhibit S. DTCC ITP subsequently amended its application on September 23, 2025. The non-confidential exhibits of its application are available for viewing on the Commission's website at <https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>. All capitalized terms that are not defined in this notice are defined in the Application.

⁵ Because DTCC ITP filed an application for an exemption from registration (rather an application for registration) as a clearing agency, the timing requirements in Section 19(a) of the Exchange Act ("Section 19(a)") do not apply. See 15 U.S.C. 78q-1(b)(2) (applying the provisions of Section 19(a) to applications for registration as a clearing agency).

⁶ See *supra* note 3.

⁷ See Application, Exhibit S, at 7.

⁸ See Application, Exhibit S, at 9.

⁹ See Application, Exhibit A, at 1. The Applicant became a wholly owned subsidiary of DTCC on October 1, 2013, when DTCC and Thomson Financial Inc. completed a transaction pursuant to which DTCC acquired full ownership of Omgeo LLC ("Omgeo"). Omgeo's name was changed to "DTCC ITP LLC" effective November 14, 2017.

¹⁰ See Application, Exhibit A, at 1.

¹¹ See Application, Exhibit A, at 1.

¹² See Application, Exhibit A, at 1.

¹³ See Application, Exhibit S, at 8.

¹⁴ See Application, Schedule A, at 3 ("Item 8(a)").

¹⁵ See Application, Exhibit S, at 8.

¹⁶ See Application, Exhibit S, at 8; see also Exhibits A at 4; B at 1-2; and C at 3-4.

¹⁷ See Application, Exhibit J, at 1.

¹⁸ See Application, Exhibit J, at 1.

¹⁹ See Application, Exhibit J, at 1.

²⁰ See Application, Exhibit J, at 1.

²¹ See Application, Exhibit J, at 1.

²² See Application, Exhibit J, at 1.

²³ See Application, Exhibit J, at 9.

²⁴ See Application, Exhibit J, at 9.

²⁵ See Application, Exhibit J, at 9.

²⁶ See Application, Exhibit J, at 9.

²⁷ See Application, Exhibit J, at 10.

correct the trade.²⁸ Once the trade matches in CTM, CTM automatically sends messages to the parties to the trade.²⁹ The parties to the trade would then settle the trade outside of CTM. DTCC ITP states that CTM does not stage trades for settlement and does not communicate matched trades to any clearing agency for settlement.³⁰

CTM's system includes "additional functionality depending on the subscription type."³¹ Such functionality includes archival services: (i) Confirm Archive (allowing customers to electronically search for match-agreed confirmations and cancel match-agreed confirmations in a DTCC system that DTCC ITP uses for storing the archived confirmations);³² and (ii) Trade Archive (allowing institutional clients to access archived records of their trades and trade related information).³³ CTM's included system functionality also includes ITP Data Analytics Operational Metrics (providing Clients with metrics and analytics of operational performance (e.g., timeliness of trade entry in CTM, type and count of trade exception reasons, and timeliness of achieving a CTM match agreed status) with counterparties over a quarterly, monthly, and weekly time period).³⁴

DTCC ITP proposes to continue using the existing optional workflows for CTM Clients, including: (i) Match to Instruct ("M2i," which creates the TradeSuite ID confirmation on the broker-dealer's behalf, including standing settlement instructions ("SSI") enrichment, and automatically affirms the trade if the trade matches against trade data entered by the institution in CTM);³⁵ (ii) CTM for Prime Broker (enabling prime brokers to see trade and match status for trades they will eventually have to settle);³⁶ and (iii) ALERT SSI Enrichment (enabling SSI enrichment into CTM) through either (A) standard ALERT enrichment by clients providing a trade's ALERT Keys ("Country, Security, Method") into CTM,³⁷ or (B) through suggestions made by the ALERT Key Auto Select ("AKAS," which uses CTM trade information to derive the country and security type for a transaction and determine a default

depository),³⁸ along with (C) the ASSIsT service (providing institutions with an alternative mechanism to communicate account and settlement instructions to broker-dealers).³⁹

DTCC ITP also proposes to continue to offer the following add-on or ancillary services to CTM Clients: (i) Settlement Instruction Manager (giving the institution and broker-dealer Clients the ability to automatically generate and send settlement instructions to custodians);⁴⁰ (ii) inSITE (storing confirmation disclosures in conjunction with broker-dealers' use of TradeSuite ID or CTM);⁴¹ and (iii) ITP Data Analytics Benchmarking (allowing comparison of matching performance across peers).⁴²

(b) TradeSuite ID

In Exhibit J, DTCC ITP states that TradeSuite ID "automates the electronic distribution of trade details between counterparties for post-trade processing of DTC-eligible securities to facilitate electronic settlement and Clients' regulatory compliance."⁴³ TradeSuite ID uses various mandatory fields and optional fields (as selected by the institution) contained within both allocation input and broker confirmation (trade input) to determine a match.⁴⁴ The trade is only automatically affirmed if the institution and the executing broker match on the financial terms of the trade.⁴⁵ If the trade details in a TradeSuite ID confirmation meet the required eligibility criteria to determine if the trade is eligible to settle at DTC or clear at NSCC, then TradeSuite ID will send a settlement instruction message to the applicable depository or clearing agency.⁴⁶

DTCC ITP states that "Clients that use TradeSuite ID have access" to the following archival services:⁴⁷ (i) Confirm Archive (allowing customers to electronically search for match-agreed confirmations and cancel match-agreed confirmations in a DTCC system that DTCC ITP uses for storing the archived confirmations);⁴⁸ and (ii) Trade Archive (allowing institutional clients to access

archived records of their trades and trade related information).⁴⁹ DTCC ITP states that Clients that use TradeSuite ID have access to ITS Data Analytics Operational Metrics (providing Clients with analytics entered in TradeSuite ID and the timeliness of affirmations).⁵⁰

Finally, DTCC ITP proposes to continue to allow Clients that use TradeSuite ID to have access to inSITE as an add-on or ancillary service.⁵¹

(c) ALERT

DTCC ITP states that ALERT "is a global database supporting the input, maintenance, and retrieval of accounts (which maintain underlying reference data points such as tax identifiers, country of domicile, and Legal Entity Identifiers, which allows customers to confirm available SSIs)" available to Clients that either: (i) input data into ALERT; or (ii) retrieve account and/or SSI data from ALERT.⁵² DTCC ITP states that ALERT enables Clients to "confirm SSIs and whether accounts are ready for settlement."⁵³ DTCC ITP does not state that it is proposing optional workflows or ancillary services related to ALERT.⁵⁴

2. Risk Management

DTCC ITP states that, due to its Client Services and operations, risk exposures, and the competitive landscape in which it operates, risks are limited primarily to operational risk.⁵⁵ DTCC ITP also states that certain types of risks inherent in clearing activities would not apply to DTCC ITP based on its Client Services.⁵⁶ Specifically, DTCC ITP describes that it does not: (i) bear credit risk or liquidity risk; (ii) maintain collateral or hold funds or securities; (iii) perform final settlement; (iv) perform central securities depository services or hold securities; or (v) work with security-based swaps.⁵⁷ Moreover, DTCC ITP states that it is not subject to risks from indirect clients of its services.⁵⁸

DTCC ITP also explains that its operations are supported by an existing shared services model that DTCC uses to operate its multiple subsidiaries.⁵⁹ More specifically, DTCC ITP writes that its operations are "conducted entirely" through support services ("Support Services") from other DTCC controlled

²⁸ See Application, Exhibit J, at 10.

²⁹ See Application, Exhibit J, at 10.

³⁰ See Application, Exhibit A, at 1.

³¹ See Application, Exhibit J, at 1.

³² See Exhibit J, Application, Exhibit J, at 9; 13;

57.

³³ See Exhibit J, Application, Exhibit J, at 13; 57.

³⁴ See Exhibit J, Application, Exhibit J, at 14.

³⁵ See Exhibit J, Application, Exhibit J, at 47; 58–

59.

³⁶ See Exhibit J, Application, Exhibit J, at 1; 9; 22.

³⁷ See Exhibit J, Application, Exhibit J, at 24.

³⁸ See Exhibit J, Application, Exhibit J, at 24.

³⁹ See Exhibit J, Application, Exhibit J, at 6.

⁴⁰ See Exhibit J, Application, Exhibit J, at 9; 27;

54.

⁴¹ See Exhibit J, Application, Exhibit J, at 9; 30;

54; 72.

⁴² See Exhibit J, Application, Exhibit J, at 32; 45;

74.

⁴³ See Exhibit J, Application, Exhibit J, at 33.

⁴⁴ See Exhibit J, Application, Exhibit J, at 37.

⁴⁵ See Exhibit J, Application, Exhibit J, at 37.

⁴⁶ See Exhibit J, Application, Exhibit J, at 37.

⁴⁷ See Exhibit J, Application, Exhibit J, at 40.

⁴⁸ See Exhibit J, Application, Exhibit J, at 9; 13;

57.

⁴⁹ See Exhibit J, Application, Exhibit J, at 13; 57.

⁵⁰ See Exhibit J, Application, Exhibit J, at 40.

⁵¹ See Exhibit J, Application, Exhibit J, at 40.

⁵² See Exhibit J, Application, Exhibit J, at 3.

⁵³ See Exhibit J, Application, Exhibit J, at 3.

⁵⁴ See Exhibit J, Application, Exhibit J, at 3.

⁵⁵ See Application, Exhibit J, at 43.

⁵⁶ See Application, Exhibit J, at 43.

⁵⁷ See Application, Exhibit J, at 43.

⁵⁸ See Application, Exhibit J, at 43.

⁵⁹ See Application, Exhibit C, at 1.

entities (*i.e.*, Service Providers).⁶⁰ DTCC ITP states that it manages its operational risk by applying the DTCC Corporate Risk Framework.⁶¹ DTCC ITP states that the DTCC Corporate Risk Framework defines the risk management program as applicable to DTCC, its clearing agency subsidiaries (*i.e.*, DTC, FICC, and NSCC), and its affiliate companies (*e.g.*, DTCC ITP).⁶² DTCC ITP explains that the DTCC Corporate Risk Framework provides guidelines for managing risk, where “each identified risk is underscored by the ‘three lines of defense’ strategy:” (i) the “first line” involves business lines and functional units with a “mandate to proactively manage risk;” (ii) the “second line” involves control functions (*i.e.*, “areas that fall under the purview of the DTCC Chief Risk Officer, Legal, Privacy/Data Protection, and Compliance”) that advise the first line “to adhere to established risk standards and to monitor compliance with those standards;” and (iii) the “third line” is the Internal Audit Department that “assesses the overall control environment, risk management, and control framework.”⁶³ DTCC ITP explains that DTCC Operational Risk is a Support Service that works with DTCC ITP to “determine how to apply Risk Assessments and on-going reviews of operational risk and business metrics to the Applicant.”⁶⁴

3. Approach to Technology and Systems

As described in Exhibit K, DTCC ITP employs various measures and procedures to provide for the security of systems used when providing the core and ancillary services.⁶⁵ DTCC ITP states that DTCC implements DTCC ITP’s Information Security and IT Risk Management Controls through Service Agreements with DTCC ITP.⁶⁶ In addition, as described in Exhibit M, DTCC ITP receives “business continuity management” Support Services through Service Agreements with DTCC entities for its data centers that operate across multiple regions.⁶⁷ In its Application, DTCC ITP also explains that these services enable it to effectively and efficiently assess the impact of a disruption, organize communication and decision-making, and coordinate a response effort, and include backup

systems or subsystems designed to prevent interruptions.⁶⁸

In its Application, DTCC ITP proposes to become an SCI entity pursuant to Regulation Systems Compliance and Integrity (“Regulation SCI”).⁶⁹ The Application explains that, pursuant to the proposed conditions to the exemption, DTCC ITP will be an SCI entity under Regulation SCI.⁷⁰ DTCC ITP states that “as such, its systems will be required to have sufficient operational and processing capacity, integrity, resiliency, and security to facilitate prompt and accurate services facilitating allocation and matching, confirmation, and affirmation (including central trade matching services and ETC services).”⁷¹

IV. Statutory Standard

Section 17A(b)(1) of the Exchange Act requires any clearing agency to register with the Commission before performing the functions of a clearing agency with respect to any security (other than an exempted security).⁷² Section 17A(b)(1) also provides that, by rule or order, upon its own motion or upon application, the Commission may conditionally or unconditionally exempt a clearing agency from any provisions of Section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.⁷³

In the Matching Release, the Commission stated that an entity that limited its clearing agency functions to providing matching services might not have to be subject to the full range of clearing agency regulation, consistent with the exemptive authority provided in Section 17A(b)(1).⁷⁴ The Commission stated that a conditional exemption would exempt an entity from clearing agency registration under appropriate conditions.⁷⁵ The Commission

⁶⁸ See Application, Exhibit M, at 1, 4.

⁶⁹ *Id.* (“If the Applicant is approved as an exempt clearing agency, it will become an ‘SCI entity,’ subject to the [Regulation SCI] policies and procedures implemented by DTCC, as set forth herein. DTCC performs functions for the Applicant to comply with [Regulation SCI] obligations pursuant to the Services Agreements.”) ITPM is also an SCI entity.

⁷⁰ See Application, Exhibit S, at 31.

⁷¹ See Application, Exhibit S, at 31.

⁷² See 15 U.S.C. 78q–1(b)(1); 17 CFR 240.17Ab2–1.

⁷³ See 15 U.S.C. 78q–1(b)(1).

⁷⁴ See Matching Release, *supra* note 3, 63 FR at 17947.

⁷⁵ See *id.* at 17947.

anticipated that an entity seeking an exemption from clearing agency registration for matching would be required to: (i) provide the Commission with information on its matching services and notice of material changes to its matching services; (ii) establish an electronic link to a registered clearing agency that provides for the settlement of its matched trades; (iii) allow the Commission to inspect its facilities and records; and (iv) make periodic disclosures to the Commission regarding its operations.⁷⁶

V. Request for Exemption

In its Application, DTCC ITP requests that the Commission grant a conditional exemption to permit it to operate the services described in Part III above without registering as a clearing agency for the reasons discussed below.

A. Application of Statutory Standard

In its Application, DTCC ITP includes five reasons in support of its request for an exemption from registration as a clearing agency, as follows:⁷⁷

- It proposes to perform the same limited clearing agency activities that the Commission authorized ITPM to perform for the last 25 years. DTCC ITP states that there will be no expansion of clearing agency activities resulting from the Application.

- In consideration of applicable changes in the regulation of clearing agencies since the Commission granted the ITPM Exemption, DTCC ITP states that it is prepared to adopt new controls and provide greater transparency into its activities to ensure it can continue to meet the needs of the market and its Clients.

- DTCC ITP states that its clearing agency functions are limited to providing matching services. According to DTCC ITP, beyond matching, the Client Services offered by the Applicant facilitate allocation, confirmation, and affirmation, and facilitate straight through processing, all of which precede final settlement. In DTCC ITP’s view, it is not necessary for DTCC ITP to be a self-regulatory organization to meet its obligations with respect to this limited clearing agency function and status as a central matching service provider under 17 CFR 240.17ad–27 (“Rule 17Ad–27”).

- DTCC ITP states that its proposed limited clearing agency activities do not implicate the overwhelming majority of clearing agency rules, as such rules are largely designed for and applicable to clearing agencies engaged in CCP or

⁷⁶ See *id.* at 17947 n.28.

⁷⁷ See Application, Exhibit S, at 2–3.

⁶⁰ See Application, Exhibit C, at 1.

⁶¹ See Application, Exhibit J, at 43.

⁶² See Application, Exhibit J, at 43.

⁶³ See Application, Exhibit J, at 43–44.

⁶⁴ See Application, Exhibit J, at 44.

⁶⁵ Application, Exhibit K, at 1.

⁶⁶ Application, Exhibit K, at 1.

⁶⁷ See Application, Exhibit M, at 1.

CSD services; the handling, transfer, custody, or physical delivery of funds or securities; final settlement services; the exercise of disciplinary authority over members; and activities involving significant credit and liquidity risks; among other activities.

- The Applicant states that the Commission will have adequate authority to oversee, and even take action against, an exempt clearing agency via annual reporting under Exchange Act Rule 17Ad-27, and other reporting in the Applicant's proposed conditions tailored to the Applicant's operations and business.⁷⁸

Additionally, DTCC ITP cites the track record of ITPM's provision of central matching services, including most recently through multiple market structure changes and the shortening of the U.S. settlement cycle on May 28, 2024.⁷⁹ DTCC ITP states that ITPM played a key role in the move to T+1 settlement and did so effectively as an exempt clearing agency.⁸⁰ DTCC ITP also states that ITPM played a similarly important and effective role as an exempt clearing agency in the move from T+3 to T+2 in 2017, and it is not necessary that DTCC ITP register as a clearing agency to continue to provide post-trade processing services in a T+1 environment.⁸¹ The Application explains that imposing the full range of regulation that applies to clearing agencies that perform CSD and CCP services would unnecessarily increase compliance and related costs (that could lead to increased fees to customers) and reduce the efficiency of entities that perform only post-trade processing services.⁸²

In its request, DTCC ITP summarizes past Commission views, expressed in the Matching Release, that matching services concerns two areas that the Commission and the securities industry view as critical to maintaining a sound clearance and settlement system: reducing errors and reducing the amount of settlement time.⁸³ The Application describes the Commission's statement in the Matching Release that an entity that limits its clearing agency functions to providing matching services does not have to be subject to the full range of clearing agency regulations, and states that DTCC ITP would also be limiting its clearing agency functions in the same manner.⁸⁴

The Application explains that, pursuant to the proposed conditions to the exemption, DTCC ITP will be an SCI entity under Regulation SCI and, as such, its systems will be required to have sufficient operational and processing capacity, integrity, resiliency, and security to facilitate prompt and accurate services facilitating allocation and matching, confirmation, and affirmation (including central trade matching services and ETC services).⁸⁵ Finally, the Applicant states that it maintains primary responsibility for appropriate governance and control measures, while also benefiting from the support of its Service Providers, from which it can leverage experience and robust practices related to governance and control measures.⁸⁶

The Applicant states that these arrangements will help ensure that the Applicant operates in a matter that is consistent with the public interest.⁸⁷ For example, the Applicant states its services agreements require Service Providers to provide qualified and competent personnel and provide it the right to require removal of any personnel provided by Service Provider for unsatisfactory performance.⁸⁸ The Applicant also states that the Services Agreements require the Service Provider to cause its personnel to comply with the Applicant's policies, procedures, and code of conduct and to be subject to reasonable background checks, providing the Applicant with control of the personnel who provide Support Services to it and the conditions to which the performance of the Support Services is subject.⁸⁹

B. Conditions to Exemption

The Applicant explains that, while it is a new applicant with respect to this Application and request for exemption, CTM and TradeSuite ID are existing services that the Applicant will incorporate into its operations and that will remain unchanged upon the completion of the Proposed Transaction in terms of their client base and core services functionality.⁹⁰ In its Application, DTCC ITP represents that the addition of the direct provision of central trade matching and ETC services to the Applicant's existing suite of services will not result in the Applicant offering any additional services that the Commission has indicated are clearing agency services—beyond central trade

matching (and central trade matching is an activity of the type that the Commission has previously considered and specifically determined to be appropriate for exempt clearing agencies rather than requiring clearing agency registration).⁹¹ DTCC ITP also states that, as with ITPM today, the requested conditional exemption order would specify that the Applicant would not perform the other functions of a clearing agency (e.g., no CCP or CSD services, no payment or delivery).⁹²

In support of its request for an exemption from registration, the Applicant proposes a new set of conditions, as set forth below, that relate to: (i) the operations of the services described in its Application (the "Proposed Operational Conditions"); and (ii) the interoperability with the services described in its Application (the "Proposed Interoperability Conditions"), with which it would comply if its request for an exemption from registration is granted.⁹³ The Applicant explains that these changes have been designed following review of Commission rules applicable to clearing agencies adopted since the granting of the ITPM Exemption and other standards that apply to DTCC's registered clearing agency subsidiaries,⁹⁴ and that they are designed to provide greater oversight and transparency into the Client Services, including operations, governance, and key agreements.⁹⁵

1. Proposed Operational Conditions

DTCC ITP proposes the following operational conditions as part of its request for an exemption from registration as a clearing agency:

1. The Applicant will offer Client Services to facilitate the allocation and matching, confirmation, and affirmation of securities transactions (including central trade matching and ETC services). The Applicant will not perform any other clearing agency function (such as net settlement, maintaining a balance of open positions between buyers and sellers, or marking securities to the market) other than as permitted by the previous sentence.⁹⁶

2. The Applicant will be subject to Regulation SCI (as the successor rule to

⁷⁸ See *id.* at 2–3.

⁷⁹ See Application, Exhibit S, at 35.

⁸⁰ See Application, Exhibit S, at 26.

⁸¹ See Application, Exhibit S, at 27.

⁸² See Application, Exhibit S, at 27.

⁸³ See Application, Exhibit S, at 15.

⁸⁴ See Application, Exhibit S, at 22.

⁸⁵ See Application, Exhibit S, at 31.

⁸⁶ See Application, Exhibit S, at 32.

⁸⁷ See Application, Exhibit S, at 32.

⁸⁸ See Application, Exhibit S, at 26.

⁸⁹ See Application, Exhibit C, at 2.

⁹⁰ See Application, Exhibit S, at 129.

⁹¹ *Id.*

⁹² *Id.*

⁹³ See Application, Exhibit S, at 32–35.

⁹⁴ See Application, Exhibit S, at 2 (citing to Commission rules for registered clearing agencies under 17 CFR 240.17ad-22 and the CPMI-IOSCO *Principles for Financial Market Infrastructures*, published in 2012).

⁹⁵ See Application, Exhibit S, at 2.

⁹⁶ See Application, Exhibit S, at 32.

the Commission's ARP) as an exempt clearing agency.⁹⁷

3. The Applicant's Board will include representation from its Client segments, and a majority of the Applicant's Board will consist of Industry Managers.⁹⁸

4. The Applicant's Board will oversee management's compliance with the CMSP rules.⁹⁹

5. The Applicant's Board will review reporting on ongoing monitoring of arrangements with the Significant ITP Service Providers, and any action taken by the Applicant to remedy significant deterioration in performance or address changing risks or material issues identified through such monitoring.¹⁰⁰

6. The Applicant will establish, implement, maintain and enforce written policies and procedures reasonably designed to:

a. require the Board to review reporting from the Applicant's Regional Advisory Councils, which include Clients and other relevant stakeholders, regarding material developments in operations on a recurring basis;

b. to identify, monitor, and manage risks related to any link the Applicant establishes with one or more other clearing agencies; and

c. to support and accommodate, relevant internationally accepted communication procedures and standards in order to facilitate the allocation and matching, confirmation, and affirmation of securities transactions (including central trade matching and ETC services).¹⁰¹

7. The Applicant will establish, implement, maintain and enforce written policies and procedures, systems, and controls, reasonably designed to identify, measure, mitigate, monitor, and manage legal, operational, and general business risks, that are subject to review on a periodic basis.¹⁰²

8. The Applicant will:

a. respond and require the Service Providers to respond to requests from the Commission for additional information relating to Client Services that facilitate the allocation and matching, confirmation, and affirmation of securities transactions and provide access to the Commission to conduct

on-site inspections of all facilities (including automated systems and systems environment), records, and personnel related to the Client Services. The Applicant proposed that such requests for information will be made and the inspections will be conducted solely for the purpose of reviewing the Client Services operations that facilitate the allocation and matching, confirmation, and affirmation of securities transactions (including central trade matching and ETC services), and compliance with the federal securities laws and the terms and conditions of the exemptive order; and

b. (i) keep and preserve at least one copy of the allocations and matching, confirmations, and affirmations of securities transactions; reports and notices sent to Clients or to the Commission; Client Contracts; Procedures (as defined in the Client Contracts); Intercompany Agreements; and agreements with Significant ITP Service Providers, in each case as they pertain to the Client Services to facilitate the allocation and matching, confirmation, and affirmation of securities transactions (including central trade matching and ETC services); (ii) keep all such documents for a period of not less than five years, the first two years in an easily accessible place; and (iii) upon request from any representative of the Commission, promptly furnish such representative copies of any such documents required to be kept and preserved by the Applicant pursuant to this condition.¹⁰³

9. The records that the Applicant will be required to keep pursuant to Proposed Operational Condition 8.b will be subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the Exchange Act.¹⁰⁴

10. The Applicant will permit fair and open access to the Client Services subject to transparent eligibility criteria for the use of any Client Services, providing that an entity may become a Client so long as the Client completes the appropriate legal terms and conditions governing the Client's use of the Client Services. The Applicant's parent conducts sanctions screenings against various watch lists and collects certain documents from Clients for purposes of Client verification.¹⁰⁵

11. The Applicant will, on at least a quarterly basis, within 45 calendar days after the end of each calendar quarter, update the Commission on the following (other than reporting pursuant to Regulation SCI), including relevant dates: (i) changes to the DTCC ITP Services Catalog, as updated from time to time pursuant to the Applicant's applicable policies and procedures; (ii) changes to pricing that would result in an introduction of a new Fee (as such term is defined in the Client Contracts), a retirement or removal of an existing Fee, an increase to a Fee, or a decrease of a Fee for Client Services to facilitate the allocation and matching, confirmation, and affirmation of securities transactions (including central trade matching and ETC services); (iii) the current STP Roadmap for the quarter, and rationale for significant changes to the STP Roadmap; (iv) changes which require Client notification pursuant to the Applicant's applicable policies and procedures, (including, without limitation, changes to interface requirements, upgrades, or changes to fields that Clients must populate in the Client Services), to the extent not covered in condition 11(i); (v) changes to: (a) Intercompany Agreements; (b) the Charter; (c) the LLC Agreement; (d) DTCC's sole ownership and control of the Applicant; (e) forms of the Applicant's Client Contracts; and (f) eligibility criteria. For the avoidance of doubt, the changes above will not require the Commission's approval before they are implemented.¹⁰⁶

12. The Applicant will provide to the Commission, on a confidential basis, its annual audited financial statements on or before June 30th of the year immediately following the end of the fiscal year being audited, which will: (i) include two years of consolidated balance sheets as of the end of the two most recent fiscal years, statements of income, changes in stockholders' equity, and cash flow statements for each of the two most recent fiscal years; (ii) be prepared in accordance with U.S. generally accepted accounting principles; (iii) be audited in accordance with the standards of the Public Company Accounting Oversight Board by a registered public accounting firm that is qualified and independent in accordance with 17 CFR 210.2-01; and (iv) include a report of the registered public accounting firm that complies with paragraphs (a) through (d) of 17 CFR 210.2-02.¹⁰⁷

⁹⁷ See Application, Exhibit S, at 32. In reproducing the proposed conditions in this notice, the notice replaces instances of "SEC" with "Commission" to avoid confusion and ensure consistency with usage throughout this notice. The notice also replaces uses of "Reg SCI" with "Regulation SCI" to avoid confusion and ensure consistency with usage throughout this notice.

⁹⁸ See Application, Exhibit S, at 32.

⁹⁹ See Application, Exhibit S, at 33. Commission rules for CMSPs are codified in Rule 17Ad-27.

¹⁰⁰ See Application, Exhibit S, at 33.

¹⁰¹ See Application, Exhibit S, at 33.

¹⁰² See Application, Exhibit S, at 33.

¹⁰³ See Application, Exhibit S, at 33-34.

¹⁰⁴ See Application, Exhibit S, at 34.

¹⁰⁵ See Application, Exhibit S, at 34.

¹⁰⁶ See Application, Exhibit S, at 34-35.

¹⁰⁷ See Application, Exhibit S, at 35.

2. Proposed Interoperability Conditions

The Applicant proposed the following interoperability conditions to its request for an exemption from clearing agency registration:

1. The Applicant will maintain an interface which permits connections to any exempt clearing agency that wishes to utilize the Applicant's central trade matching service ("Interface") with specifications that support industry standards and are available in a readily accessible location.¹⁰⁸

2. Upon receipt of a written interoperability request, the Applicant will work to complete all steps reasonably necessary for any exempt clearing agency to establish a connection to the Interface in a timely and efficient manner.¹⁰⁹

3. The Applicant will institute fair, reasonable, and non-discriminatory fees and terms for use of the Interface.¹¹⁰

4. The Applicant will provide access to the Interface: (i) on a first-in-time priority basis with respect to activity between the Applicant's Clients and the clients of other exempt clearing agencies; and (ii) without bias in performance relative to similar transactions processed completely within the Applicant's systems.¹¹¹

5. The Applicant will provide its Clients, other exempt clearing agencies, and the Commission with advance notice of material changes to the Interface.¹¹²

VI. Request for Written Comments

Interested persons are invited to provide written data, views, and arguments concerning the foregoing, including whether the Application's proposed exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act. To the extent possible, commenters are requested to provide empirical data and other factual support for their views. In addition, the Commission seeks comment generally on the following questions relevant to the consideration of the Application:

1. Since the Commission issued the ITPM Exemption in 2001, has ITPM, as subsidiary of DTCC ITP, provided central trade matching services and operated consistent with the public interest, the protection of investors, and the purposes of the Exchange Act? Why or why not? To what extent has ITPM's provision of central trade matching services affected the ongoing

development of the national system for clearance and settlement?

2. Would the provision of central trade matching and ETC services by the Applicant using the same set of operational arrangements and framework for service agreements as ITPM, as described in the Application, be consistent with the public interest, the protection of investors, and the purposes Section 17A of the Exchange Act? Why or why not?

3. Does DTCC ITP's proposed set of new conditions adequately reflect the evolution since 2001 of the services provided, DTCC ITP's role within the broader market structure for facilitating central matching, and DTCC ITP's potential impact on the securities market? If not, please explain the ways in which DTCC ITP's proposed approach does not sufficiently address this evolution, including what issues or areas have not been sufficiently addressed.

4. Are the Applicant's Proposed Operational Conditions consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds? To the extent the proposed approach differs from the set of conditions in the existing ITPM Exemption, are those changes sufficiently designed to be consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act? If not, why not?

5. Are the Applicant's Proposed Interoperability Conditions consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds? To the extent the proposed approach differs from the set of conditions in the existing ITPM Exemption, are those changes sufficiently designed to be consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act? If not, why not?

6. Are the Applicant's Proposed Interoperability Conditions designed to promote innovation and to facilitate competition among central trade matching and ETC service providers?

7. Are there any aspects of the services provided by ITPM and proposed to be provided by DTCC ITP directly, or aspects of DTCC ITP's Application, that support modifying or

revising the interpretations provided by the Commission in the Matching Release? If so, in what ways or how?

8. Are there any aspects of the services provided by ITPM and proposed to be provided by DTCC ITP directly that would support applying Commission rules other than Regulation SCI and Rule 17Ad-27? For example, should the recordkeeping requirements for registered clearing agencies under 17 CFR 240.17a-1 be applied to DTCC ITP as a central matching service provider? Are there other rules that should apply to DTCC ITP, and, if so, why?

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 600-46 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>). 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 600-46 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17674 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

¹⁰⁸ See Application, Exhibit S, at 35.

¹⁰⁹ See Application, Exhibit S, at 35.

¹¹⁰ See Application, Exhibit S, at 35.

¹¹¹ See Application, Exhibit S, at 35.

¹¹² See Application, Exhibit S, at 35.

¹¹³ 17 CFR 200.30-3(a)(16).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0411]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 489 and Form F-N

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("SEC" or "Commission") is soliciting comments on the proposed collection of information.

Rule 489 (17 CFR 230.489) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires foreign banks and foreign insurance companies and holding companies and finance subsidiaries of foreign banks and foreign insurance companies that are exempted from the definition of "investment company" by virtue of rules 3a-1 (17 CFR 270.3a-1), 3a-5 (17 CFR 270.3a-5), and 3a-6 (17 CFR 270.3a-6) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) to file Form F-N (17 CFR 239.43) to appoint an agent for service of process when making a public offering of securities in the United States. The information is collected so that the Commission and private plaintiffs may serve process on foreign entities in actions and administrative proceedings arising out of or based on the offer or sales of securities in the United States by such foreign entities.

The Commission received an average of 20 Form F-N filings per year over the last three years (2023-2025). The Commission has previously estimated that the total annual burden associated with information collection and Form F-N preparation and submission is one hour per filing. Based on the Commission's experience with disclosure documents generally, the Commission continues to believe that this estimate is appropriate. Thus, the estimated total annual burden for rule 489 and Form F-N is 20 hours.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of rule 489 and Form F-N is mandatory to obtain the benefit of the exemption. Responses

to the collection of information will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by October 30, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: August 26, 2026.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17679 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106193; File No. SR-CMESC-2026-007]

Self-Regulatory Organizations; CME Securities Clearing Inc.; Notice of Filing of Proposed Rule Change To Adopt Standards for Establishing Cross-Margin Arrangements and Adopt a Cross-Margin Arrangement With Chicago Mercantile Exchange Inc.

August 26, 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 18, 2026, CME Securities Clearing Inc. ("CMESC") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule

change described in Items I, II, and III below, which Items have been substantially prepared by CMESC. CMESC filed the proposed rule change pursuant to Section 19(b)(2) of the Act.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. CMESC's Statement of the Terms and Substance of the Proposed Rule Change

The proposed rule change of CME Securities Clearing Inc. ("CMESC") consists of three parts: (i) proposed modifications to the CMESC Rulebook (the "Rules")⁴ relating to cross-margining arrangements; (ii) modifications to certain CMESC clearing risk management policies to cover cross-margining; and (iii) proposed agreements to establish an initial cross-margining arrangement in accordance with and subject to the Rules and clearing risk management policies.

The proposed modifications to the Rules set forth a framework under which CMESC may establish a cross-margining arrangement with a clearing organization registered with the Commodity Futures Trading Commission ("CFTC") under the Commodity Exchange Act ("CEA") as a derivatives clearing organization ("DCO"). They include new Rule 514 (Cross-Margining) and new defined terms in Rule 101 (Definitions), along with related revisions proposed to (i) the definitions in Rule 101 for "Independent User Account" and "Member Account;" (ii) Rules 405 (Default Management Process) and 1507 (Default Management); (iii) Rule 406 (Use and Application of Guaranty Fund, Margin and Other Financial Resources); (iv) Rule 412 (Corporation Authority with Respect to Users of a Defaulting Member); (v) Rule 502 (Form and Value of Initial Margin; Collateral Value Reports); (vi) Rule 506 (Outstanding Exposure Settlement); (vii) Rule 508 (Daily Margin Report); (viii) Rule 509 (Settlement Cycles; Additional Margin); (ix) renumber current Rule 514 (Using the Corporation's Systems) as Rule 515; (x) Rule 602 (Submission of Transaction Data); (xi) Rule 709 (Release of Clearing Data); and (xii) Rule 902 (Ceasing to Act for Member or User Based on Other Grounds).

The clearing risk management policies that CMESC proposes to revise include the (i) CMESC Risk

³ 15 U.S.C. 78s(b)(2).

⁴ Capitalized terms used herein and not otherwise defined herein have the meanings assigned to such terms in the Rules, as applicable, available at <https://www.cmegroup.com/rulebook/CMESC/CMESC%20Rulebook.pdf>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Management Framework; (ii) CMESC Credit Policy; (iii) CMESC Credit Risk Management Assessment Methodology; (iv) CMESC Liquidity Risk Management Policy; (v) CMESC Stress Testing & Guaranty Fund Sizing Policy; (vi) proposed CMESC Margin Policy (the “Proposed Margin Policy”);⁵ (vii) CMESC Backtesting Policy; and (viii) CMESC Model Risk Management Policy (collectively, the “Policies”).

The proposed agreements include a cross-margining agreement to be executed by and between CMESC and its affiliate Chicago Mercantile Exchange Inc. (“CME”) to establish a cross-margining arrangement and as appendices thereto the forms of the agreement a participant in the cross-margining arrangement must sign. Under the cross-margining arrangement reflected in these agreements, a Member or Independent User may cross-margin its Eligible Securities Transactions cleared at CMESC with positions in interest rate futures cleared at CME by the Member or Independent User as a clearing member of CME or by an affiliate of the Member or Independent User that is a clearing member of CME. As a related agreement, CMESC and CME will enter into the service level agreement.

II. CMESC’s Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, CMESC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CMESC has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. CMESC’s Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Background

CMESC became registered as a clearing agency under the Securities Exchange Act of 1934, as amended (“Act”), and rules and regulations of the Securities and Exchange Commission (“Commission” or “SEC”) thereunder, on December 1, 2025, to provide central counterparty services as a covered clearing agency for transactions in or

involving U.S. Treasury securities.⁶ CMESC is seeking to enhance its Clearing Services prior to commencing operations as a covered clearing agency by adopting a framework for establishing cross-margining arrangements and implementing an initial proprietary cross-margining arrangement (described further below).

In this regard, CMESC is proposing modifications to its Rules to set forth terms under which CMESC may establish one or more cross-margining arrangements with clearing organizations registered with the CFTC under the CEA as DCOs and to govern a Member’s or User’s participation in a cross-margining arrangement, along with related amendments to the Policies. The proposed changes will enable CMESC to offer market participants the benefit of cross-margining positions in Eligible Securities Transactions cleared by CMESC and related derivatives transactions cleared by a participating DCO.

CMESC is also proposing to enter into a cross-margining agreement (“Cross-Margining Agreement”) and related service level agreement (“Service Level Agreement”) with CME, an affiliate and registered DCO, to establish a cross-margining arrangement (the “Proposed Proprietary X–M Arrangement”) as permitted under and subject to the Rules and Policies, as amended pursuant to this proposed rule change. The Proposed Proprietary X–M Arrangement will be available to an eligible Member or Independent User with respect to its Eligible Securities Transactions cleared at CMESC and eligible positions in interest rate futures cleared at CME by the Member or Independent User, if it is a clearing member of CME or its affiliate that is a clearing member of CME, in its account at CME for clearing proprietary positions. The Proposed Proprietary X–M Arrangement will benefit participating Members and Independent Users and, as applicable, their affiliates, by holistically reflecting the risk exposure of their portfolios of interest rate futures and Eligible Securities Transactions that are subject to cross-margining and in turn, provide them with capital efficiencies. This will encourage their greater utilization of CMESC’s Clearing Services for their Eligible Securities Transactions, thereby facilitating the reduction of systemic

risk to the benefit of the overall financial markets, in turn supporting the resiliency and robustness of the markets for U.S. Treasury securities.

The proposed changes to the Rules and Policies and the terms of the agreements governing the Proposed Proprietary X–M Arrangement with CME are described in the following sections.

Description of the Proposed Rule Change

1. Proposed Changes to CMESC Rules

CMESC is proposing to adopt new Rule 514 (Cross-Margining) and new definitions in Rule 101 for terms used in proposed Rule 514 to set out the primary substantive terms under which CMESC may establish and offer cross-margining arrangements and Participants may utilize such arrangements, along with related changes to existing Rules, and to renumber existing Rule 514 as Rule 515. By design, the proposed changes cover cross-margining arrangements that CMESC may establish with CFTC-registered DCOs to provide cross-margining of Eligible Securities Transactions cleared by CMESC subject to the Act’s regulatory framework and SEC oversight with derivatives cleared by DCOs subject to the CEA regulatory framework and CFTC oversight. The proposed changes will permit CMESC to establish cross-margining arrangements for eligible cross-margining participants with respect to their cleared transactions. The proposed changes are also drafted in a manner to facilitate future modifications to the Rules that would permit CMESC to establish and offer customer level cross-margining arrangements with DCOs.⁷

a. Definitions

CMESC is proposing new defined terms to aid in delineating the scope of cross-margining arrangements it may establish, as described above. In this respect, CMESC is proposing to add the following defined terms to Rule 101:

- “*Cross-Margining Agreement*,” defined to cover an agreement between CMESC and a Cross-Margining Clearing Organization, and “*Cross-Margining Clearing Organization*,” defined to cover a CFTC-registered DCO.
- “*Proprietary X–M Account*,” defined to cover a Member Account or Independent User Account designated by CMESC within its books and records

⁵ CMESC filed a proposed rule change with the SEC to adopt the CMESC Margin Policy on July 22, 2026. See Exchange Act Release No. 106037 (Aug. 5, 2026), 91 FR 51191 (Aug. 7, 2026) (SR–CMESC–2026–005).

⁶ Release No. 34–104281 (Dec. 1, 2025), 90 FR 55926 (Dec. 4, 2025), available at <https://www.federalregister.gov/documents/2025/12/04/2025-21908/cme-securities-clearing-inc-order-granting-an-application-for-registration-as-a-clearing-agency>.

⁷ CMESC understands that any change to the proposed Rules, Policies or agreements provided pursuant to this proposed rule change, such as to facilitate an expansion to customer-level cross-margining may be subject to regulatory filings and approvals with both the Commission and the CFTC.

as a cross-margining account in connection with the Member's or User's participation in a Proprietary X-M Arrangement, and "X-M Account," defined to cover more generally any Account designated by CMESC as a cross-margining account within its books and records for a Participant participating in an X-M Arrangement.

- "*Proprietary X-M Arrangement*," defined to cover cross-margining arrangements with a Cross-Margining Clearing Organization to cover proprietary cleared activity of participants, which at CMESC would be limited to Members and Independent Users, and "*X-M Arrangement*," defined more generally to cover any cross-margining arrangement established pursuant to proposed Rule 514.

- "*X-M Affiliated Clearing Member*," defined to cover an affiliate of a Member or Independent User with which the Member or Independent User cross-margins eligible positions at CMESC and a Cross-Margining Clearing Organization; "*X-M Joint Clearing Member*," defined to cover a Member or Independent User that is a clearing member of the Cross-Margining Clearing Organization for the X-M Arrangement in which it participates; and "*X-M Participant*" to refer generally to a Member or Independent User that participates in an X-M Arrangement either pursuant to its affiliation with an X-M Affiliated Clearing Member or as a Joint Clearing Member.

CMESC is also proposing to modify the definitions of "Independent User Account" and "Member Account" in Rule 101 to clarify that an Independent User Account or Member Account includes any such Account that is established as a Proprietary X-M Account.

b. New Rule 514

Proposed Rule 514 sets out the parameters for CMESC to establish an X-M Arrangement with a DCO, as a Cross-Margining Clearing Organization, pursuant to a Cross-Margining Agreement. As provided in proposed Rule 514(a), CMESC may establish one or more X-M Arrangements with the approval of the Board.

Proposed Rule 514(b) permits CMESC to establish a Proprietary X-M Arrangement with a Cross-Margining Clearing Organization in which a Member or Independent User may participate, either as a Joint Clearing Member or with an X-M Affiliated Clearing Member. Participants in a Proprietary X-M Arrangement must sign an appropriate agreement (or agreements) with CMESC and the Cross-

Margining Clearing Organization, under which they grant a first priority lien on and security interest in their cross-margined positions and related margin and proceeds thereof jointly to CMESC and the Cross-Margining Clearing Organization. In addition, an Independent User may participate in a Proprietary X-M Arrangement only with the consent of its authorizing Member.

Proposed Rule 514 also includes the following:

- Rule 514(c), which is marked "RESERVED" and is a placeholder where CMESC could add details as part of any futures amendments to the Rules to cover customer-level X-M Arrangements.

- Rule 514(d), which provides that the terms of the applicable Cross-Margining Agreement for an established X-M Arrangement will govern margining of X-M Accounts at CMESC and the related paired accounts carried by the Cross-Margining Clearing Organization, including the forms and amount of margin.

- Rule 514(e), which provides that cross-margined positions and related margin or other assets will be treated in accordance with the applicable Cross-Margining Agreement, the Rules, and the rules of the Cross-Margining Clearing Organization, and that in the event of any inconsistency between the agreement and the Rules, the provisions of the Cross-Margining Agreement will govern.

- Rule 514(f), which sets out that an X-M Participant may be suspended from an the X-M Arrangement if it or its X-M Affiliated Clearing Member, as applicable, is in default in payment of any obligation under an X-M Arrangement and sets out CMESC's right to liquidate the positions in the X-M Account, convert associated non-cash margin to cash, and use the proceeds thereof, in accordance with the terms of the applicable Cross-Margining Agreement. Proposed Rule 514(f) also provides that CMESC may liquidate the Proprietary X-M Account of an X-M Participant at the request of the Cross-Margining Clearing Organization, regardless of whether CMESC suspends, or is otherwise expressly permitted under the Rules to suspend, such X-M Participant.

c. Related Changes to Existing Rules

CMESC is also proposing related changes to the Rules, which are primarily clarifying or conforming in nature, as follows:

- *Rule 405 (Default Management Process) and Rule 1507 (Default Management)*: Adding text to paragraph (a) in each Rule to provide that, in

addition to managing a Member Default or User Default in accordance with the Rules, CMESC as applicable will act in accordance with the Cross-Margining Agreement for an X-M Arrangement in which the Defaulting Member or Defaulting User participates.

- *Rule 406 (Use and Application of Guaranty Fund, Margin and Other Financial Resources)*. In paragraphs (a) (Member Default) and (b) (User Default), adding text confirming that if a Member or an Independent User is in Default and participated in an X-M Arrangement, the margin or other assets of the Member or Independent User, along with margin or other assets of its X-M Affiliated Clearing Member, as applicable, and the proceeds thereof, are assets available to CMESC as and to the extent provided in the governing Cross-Margining Agreement. The proposed changes to Rule 406(a) also confirm that CMESC will have a claim against a Defaulting Member for any loss or liability to CMESC arising from the Default to the extent the amount thereof exceeds the value of the Member's or, as applicable its X-M Affiliated Clearing Member's, assets available to CMESC.

- *Rule 412 (Corporation Authority With Respect to Users of a Defaulting Member)*. Adding text to the Rule to provide that in the event of a Member Default, before CMESC may transfer a Proprietary X-M Account of an Independent User that was authorized by the Defaulting Member, the receiving Member has consented to the Independent User's continued participation in the X-M Arrangement.

- *Rule 502 (Form and Value of Initial Margin; Collateral Value Reports)*. Consistent with proposed Rule 514(d), (i) adding a sentence to paragraph (a) of the Rule providing that margin requirements for X-M Accounts will be determined in accordance with the applicable Cross-Margining Agreement, and (ii) adding a clarifying statement in paragraph (b) of the Rule that, as applicable, the Cross-Margining Agreement will specify details with respect to the deposit of margin. In addition, CMESC is correcting a typographical error in paragraph (a), replacing "the" with "The".

- *Rule 506 (Outstanding Exposure Settlement)*. Adding statements to the Rule to provide that for positions subject to cross-margining, Outstanding Exposure Settlement will be determined as provided in the applicable Cross-Margining Agreement and that a Cross-Margining Clearing Organization may have the authority to auto-debit the participating Member's or Independent User's relevant Bank account(s). Also adding a sentence to clarify that CMESC

is not required to pay any increase in the market value of a Proprietary X-M Account if, as applicable, the Member or Independent User for such X-M Account or its X-M Affiliated Clearing Member fails to pay outstanding exposure to the Cross-Margining Clearing Organization for the same settlement cycle.

- *Rule 508 (Daily Margin Report).*

Adding text to paragraph (a) of the Rule to confirm that the items listed that are covered in a Daily Margin Report will, as applicable, be provided separately for X-M Accounts.

- *Rule 509 (Settlement Cycles; Additional Margin).* Adding text to paragraph (b) of the Rule to confirm that CMESC's authority to require a Member or User to post additional margin applies to margin that may be required for an X-M Account.

- *Rule 514 (Using the Corporation's System).* Renumbering as Rule 515.

- *Rule 602 (Submission of Transaction Data).* Adding text to paragraph (c) of the Rule to set out that no Member or User may provide any false or inaccurate transaction data in connection with transactions submitted to a Cross-Margining Clearing Organization for any account participating in an X-M Arrangement at such Cross-Margining Clearing Organization.

- *Rule 709 (Release of Clearing Data).* Adding text to paragraph (c) of the Rule to confirm that CMESC may release Clearing Data to a Cross-Margining Clearing Organization in connection with an X-M Arrangement.

- *Rule 902 (Ceasing to Act for Member or User Based on Other Grounds).* Consistent with proposed Rule 514(f), expanding the list of "for cause" events in paragraph (a) of the Rule in respect of which CMESC may deem a Member or User to be in Default and to cease to act for the Member or User to include the circumstance when a Cross-Margining Clearing Organization suspends the Member or User or its X-M Affiliated Member from participating in the X-M Arrangement or such person is otherwise deemed to be in default of its obligations to the Cross-Margining Clearing Organization.

2. Proposed Changes to Policies

CMESC is proposing revisions related to cross-margining to its Policies.

CMESC Risk Management Framework. CMESC proposes adding Section 9.3 (CME Inc. Cross-Margining) to the CMESC Risk Management Framework to cover cross-margining arrangements between CMESC and CME. The proposed text reflects both the expectations of CMESC for establishing

a Proprietary X-M Arrangement and the benefits and terms of the Proposed Proprietary X-M Arrangement between CMESC and CME, described in additional detail in the following section. Updated Section 9.3 the CMESC Risk Management Framework describes certain aspects of the cross-margining arrangement with CME, including its single collateral account model, each Clearing Organization's interest in collateral and the process for cash settlements under the arrangement. Section 9.3 further addresses CMESC's monitoring of exposures that arise under the cross-margining arrangement and notes that margin offsets for applicable products comply with CMESC's risk management standards and are set to meet a 99% coverage standard on an ex post basis within the defined margin period of risk. CMESC also proposes adding a clarification to Section 12.1 (Backtesting) to cross-reference that, under the separate CMESC Backtesting Policy, CMESC will conduct regular backtesting with respect to the cross-margining arrangement with CME.

CMESC Credit Policy. CMESC proposes revisions to Section 4.1.2 (Counterparty Review Requirements by Counterparty Type) and Section 7.3 (Monthly Monitoring) of the CMESC Credit Policy to provide that (i) a central clearing counterparty for cross-margining (referred to in this Policy and the CMESC Credit Risk Management Assessment Methodology as a "CCP") is a counterparty relationship for CMESC; (ii) CMESC will rate such a counterparty under the CMESC Credit Risk Management Assessment Methodology, as described below, and review relevant financial information and other information obtained from ongoing interactions with such CCP, and (iii) the Risk Management team (as defined in the CMESC Risk Management Framework) will review information it receives from the CCP on Participants participating in a cross-margining arrangement and escalate any identified concerns to the CMESC Credit & Liquidity Committee (*i.e.*, internal governance committee).

CMESC Credit Risk Management Assessment Methodology. CMESC proposes to amend the CMESC Credit Risk Management Assessment Methodology, which sets out CMESC's internal credit rating methodology, to confirm that CMESC will rate a CCP for which it has established a cross-margining arrangement under this methodology. CMESC maintains scorecards used to rate different types of counterparties based on business profile. As such, CMESC proposes to amend Section 4.2 (Counterparty

Classifications) and add new Section 6.6 (Central Counterparty) and its subsection to establish a scorecard for conducting a credit rating assessment of a CCP. The subsections of Section 6.6 describe the (i) qualitative considerations in the CCP scorecard, including relating to the categories of operating environment, business profile, financial profile, management and governance, and risk management and (ii) the weights applied to each of these categories within the CCP scorecard. CMESC also proposes to add Section 14.6 (Central Counterparty Scorecard) and its subsection, which establish a functional representation of the CCP scorecard (*e.g.*, potentially ratings of a CCP relative to each aforementioned categories).

CMESC Liquidity Risk Management Policy. CMESC proposes clarifying in Section 5.5.2 (Stress Potential Payment Obligations) of this Policy that CMESC's liquidity stress testing to determine a Participant's stress potential payment obligations⁸ ("SPPO") will take account of a Participant's positions in a cross-margining arrangement with CMESC, covering in full the final cash settlement obligations for positions in Eligible Securities Transactions in the Participant's cross-margining portfolio. CMESC is also proposing to set out in a new Section 7.4.4 (CME Inc. Cross-Margining Program) that the collateral that will be accepted under the cross-margining arrangement with CME consists of U.S. Dollar cash and U.S. Treasury securities, and that the collateral is subject to the more conservative collateral limits and collateral haircuts independently established by CMESC and CME. It also states that CME will manage the collateral, with the exception that CMESC will manage the collateral for Repo Transactions that are Clear to Hold Transactions.

CMESC Stress Testing & Guaranty Fund Sizing Policy.⁹ CMESC proposes adding new Section 4.1.1 (CME Inc. Cross-Margining Arrangement) to this Policy. The new section provides that CMESC is expanding its historical and hypothetical scenarios within its stress testing methodology to capture the risks relevant for cross-margining portfolios. More specifically, CMESC is proposing

⁸ Under the CMESC Liquidity Risk Management Policy, the stress potential payment obligation is the hypothetical liquidity need CMESC may incur if a Participant defaults.

⁹ CMESC filed a proposed rule change with the SEC to amend the CMESC Stress Testing & Guaranty Fund Sizing Policy on August 6, 2026. See File No. SR-CMESC-2026-006. The proposed changes described here do not amend any revisions pending in that filing.

to set out that historical scenarios will include (i) shocks to risk factor curves that are designed to ensure that relative price dislocations between the underlying spot curve and the futures settlement price are captured and (ii) event-driven scenarios that are designed to capture historical events characterized by large spread movements. CMESC also proposes to incorporate hypothetical scenarios that are designed to capture a breakdown in historical spread relationships. CMESC also proposes renumbering current Section 4.1.1 as Section 4.1.2. CMESC proposes clarifying in Section 5 (Financial Resource Sizing) that the stress shortfall calculations used to size the Guaranty Fund includes positions cleared by CMESC and CME relating to the cross-margining arrangement.

Proposed CMESC Margin Policy. CMESC has submitted the Proposed Margin Policy to the Commission under a separate rule change proposal, which is pending as of the date of this filing.¹⁰ CMESC is here proposing to add new Section 7 (CME Inc. Cross-Margining Arrangement) to the Proposed Margin Policy. Consistent with proposed Rule 514 and the proposed Cross-Margining Agreement with CME, this new section provides that CMESC will compute the single margin requirement for a cross-margining portfolio using the SPAN 2 framework described in the Proposed Margin Policy, based on the combined risk presented by the eligible positions in U.S. Treasury securities (including Repo Transactions) cleared by CMESC and interest rate futures cleared by CME, along with standalone margin requirements for the positions cleared, respectively, by CMESC and CME.

CMESC also proposes adding to Section 1 (Purpose and Statement of Policy) of the Proposed Margin Policy that the SPAN 2 framework captures the risk profile of interest rate futures. In addition, CMESC proposes changes to Section 5 (CMESC SPAN 2 Framework), specifically, to (i) Section 5.1 (Market Risk Component) to provide that interest rate risk covers, as applicable, the risk of changes in the market value of futures contracts eligible for cross-margining and to describe the manner in which CMESC accounts for the interest rate risk corresponding to interest rate futures; (ii) Section 5.1.2 (SVaR Component) to provide that the set of risk factors CMESC considers in evaluating stress periods exhibiting extreme returns includes combinations of spread risk factors; (iii) Section 5.1.3

(Valuation Uncertainty Margin) to clarify that the valuation uncertainty margin is relevant for U.S. Treasury futures, in addition to U.S. Treasury securities; and (iv) Section 5.2 (Liquidity & Concentration Risk Component) to provide that the calculation of the liquidity and concentration risk component will account for risks separately for each tenor bucket of interest rate futures and U.S. Treasury securities and will also account for any spread risk.

CMESC Backtesting Policy. CMESC is proposing changes to Sections 4.4 and 4.5 of the CMESC Backtesting Policy to provide that CMESC will perform, respectively, daily backtesting of portfolios within the cross-margining arrangement with CME and monthly backtesting for positions within that cross-margining arrangement.

CMESC Model Risk Management Policy. CMESC is proposing changes to Appendix I (Model Inventory) of the CMESC Model Risk Management Policy to update the model inventory to provide that credit stress testing includes stress testing of the cross-margining arrangement with CME and that the SPAN 2 framework includes margining for the cross-margining arrangement with CME.

3. Proposed Agreements To Establish a Proprietary X–M Arrangement Between CMESC and CME

CMESC is seeking to establish the Proposed Proprietary X–M Arrangement with its affiliate CME, which is registered as a DCO under the CEA, in accordance with and subject to the Rules and clearing risk management policies including the Policies, as the Rules and Policies would be modified as described in the prior sections. Thus, CMESC is proposing to enter into the specific Cross-Margining Agreement and related Service Level Agreement with CME.¹¹ The proposed Cross-Margining Agreement contains as appendices the forms of agreement that a person would sign to participate in the Proprietary X–M Arrangement (each a “Clearing Member Cross-Margining Agreement”), which are described further below.

a. Cross-Margining Agreement and Participant Cross-Margining Agreements

The core elements of the proposed Cross-Margining Agreement in conjunction with the Clearing Member

Cross-Margining Agreements and Service Level Agreement can be summarized as follows: (i) eligible participation and positions, (ii) margin calculation, (iii) eligible margin and custodian level accounts, (iv) collection and exchange of funds, and (v) default management and loss sharing. These core elements are described further below.

i. Eligible Participation and Positions

Consistent with proposed CMESC Rule 514, under the proposed Cross-Margining Agreement, persons that may participate in the Proprietary X–M Arrangement include: (i) a person that is a Member or an Independent User of CMESC and a “Clearing Member”¹² of CME (a “Joint Clearing Member” under the proposed agreement), and (ii) affiliated pairs consisting of one person that is a Member or an Independent User of CMESC and an affiliate of such person that is a “Clearing Member” of CME (“Affiliated Clearing Members” under the proposed agreement).

Consistent with proposed Rule 514(b), under the proposed Cross-Margining Agreement, eligible cross-margining participants are required to enter into the appropriate “Clearing Member Participation Agreement.” The form attached to the proposed Cross-Margining Agreement as Appendix A–1 is used by a Joint Clearing Member and the form attached as Appendix A–2 is used by Affiliated Clearing Members. Under the Clearing Member Cross-Margining Agreements, the Joint Clearing Member or each Affiliated Clearing Member agrees to, among other things, be bound by applicable CMESC Rules and CME Rules and provisions of the Cross-Margining Agreement, as any of the foregoing may be in effect from time to time. Consistent with proposed CMESC Rule 514(b), if an Independent User elects to participate in a Proprietary X–M Arrangement, its authorizing Member must consent to the Independent User’s participation; this requirement is set forth in the proposed Cross-Margining Agreement and is reflected in the consenting Member’s signature block in each form of Clearing Member Cross-Margining Agreement.

A Joint Clearing Member or a pair of Affiliated Clearing Members may participate in the Proposed X–M Arrangement only if both CMESC and CME (referred to generally in the

¹⁰ See Exchange Act Release No. 106037 (Aug. 5, 2026), 91 FR 51191 (Aug. 7, 2026) (SR–CMESC–2026–005).

¹¹ The Cross-Margining Agreement and the related Service Level Agreement are part of this proposed rule change. This section uses certain defined terms in the proposed Cross-Margining Agreement, which are similar to the defined terms that CMESC proposes adding to Rule 101 described above.

¹² The proposed Cross-Margining Agreement uses the defined term “Clearing Member” generally to refer to a person that is a Member or Independent User of CMESC and a person that is a clearing member of CME as defined in the rules of CME, referred to in the proposed agreement as the “CME Rules”.

proposed agreement as “Clearing Organizations”) have determined that the Joint Clearing Member or each Affiliated Clearing Member, as applicable, is eligible to participate (such eligible participants are “X–M Participants” under the proposed agreement). X–M Participants must meet the ongoing participation requirements of CMESC and CME, as applicable, including applicable financial resource and operational requirements. Such requirements are risk-based and publicly disclosed in the CMESC Rules and CME Rules.

Subject to acceptance by both Clearing Organizations of an X–M Participant’s Clearing Member Cross-Margining Agreement in the appropriate form, CMESC and CME would each establish a “Proprietary X–M Account” as defined in the proposed Cross-Margining Agreement¹³ on its books and records to carry the Eligible Positions (defined below) that it clears for the relevant X–M Participant. These accounts together comprise a “Pair of Proprietary X–M Accounts” under the proposed Cross-Margining Agreement. An X–M Participant may elect to have cleared positions in CMESC Eligible Products and CME Eligible Products carried in the relevant Pair of Proprietary X–M Accounts and treated as a combined account for margining purposes. The proposed Cross-Margining Agreement uses the term “CMESC Eligible Products” and “CME Eligible Products” to refer to the products cleared, respectively, by CMESC and by CME that are eligible for cross-margining and refers to such products collectively as the “Eligible Products” and to cleared positions in Eligible Products as “Eligible Positions.”

Positions of X–M Participants in Eligible Products may be carried in Pairs of Proprietary X–M Accounts to be cross-margined provided that (i) the positions cleared by CMESC are for the Member or Independent User’s own account and (ii) the positions cleared by CME are for the Clearing Member’s own account or for a person whose account with the Clearing Member is a “proprietary account” as defined under CFTC Regulation 1.3, which would include positions cleared for the Member or Independent User.¹⁴

¹³ This use of the term in the proposed agreement is consistent with the definition of “Proprietary X–M Account” described above that CMESC proposes adding to Rule 101.

¹⁴ 17 CFR 1.3 (“Proprietary account. This term means a commodity futures, commodity option, or swap trading account carried on the books and records of an individual, a partnership, corporation or other type of association: . . . (2) Of which ten

Under the proposed Cross-Margining Agreement, products eligible for cross-margining are those products mutually agreed upon by CMESC and CME as CMESC Eligible Products and as CME Eligible Products. Any amendments to the list of Eligible Products must also be mutually agreed to by CMESC and CME.¹⁵ The initial list of: (i) CMESC Eligible Products is set forth in Exhibit B to the proposed Cross-Margining Agreement and covers positions in Cash Treasury Transactions and Repo Transactions (as those terms are defined in the CMESC Rules) in or involving U.S. Treasury bills, notes and bonds cleared by CMESC and (ii) CME Eligible Products is set forth in Exhibit A to the proposed Cross-Margining Agreement and includes interest rate futures cleared by CME and listed on either CME or its affiliate The Board of Trade of the City of Chicago, Inc. for trading.

ii. Margin Calculation

Under the proposed Cross-Margining Agreement, an X–M Participant’s Eligible Positions cleared at CMESC or CME, respectively, are recorded by CMESC or CME within its internal account records in a Proprietary X–M Account and thus, are identified separately from the rest of the X–M Participant’s proprietary positions cleared at CMESC or CME. At CMESC, a Member’s Proprietary X–M Account will be a Member Account and an Independent User’s Proprietary X–M Account will be an Independent User Account, under the proposed amendments to those terms in CMESC Rule 101.

CMESC will calculate a single margin requirement for Eligible Positions—related to both CMESC and CME cleared Eligible Products—held in the Pair of X–M Accounts (“Margin Requirement” under the proposed agreement) for a Joint Clearing Member or a pair of Affiliated Clearing Members using its approved margin methodology, which is currently CMESC’s proprietary SPAN 2 framework risk-based margin methodology.¹⁶ The SPAN 2 framework

percent or more is owned by one of the following persons, or an aggregate of ten percent or more of which is owned by more than one of the following persons: . . . (vii) A business affiliate that directly or indirectly controls such individual, partnership, corporation or association; or (viii) A business affiliate that, directly or indirectly is controlled by or is under common control with, such individual, partnership, corporation or association . . .”).

¹⁵ CMESC understands that any change to the proposed Rules, Policies or agreements pursuant to the proposed rule change, such as to expand the list of eligible products may be subject to regulatory filings and approvals with both the Commission and the CFTC.

¹⁶ The proposed amendments to CMESC Rule 502 and proposed CMESC Rule 514 establish that

is a risk-based margin methodology that is designed to achieve margin coverage of 99% on an *ex-post* basis over a margin period of risk of at least two business days. Margin offsets under the SPAN 2 framework will also be inherently limited to positions in products that are significantly and reliably correlated, a requirement of CMESC and CME for all Eligible Products. Notwithstanding that the SPAN 2 framework will be used to determine the Margin Requirements, CMESC and CME each have the independent authority at any time to require additional margin from an X–M Participant, consistent with their respective rules.

iii. Eligible Margin and Custodian Level Accounts

Under the proposed Cross-Margining Agreement, CMESC and CME must mutually agree upon the collateral eligible for satisfying Margin Requirements (“Eligible Margin” under the agreement).¹⁷ Eligible Margin must be determined to have minimal credit, market, and liquidity risks. Consistent with the proposed amendments to the CMESC Liquidity Risk Management Policy, CMESC and CME intend to accept U.S. Dollar cash and U.S. Treasury securities as Eligible Margin.¹⁸ When collateral haircuts or collateral limits differ between CMESC and CME, the more conservative of the haircuts and/or limits apply.

Under the proposed Cross-Margining Agreement, CMESC and CME will establish joint custody accounts for holding cash and non-cash collateral at one or more banks (referred to in the proposed agreement as “X–M Clearing Banks”) that will be used exclusively to hold Eligible Margin posted by X–M Participants (referred to in the proposed agreement as “Posted Margin”). Consistent with proposed CMESC Rule 514(b), CMESC and CME will each hold a joint security interest in the Posted Margin, which the X–M Participants will grant under the Clearing Member Cross-Margining Agreements they sign. CMESC and CME will jointly agree upon the X–M Clearing Banks that will be used for holding the Posted Margin. Any X–M Clearing Bank used to hold Posted Margin will be subject to

Margin Requirements will be determined in accordance with the relevant cross-margining agreement for a cross-margining arrangement.

¹⁷ Proposed amendments to CMESC Rule 502 and proposed new CMESC Rule 514 establish that forms of Eligible Margin will be determined in accordance with the relevant Cross-Margining Agreement.

¹⁸ This is also consistent with CME’s proposed amendments to its clearing risk management policies.

CMESC's ongoing monitoring and reviews (e.g., internal credit rating methodology).

Consistent with the CMESC Liquidity Risk Management Policy, CME will be responsible for managing such margin collateral, as the collateral agent, provided, however that for Eligible Positions in CMESC Eligible Products that are Repo Transactions that are Clear to Hold Transactions, CMESC will be responsible for managing the associate margin collateral via the Securities Settlement Bank as noted above. Also as provided in the proposed Cross-Margining Agreement, U.S. Dollar cash posted by X-M Participants is subject to investment limitations consistent with the more restrictive of the investment policies of CMESC and CME.

Each Joint Clearing Member and each pair of Affiliated Clearing Members must establish a "Proprietary Bank Account" (as defined in the proposed Cross-Margining Agreement) at an X-M Clearing Bank for purposes of daily money settlement in respect of its Pair of Proprietary X-M Accounts and other purposes under the proposed Cross-Margining Agreement.

iv. Collection and Exchange of Funds

CMESC and CME will conduct regular clearing cycles twice each business day—once at intraday and once at end-of-day—where Eligible Margin will be collected and outstanding exposure will be settled. With respect to outstanding exposure, the proposed Cross-Margining Agreement uses the term "Outstanding Exposure Settlement" as defined in the CMESC Rules as it relates to CMESC Eligible Products and the term "Outstanding Exposure" as defined in the CME Rules as it relates to CME Eligible Products. Pursuant to existing CMESC Rule 506(b), payments in satisfaction of Outstanding Exposure Settlement will be final, irrevocable and unconditional no later than when the correct bank account at the relevant settlement bank is debited or credited with the payment.¹⁹ CMESC and CME will jointly agree upon the X-M Clearing Bank(s) that will be used to conduct settlements of outstanding exposure.

The clearing cycle timelines are documented in the relevant CMESC Rules and CME Rules and/or the proposed Service Level Agreement.²⁰

¹⁹ Payments for Outstanding Exposure on Eligible Positions in CME Eligible Products will likewise be final, irrevocable and unconditional no later than when debited or credited by the relevant bank under CME Rule 814.

²⁰ Under the proposed Cross-Margining Agreement, in the event of an operational issue arises which prevents a clearing cycle from being

For each clearing cycle, (i) CMESC will calculate the Margin Requirement for each X-M Participant and provide it to CME; (ii) CMESC and CME will each independently calculate whether an X-M Participant has a net pay or net collect for outstanding exposure relative to its respective Proprietary X-M Account²¹ and CMESC will provide its calculation to CME; and (iii) CME will determine whether a Joint Clearing Member or pair of X-M Participants that are Affiliated Clearing Members has a net pay or net collect on an aggregated basis across CMESC and CME.

Subject to CMESC and CME both approving the amounts calculated to debit and/or credit each Joint Clearing Member or pair of Affiliated Clearing Members for the clearing cycle as correct,²² CME, or CMESC in CME's absence, will debit the relevant Proprietary Bank Account of the Joint Clearing Member or pair of Affiliated Clearing Members that has an obligation to post additional funds in satisfaction of the Margin Requirement (i.e., margin call) and debit or credit the relevant Proprietary Bank Account of the Joint Clearing Member or pair of Affiliated Clearing Members for its aggregated net pay or net collect, respectively, across CMESC and CME. For "members" more generally²³ of a given Clearing Organization to be credited for their collects, the joint bank account of CMESC and CME for the Proprietary X-M Arrangement will be credited with the surplus funds that were collected by the Clearing Organization that had net pays of outstanding exposure (i.e., funds due to the Clearing Organization) that were in excess of net collects, which will in turn be used to cover the funds that the other Clearing Organization is due to pay for outstanding exposure.

conducted in accordance with the SLA, CMESC and CME would coordinate closely to address the issue and complete the clearing cycle.

²¹ For Eligible Positions in CMESC Eligible Products that are Repo Transactions that are Clear to Hold Transactions, the Securities Settlement Bank holding the securities delivered on the start leg will calculate the Outstanding Exposure Settlement amount owed or owing, which CMESC will use in its calculation. Outstanding Exposure Settlement amounts for positions in Clear to Hold Transactions will flow through the Securities Settlement Bank (i.e., separate from the other X-M Clearing Bank accounts established under the cross-margining arrangement).

²² Under the proposed Cross-Margining Agreement, there are defined and limited circumstances in which CME or CMESC may withhold its approval of the amounts calculated to debit and/or credit each X-M Participant for at clearing cycle are correct (e.g., calculated amount is incorrect).

²³ Under the proposed Cross-Margining Agreement, the term "member" in this context means any Participant of CMESC and any clearing member of CME as defined in the CME Rules.

Margin calls must be met in U.S. Dollar cash. X-M Participants may subsequently replace the U.S. Dollar cash posted in satisfaction of a margin call with other collateral types eligible to meet Margin Requirements (e.g., U.S. Treasury securities). Net pays will be met in U.S. Dollar cash by X-M Participants with net collects paid in U.S. Dollar cash to X-M Participants.

v. Default Management and Loss Sharing

Consistent with proposed CMESC Rule 514(f), the proposed Cross-Margining Agreement provides that either CMESC or CME may suspend an X-M Participant whose positions it carries in a Proprietary X-M Account for purposes of the Proprietary X-M Arrangement and will notify the other. If CME or CMESC suspends an X-M Participant that is part of a pair of Affiliated Clearing Members, both X-M Participants in the pair are treated as suspended for purposes of the Cross-Margining Agreement and CMESC and CME would coordinate in managing the suspension—also, referred to as a "default" in this filing—of the X-M Participant or pair of X-M Participants. The description below of how an X-M Participant's default would be managed covers a Joint Clearing Member and its Pair of Proprietary X-M Accounts, but the approach would equally apply to a pair of X-M Participants that are Affiliated Clearing Members and their Pair of Proprietary X-M Accounts.

To manage the default, as provided in the proposed Cross-Margining Agreement, CMESC and CME will first attempt to jointly liquidate, transfer, or close-out the Eligible Positions in the associated Pair of Proprietary X-M Accounts and will establish a joint liquidation plan. Any losses or gains arising from joint liquidation would be subject to *pro rata* loss sharing by CMESC and CME, as described below. The proposed Cross-Margining Agreement provides that a joint liquidation may be undertaken using a third-party liquidation agent and/or liquidation auction conducted by CMESC and CME. A joint liquidation or close-out is expected to be optimal for both CMESC and CME by enabling the Clearing Organizations to recognize reduced risk by offsetting risk reducing positions together. Where CMESC and CME manage a default jointly, the collection and exchange of U.S. Dollar cash for outstanding exposure would occur consistent with daily settlement practices, using the Posted Margin held for the suspended X-M Participant and any other available collateral of the X-M Participant under the X-M

Agreement (collectively, “Liquidation Funds” under the proposed agreement). Importantly, as provided in the proposed Cross-Margining Agreement, from the time an X–M Participant defaults until the time such default is resolved, a Clearing Organization that receives payments of outstanding exposure with respect to the Eligible Positions it clears for the suspended X–M Participant (*i.e.*, net collect) would be obligated to pay some or all of such amount to the other Clearing Organization to the extent such other Clearing Organization is owed payments for outstanding exposure from the suspended X–M Participant with respect to the Eligible Positions it clears (*i.e.*, net pay).

If either Clearing Organization determines that jointly liquidating or closing-out the relevant Eligible Positions of the suspended X–M Participant is not feasible, advisable or legally permissible, each Clearing Organization will separately liquidate and/or close-out the Eligible Positions it clears. While outstanding exposure will be calculated independently by each Clearing Organization where CMESC and CME manage a default separately, if the suspended X–M Participant’s proprietary positions results in a net pay (*e.g.*, positions are subject to losses) to non-suspended members (as the term is used above) in aggregate at one Clearing Organization and a net collect (*e.g.*, positions are subject to gains) from non-suspended members in aggregate at the other Clearing Organization, the Clearing Organization with the net collect will provide the funds it receives to the other Clearing Organization, up to an amount that is equal to the lesser of the net collect or net pay. Where CME and CMESC manage the default of an X–M Participant separately, the Clearing Organizations will determine their *pro rata* share of the Liquidation Funds held for the suspended X–M Participant, based on each Clearing Organization’s share of the Margin Requirement for the Eligible Positions it clears as of the time jointly agreed upon by the Clearing Organizations (*e.g.*, time of suspension). More specifically, each Clearing Organization’s *pro rata* share of the Margin Requirement will be determined based on the ratio of (i) the standalone margin required for Eligible Positions within the Proprietary X–M Account at each Clearing Organization, calculated using the SPAN 2 framework to (ii) the sum of the standalone margin required for the Eligible Positions within the Pair of Proprietary X–M Accounts at both Clearing Organizations, calculated using the SPAN 2 framework.

The Cross-Margining Agreement provides for post-default loss sharing. After a default is resolved, whether the Clearing Organizations engage in a joint liquidation and close-out or pursue separate liquidations and close-outs, losses will be shared *pro rata* based on each Clearing Organization’s share of the Margin Requirement for its respective Eligible Positions (*i.e.*, the ratio of (i) the standalone margin required for Eligible Positions within the Proprietary X–M Account at each Clearing Organization, calculated using the CMESC SPAN 2 framework to (ii) the sum of the standalone margin required for the Eligible Positions within the Pair of Proprietary X–M Accounts at both Clearing Organizations, calculated using the SPAN 2 framework).

In a joint liquidation and close-out of a suspended X–M Participant, the Clearing Organizations would determine their respective *pro rata* shares of the remaining Liquidation Funds held for the suspended X–M Participant and whether the sum of their individual losses in managing the default (*e.g.*, default management costs) result in net gains or net losses relative to their share of the Liquidation Funds. The Clearing Organizations would then determine the payment to be made by one to the other so that any combined net gain or net loss is borne *pro rata* by each based on such Clearing Organization’s share of the Margin Requirement for its respective Eligible Positions.

If the Clearing Organizations instead proceed to separately liquidate and/or close-out the Eligible Positions they respectively clear, then the gains or losses associated with managing the X–M Participant’s default would be calculated by each Clearing Organization independently and shared on a “better off/worse off” basis. Specifically, if one Clearing Organization has a net loss (*e.g.*, its default management costs are greater than its share of the Liquidation Funds) (*i.e.*, the “worse off party”) and the other Clearing Organization has a net gain (*e.g.*, its default management costs are less than its share of the Liquidation Funds) (the “better off party”), then the better off party must make a payment to the worse off party which is equal to the lesser of: (i) the absolute value of worse-off party’s loss in excess of its *pro rata* share of the Liquidation Funds; or (ii) the better-off party’s net gain, up to the amount of its *pro rata* share of the remaining Liquidation Funds. If both CMESC and CME have a net gain (*e.g.*, their respective default management costs are less than their share of the Liquidation Funds) or if both CMESC

and CME have a net loss (*e.g.*, their respective default management costs are more than their share of the Liquidation Funds), neither Clearing Organization is obligated to pay the other. Regardless of whether the default is managed jointly or separately, any losses in excess of the Liquidation Funds held for the suspended X–M Participant, subject to any *pro rata* allocation, will be borne by each Clearing Organization’s own financial safeguards waterfalls and each Clearing Organization, pursuant to its respective rules, would take commercially reasonable steps to recover any losses, including any payments made between Clearing Organizations under the loss sharing arrangements.

Under the proposed Cross-Margining Agreement, CMESC will be responsible for conducting credit stress testing for each Pair of X–M Proprietary Accounts and determining each Clearing Organization’s *pro rata* share of the credit stress testing’s outputs (*e.g.*, stress shortfall²⁴) based on each Clearing Organization’s share of the Margin Requirement for its respective Eligible Positions. CMESC will in turn provide these outputs to CME for its use in its own stress testing practices. Under the proposed revisions to the CMESC Stress Testing & Guaranty Fund Policy, CMESC’s stress testing methodology will use historical and hypothetical scenarios to capture the risk posed by a portfolio of cleared cross-margined products under extreme but plausible market conditions and such scenarios will be expanded to consider the risks of portfolios containing securities and futures (*e.g.*, spread risk factors). Therefore, CMESC’s credit stress testing for sizing and monitoring of the sufficiency of the CMESC Guaranty Fund will account for an X–M Participant’s credit exposures (*i.e.*, stress shortfall) arising from each Pair of X–M Proprietary Accounts, on a *pro rata* basis, in extreme but plausible market conditions. The credit exposures assumed to be borne by CMESC from a given X–M Participant under its credit stress testing will be based on the *pro rata* loss sharing that would be applied in managing the actual default or suspension of an X–M Participant or pair of X–M Participants. CMESC’s consideration of potential loss sharing under the proposed Cross-Margining Agreement in its credit stress testing is designed to ensure that the CMESC Guaranty Fund is sufficient to cover the default of the two Member Families

²⁴ As described in the CMESC Stress Testing & Guaranty Fund Sizing Policy, the stress shortfall is the stress loss less margin.

with the largest aggregate credit exposures in extreme but plausible market conditions, including where such Members are X–M Participants.

Similarly, under the proposed Cross-Margining Agreement, CMESC will be responsible for conducting liquidity stress testing for each Pair of X–M Proprietary Accounts and determining each Clearing Organization's *pro rata* share of the liquidity stress testing's outputs (e.g., SPPO) based on each Clearing Organization's share of the Margin Requirement for its respective Eligible Positions. CMESC will in turn provide these outputs to CME for its use in its own stress testing practices. As documented in the CMESC Stress Testing & Guaranty Fund Policy, the stress scenarios used for credit stress testing and liquidity stress testing are identical. Therefore, CMESC's liquidity stress testing for monitoring the sufficiency of CMESC's qualifying liquidity resources will account for the liquidity obligations (i.e., SPPO) arising from each Pair of X–M Proprietary Accounts, on a *pro rata* basis, in extreme but plausible market conditions. The liquidity obligations assumed to be borne by CMESC from a given X–M Participant under its liquidity stress testing will be based on the *pro rata* allocation that would be applied in managing the actual default or suspension of an X–M Participant or pair of X–M Participants. Liquidity obligations would be subject to a *pro rata* allocation between CMESC and CME based on each Clearing Organization's share of the Margin Requirement for its respective Eligible Positions, calculated in the same manner as for the loss sharing arrangements described above. However, given that CME is not responsible for the trade settlement of transactions pertaining to U.S. Treasury securities, liquidity obligations arising from the trade settlement of Eligible Positions in CMESC Eligible Products will be borne solely by CMESC, which will also be captured in CMESC's liquidity stress testing. CMESC's consideration of the allocation of liquidity obligations in liquidity stress testing is designed to ensure that CMESC's qualifying liquidity resources are sufficient to cover the default by the Participant Family creating the largest aggregate liquidity obligation to CMESC in extreme but plausible market conditions, including where such Participant is an X–M Participant.

vi. Other Aspects of the Proposed Cross-Margining Agreement

The proposed Cross-Margining Agreement also contains provisions

typical for an arms-length arrangement covering: (i) confidentiality obligations of CMESC and CME for information shared in connection with the proposed Cross-Margining Agreement, (ii) indemnification requirements between CMESC and CME, (iii) limitations of liability between CMESC and CME, (iv) representations and warranties, and (v) terms and timelines for the termination of the proposed Cross-Margining Agreement.

b. Service Level Agreement

The Service Level Agreement supplements the proposed Cross-Margining Agreement by documenting the operational processes underpinning the day-to-day operations of the cross-margining arrangement between CMESC and CME. Specifically, the Service Level Agreement establishes the form and manner in which position, margin, and outstanding exposure (e.g., settlement variation) information will be communicated between CMESC and CME. Among other terms, the Service Level Agreement provides for the frequent and timely exchange of risk information, including on an intraday basis, which will help ensure that Margin Requirements are based on then-current information. The Service Level Agreement also provides that CMESC and CME will meet on at least a monthly basis to share with each other information regarding risk management matters and membership and operational matters that are relevant to services performed under the Cross-Margining Agreement and will conduct a joint default management drill on a Pair of X–M Accounts at least annually. Also, the Service Level Agreement provides that CMESC and CME will share with each other any information necessary for risk management and regulatory purposes, in accordance with the terms thereunder.

2. Statutory Basis

For the reasons set forth below, CMESC believes the proposed rule change is consistent with Section 17A of the Act,²⁵ and Commission rules thereunder that are applicable to CMESC.

Section 17A(b)(3)(F) of the Act²⁶ requires, in part, that the rules of a clearing agency be designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The proposed rule change establishes a framework under which CMESC may

enter into one or more cross-margining arrangements with DCOs registered under the CEA, including the Proposed Proprietary X–M Arrangement with CME. This framework will enable CMESC to adopt a cross-margining arrangement with CME, whereby the Margin Requirements for a participant's cross-margined positions will holistically account for the risks of the relevant cleared portfolios across CMESC and CME, recognizing the risk reducing nature of the positions cleared by each Clearing Organization. The resulting capital efficiencies would provide incentives for market participants to engage in central clearing to manage their risks. In turn, these incentives to submit transactions for clearance and settlement would promote the diversity and scope of market participants able to benefit from multilateral netting and centralized risk management services at CMESC and CME. CMESC expects these benefits will encourage greater utilization of CMESC's Clearing Services for Eligible Securities Transactions, thereby facilitating the reduction of systemic risk for the benefit of the overall financial markets, which will in turn support the resiliency and robustness of the markets for U.S. Treasury securities. Thus, the proposed rule change would serve to promote prompt and accurate clearance and settlement of securities transactions and CMESC, accordingly, believes that the proposed rule change will remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Section 17A(b)(3)(F) of the Act also requires, in part, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.²⁷ CMESC believes that the proposed rule change is designed to assure the safeguarding of securities and funds which are in its custody or control for which it is responsible. The details of the Proposed Proprietary X–M Arrangement reflected in the proposed Cross-Margining Agreement and Clearing Member Participation Agreements, as supplemented by the CMESC Rules and clearing risk management policies including the Policies and the proposed changes to the Rules and Policies and by the Service Level Agreement, are carefully designed to assure that the entire portfolio of positions in a Pair of Proprietary X–M Accounts of a Joint Clearing Member or Pair of Affiliated

²⁵ 15 U.S.C. 78q–1.

²⁶ 15 U.S.C. 78q–1(b)(3)(F).

²⁷ See *id.*

Clearing Members, along with all associated Posted Margin and the proceeds of the foregoing, are available to CMESC and CME to satisfy such X-M Participants obligations arising from such accounts. As explained above, CMESC and CME will jointly hold a first priority lien on and security interest in such property, granted to them by the X-M Participants under the Clearing Member Cross-Margining Agreements they must sign. Moreover, CMESC and CME will jointly hold cash and non-cash collateral in accounts they establish at X-M Clearing Banks that will be used exclusively to hold Posted Margin and the X-Clearing Banks will be subject to CMESC's ongoing monitoring and reviews under its Policies. These features also enhance CMESC's ability to safeguard the funds and securities in its control or for which it is responsible. For the foregoing reasons, the proposed rule change is also consistent with Rule 17ad-22(e)(16) under the Act,²⁸ which is comparable to Section 17A(b)(3)(F) in that the rule requires a covered clearing agency to have reasonably designed policies and procedures to safeguard its participants' assets.

Rule 17ad-22(e)(1) under the Act²⁹ requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent and enforceable legal basis for its activities in all relevant jurisdictions. The proposed changes to the Rules establish a clear and transparent framework pursuant to which CMESC may enter into a legally binding agreement with a Cross-Margining Clearing Organization to adopt an X-M Arrangement and prescribe the agreements that persons must sign to participate in such an arrangement. The proposed Cross-Margining Agreement and the forms of Clearing Member Participation Agreement that X-M Participants must sign, in conjunction with applicable CMESC Rules and CME Rules, will establish an enforceable legal basis for CMESC and CME to implement the Proposed Proprietary X-M Arrangement.

Rule 17ad-22(e)(4)(i) under the Act³⁰ requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes by maintaining

sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence. Consistent with these standards, for the Proposed Proprietary X-M Arrangement, CMESC will monitor its credit exposure to X-M Participants in accordance with the CMESC Credit Policy and CMESC Credit Risk Management Assessment Methodology. Furthermore, pursuant to the proposed Cross-Margining Agreement, CMESC will conduct credit stress testing for each Pair of Proprietary X-M Accounts, consistent with the CMESC Stress Testing & Guaranty Fund Sizing Policy including the proposed amendments thereto. Moreover, as explained above, as provided in the proposed Cross-Margining Agreement and further detailed in the proposed amendments to the Proposed Margin Policy, CMESC will utilize the SPAN 2 framework, taking into account the risk of interest rate futures, to determine Margin Requirements, consistent with its obligation to maintain sufficient financial resources under Rule 17ad-22(e)(4)(i).

Rule 17ad-22(e)(5) under the Act³¹ requires, in part, a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to limit the assets it accepts as collateral to those with low credit, liquidity, and market risks, and to set and enforce appropriately conservative haircuts and concentration limits if it collateral to manage its or its participants' credit exposure. Consistent with this rule, CMESC and CME must jointly agree on the forms of Eligible Margin, as they determine have minimal credit, market, and liquidity risks, and when collateral haircuts or collateral limits differ between CMESC and CME, as determined independently by them, the more conservative of the haircuts and/or limits apply.

Rule 17ad-22(e)(6) under the Act³² requires a covered clearing agency that provides central counterparty services to establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposure to its participants by establishing a risk-based margin system. Among other minimum requirements, under Rule 17ad-22(e)(6)(i),³³ the risk-based margin system must consider, and produce margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market. CMESC believes that the

proposed rule change is consistent with this standard in that it establishes a framework under which CMESC may enter into one or more cross-margining arrangements with DCOs registered under the CEA, including the Proposed Proprietary X-M Arrangement, where the Margin Requirements for a cross-margining participants' positions will capture the risks of their cross-margined portfolios. Moreover, for the Proposed Proprietary X-M Arrangement, as provided in the proposed Cross-Margining Agreement, and as further detailed in the proposed amendments to the Proposed Margin Policy, CMESC will utilize the SPAN 2 framework to determine Margin Requirements for cross-margined positions in the Proposed Proprietary X-M Arrangement, consistent with this standard under Rule 17ad-22(e)(6). The use of the SPAN 2 framework, taking into account the amendments to the Proposed Margin Policy described above, in the Proposed Proprietary X-M Arrangement is also consistent with the standard under Rule 17ad-22(e)(6)(iii)³⁴ applicable to a covered clearing agency to calculate margin sufficient to cover the clearing agency's potential exposure to participants in the interval between the last margin collection and the close out of positions following a participant default and the standard under Rule 17ad-22(e)(6)(v)³⁵ to measure credit exposure that accounts for relevant product risk factors and the portfolio effect across products, as well as the standard in SEC Rule 17Ad-22(b)(2) to use risk-based models and parameters to set margin requirements.³⁶ Consistent with Rule 17ad-22(e)(6)(ii),³⁷ under the Proposed Proprietary X-M Arrangement, CMESC and CME will conduct clearing cycles twice each business day, where payments for margin and outstanding exposure will occur.

Rule 17ad-22(e)(7) under the Act³⁸ generally requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively manage liquidity risk and maintain sufficient liquid resources. Specifically, Rule 17ad-22(e)(7)(vi) contemplates the determination and testing of resource sufficiency for the purposes of meeting minimum liquidity resource requirements.³⁹ Under the proposed Cross-Margining Agreement

³⁴ 17 CFR 240.17ad-22(e)(6)(iii).

³⁵ 17 CFR 240.17ad-22(e)(6)(v).

³⁶ 17 CFR 240.17ad-22(b)(2).

³⁷ 17 CFR 240.17ad-22(e)(6)(ii).

³⁸ 17 CFR 240.17ad-22(e)(7).

³⁹ 17 CFR 240.17ad-22(e)(7)(vi).

²⁸ 17 CFR 240.17ad-22(e)(16).

²⁹ 17 CFR 240.17ad-22(e)(1).

³⁰ 17 CFR 240.17ad-22(e)(4)(i).

³¹ 17 CFR 240.17ad-22(e)(5).

³² 17 CFR 240.17ad-22(e)(6).

³³ 17 CFR 240.17ad-22(e)(6)(i).

and proposed revisions to the CMESC Liquidity Risk Management Policy, CMESC will account for X-M Participants' liquidity obligations, on a *pro rata* basis, arising from the cross-margining arrangement in its liquidity stress testing that is used to measure the sufficiency of CMESC's qualifying liquid resources in covering the default by the Participant creating the largest aggregate liquidity obligation to CMESC in extreme but plausible market conditions. The proposed amendments to the CMESC Liquidity Risk Management Policy also provide that within CMESC's liquidity stress testing the final cash settlement obligations for positions in Eligible Securities Transactions in the Participant's cross-margining portfolio will be borne by CMESC. CMESC believes these features, along with the overall details of the Proposed Proprietary X-M Arrangement, assure that the Proposed Proprietary X-M Arrangement will appropriately account for the impact of proprietary cross-margining on CMESC's liquidity risk management to ensure that CMESC will meet the requirements of Rule 17ad-22(e)(7). Therefore, the proposed rule change is consistent with the standards of Rule 17ad-22(e)(7).

Rule 17ad-22(e)(13) under the Act⁴⁰ requires, in part, a covered clearing agency's policies and procedures to be reasonably designed to ensure that the clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations to in the event of a participant's default. The proposed Cross-Margining Agreement is consistent with this standard in that it establishes the manner in which the default of an X-M Participant will be managed, with a framework that prioritizes a joint liquidation approach. Any such joint liquidation would be conducted pursuant to default management provisions reflected in the proposed Cross-Margining Agreement, and the CMESC Rules and CME Rules. As provided in the proposed Service Level Agreement, CMESC and CME will also conduct a joint default management drill on a Pair of X-M Accounts at least annually.

Rule 17ad-22(e)(16) under the Act⁴¹ requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to safeguard participants' assets by investing such assets in instruments with minimal

credit, market and liquidity risks. Consistent with CMESC's obligations under this SEC rule, Eligible Margin under the Proposed Proprietary X-M Arrangement will be invested in accordance with the more conservative investment policy of CMESC or CME, which is intended to ensure the safeguarding of X-M Participants' assets by limiting investments of such assets to either CMESC's standards or a more conservative standard where applicable.

Rule 17ad-22(e)(18)(i) under the Act⁴² requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk based, publicly disclosed criteria for participation. The proposed rule change is consistent with this requirement in that participation in the Proposed Proprietary X-M Arrangement is open to any Member or Independent User that meets the eligibility requirements and CMESC's ongoing requirements to be a Member or Independent User. The requirements to be a Member or Independent User are risk based and such requirements and the requirements to participate in the Proposed Proprietary X-M Arrangement as an X-M Participant are publicly disclosed. Rule 17ad-22(e)(18)(iv)(C) under the Act⁴³ requires, among other things, that a covered clearing agency that provides central counterparty services for transactions in U.S. Treasury securities should ensure it has appropriate means to facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities. As explained above, the Proposed Proprietary X-M Arrangement component of the proposed rule change will encourage and facilitate access to clearance and settlement services of eligible secondary market transactions in U.S. Treasury securities, consistent with this standard.

Rule 17ad-22(e)(20) under the Act⁴⁴ requires a covered clearing agency to, in part, establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor and manage risks related to a link with another financial market utility. Consistent with this standard, CMESC is proposing revisions to the Policies pursuant to which it will appropriately monitor and manage risks related to the Proposed Proprietary X-M Arrangement with CME. Among other revisions to the Policies, CMESC is proposing revisions to the CMESC Risk

Management Framework to bring the cross-margining arrangement with CME within CMESC's overall risk management framework. CMESC is also proposing revisions to the CMESC Credit Policy and CMESC Credit Risk Management Assessment Methodology to confirm that CMESC will rate CME (as a CCP counterparty under these Policies) using qualitative considerations and associated weightings as set out in a CCP scorecard. Moreover, CMESC will implement the Proposed Proprietary X-M Agreement with CME pursuant to binding agreements—the proposed Cross-Margining Agreement and Service Level Agreement—that contain detailed terms addressing eligible participation and positions, margin calculation, eligible margin and custodian level accounts, collection and exchange of funds and default management and loss sharing, as discussed above in detail. These contractual terms enable CMESC to appropriately monitor and manage risks related to the Proposed Proprietary X-M Arrangement, consistent with its obligations under Rule 17ad-22(e)(20).

Rule 17ad-22(e)(23)(ii) under the Act⁴⁵ requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate, among other things, the risks they incur by participating in the covered clearing agency. The proposed rule change includes revisions to CMESC Rules to establish the framework for CMESC to adopt cross-margining arrangements with DCOs, along with changes to the Rules clarifying the obligations of a Participant that may participate in a cross-margining arrangement that CMESC establishes. Moreover, the proposed Cross-Margining Agreement and Clearing Member Cross-Margining Agreements will be publicly available, like the Rules, and contain detailed terms describing how an X-M Participant's positions are treated and margined under the Proposed Proprietary X-M Program, including in the event of the X-M Participant's suspension. Thus, CMESC will provide market participants with the information to enable them to evaluate the risks and costs of participating in the Proposed Proprietary X-M Arrangement in accordance with Rule 17ad-22(e)(23)(ii).

⁴⁰ 17 CFR 240.17ad-22(e)(13).

⁴¹ 17 CFR 240.17ad-22(e)(16).

⁴² 17 CFR 240.17ad-22(e)(18)(i).

⁴³ 17 CFR 240.17ad-22(e)(18)(iv)(C).

⁴⁴ 17 CFR 240.17ad-22(e)(20).

⁴⁵ 17 CFR 240.17ad-22(e)(23)(ii).

B. CMESC's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act⁴⁶ requires that the rules of a clearing agency not impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. CMESC believes that the proposed rule change would not impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. CMESC believes the proposed rule change may enhance competition by establishing a framework under which CMESC may offer market participants the benefit of cross-margining positions in Eligible Securities Transactions cleared by CMESC and related derivatives transactions cleared by a participating DCO and further by enabling CMESC to offer the Proposed Proprietary X-M Arrangement with CME to Members and Independent Users.

C. CMESC's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CMESC currently does not have any Members or Users and has not received nor solicited any written comments from others related to this proposal. CMESC has not received any unsolicited written comments from any interested parties. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at <https://www.sec.gov/regulatory-actions/how-to-submit-comments>. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777. CMESC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CMESC-2026-007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CMESC-2026-007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing also will be available for inspection and copying at the principal office of CMESC and on CMESC's website (<https://www.cmegroup.com/market-regulation/rule-filings.html>). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR-CMESC-2026-007 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17666 Filed 8-28-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106201; File Nos. 600-41, 600-42]

OSTTTRA Limited; OSTTTRA Services, LLC; Notice of Filing of Applications for Exemption From Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

August 26, 2026.

I. Introduction

On August 9, 2024, OSTTTRA Limited ("OSTTTRA UK") and OSTTTRA Services, LLC ("OSTTTRA U.S.") (together, "OSTTTRA" or "OSTTTRA Applicants") each filed with the Securities and Exchange Commission ("Commission") an application on Form CA-1 seeking an exemption from registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 17Ab2-1 thereunder.¹ Specifically, the application by OSTTTRA U.S. ("U.S. Application") states that it is seeking an exemption from registration as a clearing agency to provide post-trade, pre-settlement matching services for security-based swaps ("SBS") through its TradeServ platform and related services.² The application by OSTTTRA UK ("UK Application") states that it is seeking an exemption from registration as a clearing agency to provide post-trade, pre-settlement matching services for SBS and transactions in repurchase and reverse repurchase agreements involving any type of underlying securities ("Repo Products") through its MarkitWire platform and related services.³

⁴⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78q-1; 17 CFR 240.17Ab2-1.

² U.S. Application, Exhibit S. OSTTTRA U.S. (File No. 600-42) subsequently amended its application on December 11, 2024, in 2025 on January 6, November 26, and December 22, and in 2026 on February 11. The non-confidential exhibits of its application are available for viewing on the Commission's website at <https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>.

³ UK Application, Exhibit S. OSTTTRA UK (File No. 600-41) subsequently amended its application in 2024 on October 10 and December 11, in 2025 on January 6, February 10, November 26, and December 22, and in 2026 on February 2 and February 11. The non-confidential exhibits of its

Continued

⁴⁶ 15 U.S.C. 78q-1(b)(3)(I).

The Commission is publishing this notice to solicit comments from interested persons on the U.S. and UK Applications. The Commission will consider any comments it receives in making its determination whether to grant each of the requests by the OSTTRA Applicants for exemption from registration as a clearing agency.⁴

II. Background

The OSTTRA Applicants have been providing the services described in Part III of this notice pursuant to a temporary, class-based exemption issued by the Commission in 2011 (“2011 Temporary Exemption”).⁵ Specifically, the 2011 Temporary Exemption provided exemptive relief to entities performing (non-central counterparty) post-trade services for SBS that otherwise would have to register as a clearing agency or obtain an exemption from registration.⁶ In adopting Regulation SE in 2023, the Commission terminated the 2011 Temporary Exemption, while extending its exemptive relief to entities that applied for registration or an exemption from registration as a clearing agency.⁷

application are available for viewing on the Commission’s website at <https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>.

⁴ Because the applications each seek an exemption from registration, the timing requirements in Section 19(a) of the Exchange Act do not apply. See 15 U.S.C. 78q–1(b)(2) (applying the provisions of Section 19(a) to applications for registration but not applications for an exemption from registration).

⁵ See Order Pursuant to Section 36 of the Securities Exchange Act of 1934 Granting Temporary Exemptions from Clearing Agency Registration Requirements under Section 17A(b) of the Exchange Act for Entities Providing Certain Clearing Services for Security-Based Swaps, Release No. 34–64796 (July 1, 2011), 76 FR 39963 (July 7, 2011).

⁶ See 2011 Temporary Exemption, 76 FR at 39964; see also Confirmation and Affirmation of Securities Trades; Matching, Release No. 34–39829 (Apr. 6, 1998), 63 FR 17943, 17946 (Apr. 13, 1998) (the “Matching Release”) (stating “an intermediary that captures trade information from a buyer and a seller of securities and performs an independent reconciliation or matching of that information” must register as a clearing agency or receive an exemption from such registration).

⁷ See Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities, Release No. 34–98845 (Nov. 2, 2023), 88 FR 87156, 87229 (Dec. 15, 2023) (“Regulation SE”) (stating that “[f]or any entity currently relying on the 2011 Clearing Agency Exemption that becomes required to register as a clearing agency, the exemptive relief will terminate 180 days after the Effective Date of Regulation SE, which will be 60 days after the date of publication in the *Federal Register*, except that (1) with respect to an entity that has filed an application to register as a clearing agency with the Commission on Form CA–1 within 180 days of the Effective Date of Regulation SE, the relief will terminate 240 days after the Effective Date of Regulation SE; and (2) with respect to an entity that has filed an

Pursuant to the terms set forth in the Regulation SE adopting release, the OSTTRA Applicants have continued to provide the services described below.⁸

III. Summary of the Applicants’ Organization and Services

A. Organization

Orion ELP LP, which is owned by funds and other vehicles controlled by KKR, is the ultimate parent of the OSTTRA Applicants.⁹ OSTTRA U.S. is a limited liability company incorporated in Delaware with a Board of Managers currently composed of two managers who exercise control of the business,¹⁰ and OSTTRA UK is a private limited company incorporated under the United Kingdom’s Companies House,¹¹ with three directors who exercise control of the business.¹²

B. Description of Services in U.S. Application

OSTTRA U.S. provides its post-trade, pre-settlement matching service called TradeServ to financial institutions in the over-the-counter (“OTC”) and on venue markets for credit derivatives, including credit default swaps that are classified as SBS under the Exchange

application on Form CA–1 within 180 days after the Effective Date of Regulation SE and whose application on Form CA–1 is complete (having responded to requests by the Commission’s staff for revisions or amendments) within 240 days after the effective date, the exemptive relief will terminate 30 days after the Commission acts to approve or disapprove the application on Form CA–1.”).

⁸ See Regulation SE, 88 FR at 87229; see also U.S. Application, Exhibit J, at 1, and Exhibit S–1; UK Application, Exhibit J, at 1, and Exhibit S–1.

⁹ See UK Application, Exhibits D and D–1; U.S. Application, Exhibits D and D–1. On December 11, 2025, the OSTTRA Applicants each amended their applications to reflect this change in ownership structure and a related change in the name of the applicant. Specifically, the UK Application was amended to replace “MarkitSERV Limited” as the applicant with OSTTRA Limited, and the U.S. Application was amended to replace “MarkitSERV LLC” as the applicant with OSTTRA Services LLC. See UK Application, at Exhibits D and D–1; U.S. Application, at Exhibits D and D–1. On August 5, 2026, the OSTTRA Applicants amended their applications by letter, explaining that, over the next 12 months, certain product names will change because the OSTTRA Applicants have relinquished certain naming rights, including use of the words “Markit” and “Serv.” As a result, services previously provided under the names “TradeServ” and “MarkitWire”—which are described throughout this notice—will be provided under the name “OSTTRA Connect.” The OSTTRA Applicants explain that these changes are strictly a renaming exercise and introduce no changes to technical architecture, risk controls, or operational support. See Letter from Michelle Hallet, Head of Compliance, OSTTRA, dated August 5, 2026.

¹⁰ See Exhibits A, A–1, B, and B–1A of the U.S. Application for more information regarding the current Managers of the Board of Managers.

¹¹ See UK Application, Exhibit C–1.

¹² See Exhibits A, A–1, B, and B–1A of the UK Application for more information regarding the current directors.

Act.¹³ TradeServ’s clients include SBS dealers, inter-dealer brokers, prime brokers, and institutional buy-side firms. TradeServ provides these institutions the ability to exchange transaction data, match and confirm OTC credit derivative transactions, generate same-day legal confirmations, achieve straight-through processing to central clearing parties, submit post-trade events (*i.e.*, amendment, termination, novation, credit event, and exercise), and comply with regulatory swap reporting obligations.¹⁴

1. Trade Matching and Legal Confirmations

Through TradeServ, users can verify economic terms and perform electronic legal confirmation of their credit derivative transactions. Both parties submit their trade details through TradeServ. If the trade details match, the parties can affirm the transaction and legally confirm the transaction. If the trade details do not match, the parties will discuss what the correct detail will be outside of TradeServ and then make the necessary amendments.¹⁵

2. Backload Connectivity for Clearing Credit Default Derivatives

OSTTRA U.S. offers a “backload to clear” process via the TradeServ platform for credit derivative transactions. Users of the service submit details of the previously bi-laterally confirmed credit default transactions they intend to submit for centralized clearing, and TradeServ routes the trade details to a central counterparty (“CCP”) (*i.e.*, ICE Clear Credit or LCH Clearnet SA). Users will indicate on the transaction the CCP to which the transaction should be sent.¹⁶

3. Processing of Post-Trade Life-Cycle Events

Through TradeServ, users are able to submit post-trade events as applicable over the life-cycle of a transaction, including events such as: (i) amendment; (ii) partial termination; (iii) full termination; (iv) novation; (v) credit event; and (vi) exercise.¹⁷ Confirmed trades are stored on the platform for at least seven years after termination or expiry with users able to update or remove the transaction details at any time. TradeServ provides connectivity for the industry to the Depository Trust & Clearing Company’s (“DTCC”) Trade Information Warehouse (“TIW”).¹⁸

¹³ See U.S. Application, Exhibit S–1.

¹⁴ See U.S. Application, Exhibit S–1.

¹⁵ See U.S. Application, Exhibit S–1.

¹⁶ See U.S. Application, Exhibit S–1.

¹⁷ See U.S. Application, Exhibit S–1.

¹⁸ See U.S. Application, Exhibit S–1.

Confirmed trades and trade updates are sent to the TIW where DTCC maintains the positions on behalf of the industry.¹⁹ When TIW processes credit events, these updates are submitted back to TradeServ.²⁰ Clearing houses will also submit cleared trade records into TradeServ to facilitate submission to TIW.²¹

4. Support for Regulatory Reporting Requirements

TradeServ offers the ability for trades to be reported to a trade repository.²² Currently the platform offers connectivity to DTCC's Global Trade Repository and users of the TradeServ platform can opt-in to have their transactions reported in an industry agreed format for regimes such as the European Securities Markets Authority (ESMA), Australian Securities & Investments Commission (ASIC), and Monetary Authority of Singapore (MAS).²³

C. Description of Services in UK Application

OSTTRA UK provides its post-trade, pre-settlement matching service called MarkitWire to financial institutions in the OTC and on venue markets for equity derivatives, including equity swaps and variance, volatility and dividend swaps that are classified as SBS under the Exchange Act.²⁴ MarkitWire's clients include SBS dealers, inter-dealer brokers, prime brokers, and institutional buy-side firms.²⁵ MarkitWire provides these institutions the ability to exchange transaction data, match and confirm OTC equity derivative transactions, generate same-day legal confirmations, achieve straight-through processing to central clearing parties, submit post-trade events (*i.e.*, amendment, termination, novation, credit event, and exercise), and comply with regulatory swap reporting obligations.²⁶ MarkitWire also provides connectivity to certain clearing agencies that provide centralized clearing for credit derivative transactions.²⁷

1. Trade Matching and Legal Confirmations for Equity Derivatives

Through MarkitWire users can verify economic terms and perform electronic legal confirmation of their equity

derivative transactions.²⁸ Both parties submit their trade details through MarkitWire.²⁹ If the trade details match, the parties can affirm the transaction and legally confirm the transaction.³⁰ If the trade details do not match, the parties will discuss what the correct detail will be outside of MarkitWire and then make the necessary amendments.³¹ MarkitServ proposes to offer MarkitWire matching services to users for their transactions in Repo Products in the same manner described above.³²

2. Matching and Connectivity for Clearing Credit Default Derivatives

OSTTRA UK also offers intraday clearing connectivity via the MarkitWire platform for credit derivative transactions.³³ Users of the service submit details of the credit default transactions they intend to submit for centralized clearing, which the platform matches, but instead of producing a legal confirmation for a non-cleared transaction, MarkitWire routes the trade details to a CCP (*i.e.*, ICE Clear Credit or LCH Clearnet SA).³⁴ Users will indicate on the transaction the CCP to which the transaction should be sent.³⁵ The CCP will then submit a clearing accepted or rejected message back to MarkitWire which users are able to view.³⁶ If the trade fails clearing, users can choose to resubmit following updates via the MarkitWire platform to the CCP.³⁷ For successfully cleared trades, the CCP will submit the details of the 'beta' and 'gamma' trades into TradeServ to be passed on to DTCC TIW.³⁸

OSTTRA UK plans to offer intraday clearing connectivity via the MarkitWire platform for Repo Products to any covered clearing agency where CCP clearing of such transaction is available.³⁹

3. Processing of Post-Trade Life-Cycle Events

Through MarkitWire, users can submit a variety of post-trade events as applicable over the life-cycle of an equity derivative transaction, including events such as: (i) amendment; (ii) partial termination; (iii) full

termination; (iv) novation; (v) credit event; and (vi) exercise.⁴⁰ Confirmed trades are stored on the platform for at least seven years after termination or expiry with users able to update or remove the transaction details at any time.⁴¹

OSTTRA UK plans to offer these same types of services for lifecycle events applicable to Repo Products that are not cleared by a CCP.⁴²

4. Support for Regulatory Reporting Requirements

MarkitWire also offers the ability for trades to be reported to a Trade Repository. Currently the platform offers connectivity to the DTCC's Global Trade Repository, and users of the MarkitWire platform can opt-in to have their transactions reported in an industry agreed format for regimes such as ESMA, ASIC, and MAS.⁴³

D. Osttra Trade Manager Service

OSTTRA U.S. and OSTTRA UK each offer Osttra Trade Manager as an optional service available to buy-side subscribers.⁴⁴ The service allows a subscriber to view and manage in one place its trade matching and confirmation processing workflows across multiple asset classes and across the TradeServ and MarkitWire confirmation services and paper confirmations.⁴⁵ Osttra Trade Manager connects to TradeServ as an interface mechanism to enable the subscriber to submit records into TradeServ for matching and confirmation and receive responses in return.⁴⁶ The interface mechanism between Osttra Trade Manager and MarkitWire allows the subscriber to match (affirm) a subset of trade details within Osttra Trade Manager which are then communicated into the MarkitWire affirmation process; the subscriber is also connected to the MarkitWire matching process.⁴⁷ Whether the interface is with TradeServ or MarkitWire, the matching/confirmation process is conducted within TradeServ or MarkitWire.⁴⁸

¹⁹ See U.S. Application, Exhibit S-1.

²⁰ See U.S. Application, Exhibit S-1.

²¹ See U.S. Application, Exhibit S-1.

²² See U.S. Application, Exhibit S-1.

²³ See U.S. Application, Exhibit S-1.

²⁴ See UK Application, Exhibit S-1.

²⁵ See UK Application, Exhibit S-1.

²⁶ See UK Application, Exhibit S-1.

²⁷ See UK Application, Exhibit S-1.

²⁸ See UK Application, Exhibit S-1.

²⁹ See UK Application, Exhibit S-1.

³⁰ See UK Application, Exhibit S-1.

³¹ See UK Application, Exhibit S-1.

³² See UK Application, Exhibit S-1.

³³ See UK Application, Exhibit S-1.

³⁴ See UK Application, Exhibit S-1.

³⁵ See UK Application, Exhibit S-1.

³⁶ See UK Application, Exhibit S-1.

³⁷ See UK Application, Exhibit S-1.

³⁸ See UK Application, Exhibit S-1. See Part II.D of this notice for further description of the connectivity between MarkitWire and TradeServ.

³⁹ See UK Application, Exhibit S-1.

⁴⁰ See UK Application, Exhibit S-1.

⁴¹ See UK Application, Exhibit S-1.

⁴² See UK Application, Exhibit S-1.

⁴³ See UK Application, Exhibit S-1.

⁴⁴ See U.S. Application, Exhibit S-1; UK Application, Exhibit S-1.

⁴⁵ See U.S. Application, Exhibit S-1; UK Application, Exhibit S-1.

⁴⁶ See U.S. Application, Exhibit S-1; UK Application, Exhibit S-1.

⁴⁷ See U.S. Application, Exhibit S-1; UK Application, Exhibit S-1.

⁴⁸ See U.S. Application, Exhibit S-1; UK Application, Exhibit S-1.

IV. Statutory Standard

Section 17A(b)(1) of the Exchange Act requires any clearing agency to register with the Commission before performing the functions of a clearing agency with respect to any security (other than an exempted security).⁴⁹ Section 17A(b)(1) of the Exchange Act also provides that, by rule or order, upon its own motion or upon application, the Commission may conditionally or unconditionally exempt a clearing agency from any provisions of Section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.⁵⁰

In the Matching Release, the Commission stated that an entity that limited its clearing agency functions to providing matching services might not have to be subject to the full range of clearing agency regulation, consistent with the exemptive authority provided in Section 17A(b)(1).⁵¹ The Commission stated that a conditional exemption would exempt an entity from clearing agency registration under “appropriate conditions.”⁵² The Commission anticipated that an entity seeking an exemption from clearing agency registration for matching would be required to: (1) provide the Commission with information on its matching services and notice of material changes to its matching services; (2) establish an electronic link to a registered clearing agency that provides for the settlement of its matched trades; (3) allow the Commission to inspect its facilities and records; and (4) make periodic disclosures to the Commission regarding its operations.⁵³

V. Requests for Exemption

The OSTTTRA Applicants have requested that the Commission grant exemptive orders pursuant to which each may provide matching services for SBS via, respectively, TradeServ (as to the U.S. Application) and MarkitWire (as to the UK Application) platforms that encompass the clearing agency functions described in the applications, including any enhancements to the existing services that are within the

scope of trade matching services and any expansion of the services to SBS beyond those described in the applications.⁵⁴ The UK Application also includes in its request for an exemption that the exemption encompass transactions for Repo Products via the TradeServ platform once it expands beyond de minimis usage and constitutes a clearing agency function.⁵⁵

A. Application of Statutory Standard

The OSTTTRA Applicants each explain that the Commission may exempt a person from registering as a clearing agency if the Commission determines that granting the exemption is consistent with the public interest, the protection of investors, and the policy goals of Section 17A.⁵⁶ Each also describes factors that the Commission previously has applied in granting exemptive relief, including: (i) prompt and accurate clearance and settlement of securities transactions, and the safeguarding of securities and funds; (ii) facilitating development and expansion of support services to reduce risk; and (iii) reducing unnecessary costs.⁵⁷

The OSTTTRA Applicants state that the TradeServ and MarkitWire platforms have “furthered the policy goals of [Section] 17A [of the Exchange Act] by providing . . . market participants with services designed to decrease costs, increase the speed and accuracy of the confirmation and matching process, and reduce risk and potential error through the minimization of manual interaction associated with post-trade/pre-settlement processes.”⁵⁸

Additionally, the OSTTTRA Applicants also explain that requiring them to register as clearing agencies and to comply with the full set of obligations applicable to registered clearing agencies under the Exchange Act would increase the costs to provide its services “without any attendant benefit” and would “serve only to increase the operating costs of the applicant, and thus the costs on market participants.”⁵⁹ The OSTTTRA Applicants also state that they do not hold any customer assets, manage or direct any customer collateral, manage

margin requirements, or match executions.⁶⁰

B. Conditions to Exemption

In support of the requests for an exemption from registration in the U.S. and UK Applications, the OSTTTRA Applicants set forth conditions with which each would comply if its request for exemption from registration is granted.⁶¹ Specifically, each of the OSTTTRA Applicants agree to: (1) provide the Commission with information on any material changes to the clearing agency services that are the subject of the exemption; (2) allow the Commission to inspect its facilities where such clearing agency functions are performed and where related records are maintained; and (3) make periodic disclosures to the Commission regarding its operations as required or requested by the Commission.⁶²

VI. Request for Written Comments

Interested persons are invited to provide written data, views, and arguments concerning the OSTTTRA Applicants’ U.S. and UK Applications, including whether the proposed exemptions are consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act. To the extent possible, commenters are requested to provide empirical data and other factual support for their views. In addition, the Commission seeks comment generally on the following questions relevant to the consideration of the Application:

1. Since the Commission issued the 2011 Temporary Exemption, have the OSTTTRA Applicants provided matching services and operated consistent with the public interest, the protection of investors, and the purposes of the Exchange Act? Why or why not? To what extent have the OSTTTRA Applicants’ provisions of matching services affected the ongoing development of the national system for clearance and settlement?

2. What operational or other risks, if any, do the services described in the OSTTTRA Applications pose to their respective customers or to clearing

⁶⁰ See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

⁶¹ The OSTTTRA Applicants state that these conditions are consistent with other exemptive orders granted by the Commission to other providers of securities matching services, such as Bloomberg STP LLC and SS&C Technologies, Inc. See U.S. Application, Exhibit S–1, at 7; see also Bloomberg STP LLC; SS&C Technologies, Inc.; Order of the Commission Approving Applications for an Exemption from Registration as a Clearing Agency, Release No. 34–76514 (Nov. 24, 2015), 80 FR 75388 at 75390 (Dec. 1, 2015).

⁶² See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

⁴⁹ See 15 U.S.C. 78q–1(b)(1); 17 CFR 240.17Ab2–1.

⁵⁰ See 15 U.S.C. 78q–1(b)(1).

⁵¹ See Matching Release, *supra* note 8, 63 FR at 17947.

⁵² See *id.*

⁵³ See *id.*, n.28.

⁵⁴ See UK Application, Exhibit S–1; U.S. Application, Exhibit S–1.

⁵⁵ See UK Application, Exhibit S.

⁵⁶ See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

⁵⁷ See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

⁵⁸ See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

⁵⁹ See U.S. Application, Exhibit S–1; UK Application, Exhibit S–1.

agencies with which they interact? Do the OSTTRA Applicants' proposed conditions sufficiently address any such risks? Please explain.

3. Are the OSTTRA Applicants' proposed conditions consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds? Would any revisions to the proposed conditions better promote the purposes of Section 17A of the Exchange Act? Why or why not? If so, which conditions should be modified? Should any conditions be added? Why or why not?

4. Are the OSTTRA Applicants' proposed conditions designed to promote innovation and to facilitate competition among matching services?

5. Are there any aspects of the services provided by the OSTTRA Applicants or aspects of the OSTTRA Applicants' Applications, that support modifying or revising the interpretations provided by the Commission in the Matching Release? If so, in what ways or how?

6. Are there any aspects of the services provided by the OSTTRA Applicants or proposed to be provided by the OSTTRA Applicants that would support applying Commission rules such as Regulation SCI, the rules for central matching service providers under 17 CFR 240.17ad-27, or the recordkeeping requirements for registered clearing agencies under 17 CFR 240.17a-1? If so, which rules and why?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/how-submit-comment>); or
- Send an email to rule-comments@sec.gov. Please include File Numbers 600-41 or 600-42 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Numbers 600-41 or 600-42. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders>

notices-information). 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 Numbers 600-41 or 600-42 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17672 Filed 8-28-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106199; File No. SR-EMERALD-2026-23]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay Implementation of a Change to Rule 515A, MIAX Emerald Price Improvement Mechanism ("PRIME") and PRIME Solicitation Mechanism

August 26, 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 12, 2026, MIAX Emerald, LLC ("MIAX Emerald" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared 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 delay implementation of the proposed change to Exchange Rule 515A, MIAX Emerald Price Improvement Mechanism ("PRIME") and PRIME Solicitation Mechanism, to permit orders for the accounts of Market Makers assigned in the applicable options class, to be solicited as a contra party to the Agency Order submitted for execution in a PRIME or cPRIME Auction.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/emerald-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

On May 1, 2026, the Exchange filed a proposal³ to amend Exchange Rule 515A, MIAX Emerald Price Improvement Mechanism ("PRIME") and PRIME Solicitation Mechanism, to permit orders for the accounts of Market Makers⁴ assigned in the applicable options class, to be solicited as a contra party to the Agency Order⁵ submitted for execution in a PRIME or cPRIME Auction.⁶ The proposal indicated that the Exchange would implement this functionality in Q3 of 2026 and would publish a Regulatory Circular at least 30 days prior to the implementation date. The Exchange has not issued a Regulatory Circular as described above

³ See Securities Exchange Act Release No. 105488 (May 14, 2026), 91 FR 29202 (May 19, 2026) (SR-EMERALD-2026-13) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 515A, MIAX Emerald Price Improvement Mechanism and PRIME Solicitation Mechanism).

⁴ The term "Market Makers" refers to "Lead Market Makers," "Primary Lead Market Makers," and "Registered Market Makers" collectively. See Exchange Rule 100.

⁵ PRIME is a process by which a Member may electronically submit for execution ("Auction") an order it represents as agent ("Agency Order") against principal interest, and/or an Agency Order against solicited interest. See Exchange Rule 515A(a). The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁶ "cPRIME" is the process by which a Member may electronically submit a "cPRIME Order" (as defined in Rule 518(b)(7)) it represents as agent (a "cPRIME Agency Order") against principal or solicited interest for execution (a "cPRIME Auction"). See Exchange Rule 515A.12(a).

⁶³ 17 CFR 200.30-3(a)(16).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and now proposes to delay the implementation of this functionality until Q2 of 2027.

The Exchange proposes this delay in order to allow the Exchange and its Members⁷ ample time to complete the necessary technical changes prior to the implementation of the change. The Exchange proposes to issue a Regulatory Circular notifying market participants at least 30 days prior to implementing this functionality.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest by allowing the Exchange and its Members additional time to implement the proposed change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to delay the implementation of the proposed functionality does not impose an undue burden on competition. Delaying the implementation will simply allow the Exchange and its Members additional time to properly prepare for, and implement, the proposed functionality.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the delay will apply equally to all Members of the Exchange.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the proposal is to delay the implementation of approved functionality and does not impact intermarket competition.

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 for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-EMERALD-2026-23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 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.

¹² 15 U.S.C. 78s(b)(2)(B).

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-EMERALD-2026-23. 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-EMERALD-2026-23 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17670 Filed 8-28-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106200; File No. 600-40]

LSEG Post Trade Services Limited; Notice of Filing of Application for Exemption From Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

August 26, 2026.

I. Introduction

On August 8, 2024, Schvey, Inc. (d/b/a Axoni, "Axoni") filed with the Securities and Exchange Commission ("Commission") an application on Form CA-1 seeking an exemption from registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 17Ab2-1 thereunder.¹ On November 22, 2024, LSEG Post Trade Services Limited ("LSEG") amended the application to reflect its acquisition in October 2024 of the Veris platform ("Application").²

¹³ 17 CFR 200.30-3(a)(12).

¹ See 15 U.S.C. 78q-1; 17 CFR 240.17ab2-1 ("Rule 17Ab2-1").

² See Application, Exhibit J, at J-1. Prior to LSEG's acquisition of the Veris platform, Axoni amended the Application on August 12, September 19, October 3, and October 7. LSEG subsequently

⁷ The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

This Application concerns the Veris platform, a post-trade reconciliation and lifecycle management platform for transactions in equity security-based swaps (“SBS”), that provides trade matching services by facilitating SBS contract management.³

The Commission is publishing this notice to solicit comments from interested persons on the Application.⁴ The Commission will consider any comments it receives in making its determination whether to grant LSEG’s request for an exemption from registration as a clearing agency.⁵

II. Background

LSEG, through its predecessor Axoni, has been providing the services described in Part III of this notice pursuant to a temporary, class-based exemption issued by the Commission in 2011 (“2011 Temporary Exemption”).⁶ Specifically, the 2011 Temporary Exemption provided exemptive relief to entities performing (non-central counterparty) post-trade services for SBS that otherwise would have to register as a clearing agency or obtain an exemption from registration.⁷ In adopting Regulation SE in 2023, the Commission terminated the 2011 Temporary Exemption, while extending its exemptive relief to entities that applied for registration or an exemption

from registration as a clearing agency.⁸ Pursuant to the terms set forth in the Regulation SE adopting release, LSEG has continued to provide the services described below.⁹

III. Summary of the Applicant’s Organization and Services

A. Organization

LSEG is organized under the laws of England and Wales and is incorporated as a private limited company with the United Kingdom Companies House.¹⁰ LSEG is governed by a five-person board of directors.¹¹ LSEG’s ultimate parent is London Stock Exchange Group plc.¹²

B. Description of Services in Application

The Application explains that, in 2020, Axoni began offering the Veris platform to a select number of customers.¹³ As explained above, in October 2024, LSEG purchased the Veris platform from Axoni.¹⁴ LSEG explains in its Application that the Veris platform, a post-trade pairing reconciliation and lifecycle management platform for equity SBS, reduces the effort needed to reconcile post-trade data and prevent cash flow breaks by enabling counterparties to share and compare data associated with equity SBS deals, positions, trades, and related cash flows throughout the post-trade lifecycle.¹⁵ LSEG states that the Veris platform provides “real-time transparency” to both counterparties on reconciliation exceptions and reduces operational risks including settlement

delays.¹⁶ LSEG also states that all equity SBS transactions are executed and settled outside of the Veris platform, and that post-execution, counterparties transmit to the Veris platform their post-execution swap data.¹⁷

LSEG states that the Veris platform has onboarded “regulated financial institutions” such as broker-dealers, banks, registered investment companies and private funds.¹⁸ LSEG indicates that it does not limit the types of persons that may use the Veris platform, provided: (i) the entity is registered, and in good standing, with a regulatory authority; and (ii) the entity has the operational and technological capacity to connect to the Veris platform.¹⁹ LSEG states that each Veris platform customer entered into a software agreement with Axoni (now assigned to LSEG).²⁰ LSEG also states that this software agreement governs each customer’s access and use of the Veris platform.²¹ The Application further explains that, in 2026, the contract terms that govern each customer’s use of the Veris platform will migrate to a standard uniform rulebook.²²

In the Application, LSEG describes the Veris platform’s functionality and workflow, as well as three features planned for release in 2026.²³ As more fully described below, LSEG identifies 15 specific elements of the Veris platform’s functionality in the Application.²⁴

1. *Data Capture.* The Veris platform ingests data through an Application Programming Interface (“API”) or Financial Information Exchange (“FIX”) engine from customers. The software subsequently creates, updates, or cancels the actioning customer’s data records representing the equity SBS transactions.²⁵

2. *Post-Trade Data Pairing.* Using the key terms entered into by both counterparties (party A and party B) comprising a data record (equity SBS), the Veris platform compares to identify which records from party A correspond to party B’s version of those records. Once a pair is identified, the Veris platform creates a paired record.²⁶

3. *Data Reconciliation.* The Veris platform compares pairs records on specific fields/terms relevant to the

amended the Application in 2024 on November 26 and December 4, in 2025 on February 20, and in 2026 on February 4 and February 11.

³ See Application, Exhibit J, at J–1 (“[t]he Veris platform reduces the effort needed to reconcile post trade data and prevent cash flow breaks by enabling counterparties to share and compare data associated with equity SBS deals, positions, trades, and related cash flows throughout the post-trade lifecycle”); see also Application, Exhibit S, at S–2.

⁴ The non-confidential exhibits of the Application are available for viewing on the Commission’s website at <https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>.

⁵ Because the Application seeks an exemption from registration, the timing requirements in Section 19(a) of the Exchange Act do not apply. See 15 U.S.C. 78q–1(b)(2) (applying the provisions of Section 19(a) to applications for registration but not applications for an exemption from registration).

⁶ See Order Pursuant to Section 36 of the Securities Exchange Act of 1934 Granting Temporary Exemptions from Clearing Agency Registration Requirements under Section 17A(b) of the Exchange Act for Entities Providing Certain Clearing Services for Security-Based Swaps, Release No. 34–64796 (July 1, 2011), 76 FR 39963 (July 7, 2011).

⁷ See 2011 Temporary Exemption, 76 FR at 39964; see also Confirmation and Affirmation of Securities Trades; Matching, Release No. 34–39829 (Apr. 6, 1998), 63 FR 17943, 17946 (Apr. 13, 1998) (the “Matching Release”) (stating “an intermediary that captures trade information from a buyer and a seller of securities and performs an independent reconciliation or matching of that information” must register as a clearing agency or receive an exemption from such registration).

⁸ See Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities, Release No. 34–98845 (Nov. 2, 2023), 88 FR 87156, 87229 (Dec. 15, 2023) (“Regulation SE”) (stating that “[f]or any entity currently relying on the 2011 Clearing Agency Exemption that becomes required to register as a clearing agency, the exemptive relief will terminate 180 days after the Effective Date of Regulation SE, which will be 60 days after the date of publication in the **Federal Register**, except that (1) with respect to an entity that has filed an application to register as a clearing agency with the Commission on Form CA–1 within 180 days of the Effective Date of Regulation SE, the relief will terminate 240 days after the Effective Date of Regulation SE; and (2) with respect to an entity that has filed an application on Form CA–1 within 180 days after the Effective Date of Regulation SE and whose application on Form CA–1 is complete (having responded to requests by the Commission’s staff for revisions or amendments) within 240 days after the effective date, the exemptive relief will terminate 30 days after the Commission acts to approve or disapprove the application on Form CA–1.”).

⁹ See Regulation SE, 88 FR at 87229; Exhibit J at J–1.

¹⁰ See Application, Exhibit C, at C–1.

¹¹ LSEG describes three directors as a “Common Director.” See Application, Exhibit A, at A–1.

¹² See Application, Exhibit D, at D–1.

¹³ See Application, Exhibit J, at J–1.

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See *id.*

¹⁷ See *id.*

¹⁸ See Application, Exhibit O, at O–1.

¹⁹ See *id.*

²⁰ See Application, Exhibit P, at P–1.

²¹ See *id.*

²² See *id.*

²³ See Application, Exhibit J, at J–1–J–4.

²⁴ See *id.* at J–1–J–2.

²⁵ See *id.* at J–1.

²⁶ See *id.*

equity SBS. The platform marks as exceptions counterparty data differences outside any thresholds.²⁷

4. *Data Enrichment.* The Veris platform defaults/enriches certain data fields from higher hierarchical levels to lower data levels. For example, it will automatically enrich transactional data with higher level data to streamline the user experience (e.g., “unwind methodology” can be provided at the deal level).²⁸

5. *Amendments.* The Veris platform enables a party to update or amend its data.²⁹

6. *Cancellation.* The Veris platform enables customers to cancel data records. Cancelled data may be replaced with a newer version of the record.³⁰

7. *User Interface (“UI”).* LSEG explains that the Veris platform is connected to a UI to facilitate customer access to their data and provides exporting, audit history, affirmation, and search functions.³¹

8. *Affirmation.* The Veris platform allows parties to affirm update/create their side of a paired record with the values of their counterparty.³²

9. *Account Mapping.* The Veris platform allows customers to provide linkage between their transactional data and deal-level data based on account and market preferences.³³

10. *Trade Ordering.* The Veris platform orders trades based on execution date and time, and subsequently, determines the type of trade activity (e.g., determining if a trade type is a buildup, unwind, or full unwind).³⁴

11. *Position Calculation.* The Veris platform independently calculates the quantity and number of securities on the position level based on the transactional records received for a given position.³⁵

12. *Corporate Action Outturn Position Updates.* The Veris platform determines the net effect on a position (e.g., number of securities on a stock split) from corporate action transactions received from customers.³⁶

13. *Single-Sided Flow.* The Veris platform reconciles allocation instructions against risk bookings for a single party.³⁷

14. *Electronic Master Confirm Agreement.* The Veris platform allows

creation and storage of an electronic representation of a “Master Confirmation Agreement” (“MCA”).³⁸

15. *Authentication and Permissions.* The Veris platform manages permissions by allowing customers to authenticate themselves. Upon authentication, the platform grants customers the ability to access, create, and update their data for transactions to which they are a party.³⁹

In its Application, LSEG also described three features to be released during 2026, as follows:

1. *Data normalization,* which will allow clients to deliver data to the platform in the client’s proprietary formats. Veris will then “transform” the data into the data models required by the platform.⁴⁰

2. *Asset cross-referencing,* which will allow clients to submit different identifier types on their trade information. To link trades submitted by counterparties with different identifier types, Veris will introduce the capability to cross-reference between identifiers such as RIC, SEDOL, CUSIP, and ISIN.⁴¹

3. *Cashflow matching,* which will offer the capability to match cashflows resulting from SBS transactions. Cashflow matching would be delivered in a phased approach with “increasing granularity,” offering clients the ability to match or affirm cashflows at a net level or per transaction. The Application explains that settlements will continue to occur on a bilateral basis outside of the Veris platform.⁴²

As described further below, LSEG states that the Veris platform does not provide the following functionality: (i) execution; (ii) settlement; or (iii) clearing.⁴³

1. *Execution.* LSEG states that the Veris platform does not allow customers to execute equity SBS transactions or transactions in the securities underlying the equity SBS.⁴⁴

2. *Settlement.* LSEG states that the Veris platform does not settle equity SBS transactions or transactions in the securities underlying the equity SBS.⁴⁵

3. *Clearing.* LSEG states that the Veris platform does not clear equity SBS transactions or transactions in the securities underlying the equity SBS.⁴⁶

Additionally, LSEG explains the Veris platform’s workflow in ten steps:

1. As part of the client onboarding process, any customer permissions, reference data, and documentation (e.g., MCA) are established in the system.⁴⁷

2. The equity SBS execution occurs outside of the Veris platform.⁴⁸

3. Workflows managing the processing of the underlying equity asset (execution, clearance, and settlement) occur outside of the Veris platform through normal business channels.⁴⁹

4. Parties transmit their post allocation swap data records to the Veris platform for Data Capture via API, FIX, or UI Affirmation.⁵⁰

5. The Veris platform processes the data to pair and reconcile any differences relative to counterparty submissions of their records.⁵¹

6. The Veris platform communicates the results of the reconciliation to parties via API and/or UI.⁵²

7. Each customer sends its version of all lifecycle data, including the following: (i) amendments (e.g., financing re-rates); (ii) position accruals; (iii) cash flows; and (iv) corporate action outturns.⁵³

8. The Veris platform continuously reconciles all lifecycle data throughout the life of the swap, highlighting exceptions to customers, while storing a unified record of paired data.⁵⁴

9. Customers investigate and remediate exceptions identified by the Veris platform by updating their submissions upstream from the Veris platform to ensure swap data is in alignment with their counterparty’s systems.⁵⁵

10. Parties settle cash flows outside of the Veris platform.⁵⁶

IV. Statutory Standard

Section 17A(b)(1) of the Exchange Act requires any clearing agency to register with the Commission before performing the functions of a clearing agency with respect to any security (other than an exempted security).⁵⁷ Section 17A(b)(1) of the Exchange Act also provides that, by rule or order, upon its own motion or upon application, the Commission may conditionally or unconditionally exempt a clearing agency from any provisions of Section 17A or the rules

²⁷ See *id.* at J-2.

²⁸ See *id.*

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.*

³² See *id.*

³³ See *id.*

³⁴ See *id.*

³⁵ See *id.*

³⁶ See *id.*

³⁷ See *id.*

³⁸ See *id.*

³⁹ See *id.*

⁴⁰ See *id.* at J-2—J-3.

⁴¹ See *id.* at J-3.

⁴² See *id.*

⁴³ See *id.* at J-2.

⁴⁴ See *id.* at J-3.

⁴⁵ See *id.*

⁴⁶ See *id.*

⁴⁷ See *id.*

⁴⁸ See *id.*

⁴⁹ See *id.*

⁵⁰ See *id.*

⁵¹ See *id.*

⁵² See *id.*

⁵³ See *id.* at J-3—J-4.

⁵⁴ See *id.* at J-4.

⁵⁵ See *id.*

⁵⁶ See *id.*

⁵⁷ See 15 U.S.C. 78q-1(b)(1); 17 CFR 240.17ab2-1.

or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.⁵⁸

In the Matching Release, the Commission stated that an entity that limited its clearing agency functions to providing matching services might not have to be subject to the full range of clearing agency regulation, consistent with the exemptive authority provided in Section 17A(b)(1).⁵⁹ The Commission stated that a conditional exemption would exempt an entity from clearing agency registration under “appropriate conditions.”⁶⁰ The Commission anticipated that an entity seeking an exemption from clearing agency registration for matching would be required to: (1) provide the Commission with information on its matching services and notice of material changes to its matching services; (2) establish an electronic link to a registered clearing agency that provides for the settlement of its matched trades; (3) allow the Commission to inspect its facilities and records; and (4) make periodic disclosures to the Commission regarding its operations.⁶¹

V. Request for Exemption

In its Application, LSEG requests that the Commission grant a conditional exemption to permit it to operate the services described in Part III above without registering as a clearing agency, as explained further below.

A. Application of Statutory Standard

LSEG requests an exemption from clearing agency registration in connection with its Veris post-trade pairing, reconciliation, and lifecycle management service for equity SBS, which it describes as the “Equity SBS Post-Trade Services.” LSEG explains that the Veris platform includes a limited set of services that fall within the Commission’s definition of “trade matching,” such as capturing an equity SBS transaction’s trade information to perform an independent comparison of such information.⁶² LSEG states that it does not perform comparison of trade data to reduce the number of settlements or to allocate settlement responsibilities, or provide any other

execution or settlement services.⁶³ Citing its belief that Veris performs only a limited number of services that would require registration as a clearing agency, LSEG states the conditions proposed in its Application, and reproduced in Part V.B below, will provide the appropriate level of protection against risk related to custody, clearance, and settlement.⁶⁴

In the Application, LSEG also states that exempting the Veris platform from registration, subject to the specified conditions set forth below, will: (i) produce substantial U.S. public benefit; (ii) provide U.S. investors and the U.S. national clearance and settlement system with substantially the same level of protection against risk related to custody, clearance, and settlement that full registration would provide; and (iii) advance the purposes of Section 17A of the Exchange Act.⁶⁵ In identifying a “substantial U.S. public benefit,” LSEG states that the Veris platform will improve the speed, accuracy, and reliability of post-trade equity SBS pairing and reconciliation, including reconciliation of cash flow amounts.⁶⁶ LSEG also states that these improvements should: (i) reduce operational and settlement risk for equity SBS transactions; (ii) decrease overall costs to equity SBS market participants; and (iii) increase the potential for developments of new and enhanced functionality related to equity SBS transactions.⁶⁷

In addition, LSEG represents that it will not engage in any activity inconsistent with the purposes of Section 17A(a)(2) of the Exchange Act, which directs the Commission to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities.⁶⁸ Because equity SBS transactions are not centrally cleared in the U.S., LSEG states that interoperability requirements would be inappropriate at this time.⁶⁹ LSEG represents that, in any event, it will not engage in activities that would prevent other services from operating a matching service independent of LSEG’s services.⁷⁰

⁶³ See *id.* at S-3—S-4.

⁶⁴ See *id.* at S-4.

⁶⁵ See *id.* at S-2.

⁶⁶ See *id.* at S-3.

⁶⁷ See *id.*

⁶⁸ See *id.* at S-5; see also 15 U.S.C. 78q-1(a)(2).

⁶⁹ See Application, Exhibit S, at S-5. Cf. Release Nos. 34-44188 (Apr. 17, 2001), 66 FR 20494 (Apr. 23, 2001); 34-76514 (Nov. 25, 2015), 80 FR 75387 (Dec. 1, 2015) (setting forth conditions related to interoperability for central matching service providers in the U.S. equity and fixed income markets).

⁷⁰ See Application, Exhibit S, at S-5.

B. Conditions to Exemption

In its Application, LSEG states that Regulation Systems Compliance and Integrity (“Regulation SCI”), adopted in 2014, would not apply to the Equity SBS Post-Trade Services and also believes it is not necessary for the Commission to impose compliance with Regulation SCI to fulfill the purposes of the Exchange Act because (i) the Equity SBS Post-Trade Services are limited in nature, and (ii) LSEG agrees to comply with operational risk conditions relating to systems compliance and integrity. The conditions, described in its Application,⁷¹ are reproduced and renumbered as Parts B.1 and B.2 of this notice. References to the “Applicant” have been replaced with “LSEG.”

B.1. Operational Risk Conditions

LSEG proposes the following operational risk conditions as part of its request for an exemption from registration as a clearing agency:

(1) LSEG shall demonstrate to the Commission or its designee no later than 120 days after the Commission grants an order⁷² exempting LSEG from registration as a clearing agency (the “Exemption Order”), that LSEG maintains written policies and procedures applicable to those systems that support or are integrally related to the Equity SBS Post-Trade Services (the “Systems”) that, on an ongoing basis, are reasonably designed to:

a. establish a robust operational risk-management framework applicable to the Systems with appropriate systems, policies, procedures, and controls to identify, monitor, and manage operational risks;⁷³

b. clearly define the roles and responsibilities of LSEG personnel for addressing operational risk;⁷⁴

c. review, in accordance with the LSEG Policy Governance Framework, operational policies, procedures, and controls applicable to the Systems;

d. audit the Systems, and test the Systems periodically and at implementation of significant changes;⁷⁵

e. clearly define operational reliability objectives for the Systems;

f. ensure that the Systems have scalable capacity adequate to handle increasing stress volumes and achieve the Systems service-level objectives;⁷⁶

⁷¹ See *id.* at S-5—S-8.

⁷² The Application states “this order” rather than “an order.” *Id.* at S-5.

⁷³ *Id.* at S-5—S-6.

⁷⁴ *Id.* at S-6.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁵⁸ See 15 U.S.C. 78q-1(b)(1).

⁵⁹ See Matching Release, *supra* note 7, 63 FR at 17947.

⁶⁰ See *id.*

⁶¹ See *id.*, n.28.

⁶² See Application, Exhibit S at S-3.

g. establish comprehensive physical and information security policies that address all known potential vulnerabilities and threats to the Systems;⁷⁷

h. establish a business continuity plan for the Systems that addresses events posing a significant risk of disrupting the Systems' operations, including events that could cause a wide-scale or major disruption in the provision of the Equity SBS Post-Trade Services;⁷⁸

i. incorporate the use of a secondary site in LSEG's business continuity plan that is designed to ensure that all critical Systems can resume operations within two hours following disruptive events;⁷⁹

j. regularly test or otherwise validate LSEG's business continuity plans;⁸⁰ and

k. identify, monitor, and manage the risks that key participants, other financial market infrastructures and service and utility providers might pose to the Systems' operations in relation to the Equity SBS Post-Trade Services.⁸¹

(2) For purposes of condition V.B.1(1), such policies and procedures shall be consistent with current information technology industry standards, which shall be comprised of information technology practices that are widely available to information technology professionals in the financial sector and issued by a widely recognized organization. LSEG shall inform the Commission or its designee of the information technology industry standards that LSEG has chosen to use, affirm that choice on an annual basis, and provide advance notice of the use of different standards as soon as practicable.⁸²

(3) LSEG shall provide the Commission or its designee with an annual update on the status of the items set forth in condition V.B.1(1).⁸³

(4) LSEG shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure that the Systems operate on an ongoing basis in a manner that complies with the conditions applicable to the Systems and with LSEG's rules and governing documents applicable to the Equity SBS Post Trade Services.⁸⁴

(5) LSEG shall report all material critical systems' outages to the

Commission within 24 hours following confirmation of the incident.⁸⁵

(6) LSEG shall, within 30 calendar days after the end of each quarter, submit to the Commission or its designee a report describing completed, ongoing and planned material changes to the Systems that support or are related to the Equity SBS Post-Trade Services during the prior, current, and subsequent calendar quarters, including the dates or expected dates of commencement and completion. (LSEG shall establish reasonable written criteria for identifying a change to the Systems as material and report such changes in accordance with such criteria.)⁸⁶

(7) LSEG shall, on an annual basis, provide the Commission or its designee with the audited control report including internationally recognized certifications, as appropriate.⁸⁷

(8) LSEG shall make, keep, and preserve at least one copy of all documents relating to its compliance with the operational risk conditions; keep all such documents for a period of not less than five years, the first two years in an easily accessible place; and upon request of the Commission, promptly furnish to the possession of the Commission or its designee copies of any such documents.⁸⁸

B.2. Additional Conditions

LSEG proposes the following additional conditions as part of its request for an exemption from registration as a clearing agency:

(1) LSEG shall provide to the Commission or its designee its annual audited financial statements prepared by competent independent audit personnel.⁸⁹

(2) LSEG shall notify the Commission or its designee of any material changes to any service agreement between LSEG and any other entity that is performing any portion of the Equity SBS Post-Trade Services on behalf of LSEG if such changes are reasonably expected to materially affect the Equity SBS Post-Trade Services.⁹⁰

(3) LSEG shall preserve a copy or record of post-execution pairing and reconciliation data pertaining to the operation of the Equity SBS Post-Trade

Services. LSEG shall retain these records for a period of not less than five years, the first two years in an easily accessible place.⁹¹

(4) LSEG shall respond to a request from the Commission for additional information relating to the Equity SBS Post-Trade Services and provide the Commission or its designee with access to LSEG's facilities (including automated systems and systems environment), records, and personnel related to the Equity SBS Post-Trade Services. The request for information shall be made and the inspections shall be conducted solely for the purpose of reviewing the Equity SBS Post-Trade Services' operations and compliance with the federal securities laws and the terms and conditions in any Exemption Order.⁹²

(5) LSEG shall file with the Commission amendments to its application for exemption on Form CA-1 if it makes any material change to the Equity SBS Post-Trade Services or any change materially affecting the Equity SBS Post-Trade Services as summarized in any Exemption Order or LSEG's Form CA-1 that would make such previously provided information incomplete or inaccurate.⁹³

(6) The Commission may modify by order the terms, scope or conditions of any Exemption Order if it determines that such modification is necessary or appropriate in the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Exchange Act. Furthermore, the Commission may limit, suspend, or revoke the exemption if it finds that LSEG has violated or is unable to comply with any of the provisions set forth in any Exemption Order if such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Exchange Act.⁹⁴

VI. Request for Written Comments

Interested persons are invited to provide written data, views, and arguments concerning the Application, including whether the proposed exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act. To the extent possible, commenters are requested to provide

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ Exhibit S at S-7.

⁸⁴ *Id.*

⁸⁵ *Id.* With respect to "material critical systems," the Application explains the term "critical system" refers to a system for which the availability of an alternative is significantly limited or non-existent and without which there would be a material impact on fair and orderly markets.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Exhibit S at S-7—S-8.

⁹² Exhibit S at S-8. The Application states "the Exemption Order" rather than "any Exemption Order." *Id.*

⁹³ *Id.* The Application states "the Exemption Order" rather than "any Exemption Order." *Id.*

⁹⁴ *Id.* In each instance, the Application states "the Exemption Order" rather than "any Exemption Order." *Id.*

empirical data and other factual support for their views. In addition, the Commission seeks comment generally on the following questions relevant to the consideration of the Application:

1. Since the Commission issued the 2011 Temporary Exemption, has LSEG provided matching services and operated consistent with the public interest, the protection of investors, and the purposes of the Exchange Act? Why or why not? To what extent has LSEG's provision of matching services affected the ongoing development of the national system for clearance and settlement?

2. What operational or other risks, if any, do the services described in the Application pose to LSEG's customers or to clearing agencies with which they interact? Do LSEG's proposed conditions sufficiently address any such risks? Please explain.

3. Are LSEG's proposed conditions consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds? Would any revisions to the proposed conditions better promote the purposes of Section 17A of the Exchange Act? Why or why not? If so, which conditions should be modified? Should any conditions be added? Why or why not?

4. Are LSEG's proposed conditions designed to promote innovation and to facilitate competition among matching services?

5. Are there any aspects of the services provided by LSEG, or other aspects of its Application, that support modifying or revising the interpretations provided by the Commission in the Matching Release? If so, in what ways or how?

6. Are there any aspects of the services provided by LSEG, or other aspects of its Application, that support applying Commission rules such as Regulation SCI, the rules for central matching service providers under 17 CFR 240.17ad-27, or the recordkeeping requirements for registered clearing agencies under 17 CFR 240.17a-1? If so, which rules and why?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/how-submit-comment>); or

- Send an email to rule-comments@sec.gov. Please include File Number 600-40 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number 600-40.

To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information>). 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 600-40 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17671 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106190; File No. SR-CboeEDGX-2026-053]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee ("ORF")

August 26, 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 13, 2026, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") 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.

⁹⁵ 17 CFR 200.30-3(a)(16).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") proposes to amend its Fees Schedule relating to the Options Regulatory Fee ("ORF"). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/edgx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 2, 2025, the Exchange adopted a new methodology for the assessment and collection of an On-Exchange ORF whereby ORF is assessed by the Exchange only for options transactions that occur on the Exchange that clear in the customer³ range at The Options Clearing Corporation ("OCC").⁴ In its filing, the Exchange set forth a July

³ ORF is assessed by the Exchange and collected via OCC on behalf of the Exchange on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the "C" range at OCC. On the Exchange, a "Public Customer" means a person that is not a broker or dealer in securities and includes both Priority Customers and Professionals. A "Priority Customer" means a person or entity that is not a broker or dealer in securities or a Professional. A "Professional" is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF.

⁴ See Securities Exchange Act Release No. 104404 (December 15, 2025), 90 FR 59275 (December 18, 2025) (SR-CboeEDGX-2025-084).

1, 2026 implementation date for the new methodology. The Exchange proposes to increase ORF from \$0.0002 per contract side under the current method that assesses ORF to all customer range transactions regardless of the Exchange on which it occurs to \$0.00286 per contract side under the new method that assesses ORF to all customer range transactions that occur on the Exchange only, effective July 1, 2026.⁵ The Exchange is also proposing nonsubstantive changes to the fees schedule to clarify its description of ORF and delete outdated language (as further described below).⁶

Beginning July 1, 2026, ORF is assessed by the Exchange to each Member on each side of a transaction for options transactions cleared by OCC in the customer range for executions that occur on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member that was the clearing firm for the transaction or a non-Member that was the clearing firm, where a Clearing Member was the executing clearing firm for the transaction and a Member was the executing firm for the transaction.⁷

Revenues generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, are designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses⁸ and

certain indirect expenses in support of the regulatory function.⁹ Indirect expenses are estimated to be approximately 35% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 65% of total regulatory costs for 2026. In addition, it is the Exchange's practice that revenue generated from ORF not exceed 75% of total regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2026 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the "Commission"). The Exchange also notifies Members of adjustments to the ORF via an Exchange Notice, including for the change being proposed herein.¹⁰ Based on the Exchange's review of regulatory costs and revenues in preparation for implementation of the new On-Exchange ORF, the Exchange is proposing to increase the amount of ORF that will be collected by the Exchange from \$0.0002 per contract side on all customer range transactions regardless of the Exchange on which the transaction executed to \$0.00286 per contract side for only those transactions that execute on the Exchange and clear in the customer range.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

The Exchange also proposes to delete the provision stating that the Exchange uses reports from OCC when assessing and collecting the ORF. The Exchange currently uses its own reports when assessing and collecting the ORF, so the current language is outdated. Additionally, the Exchange proposes to delete the provision requiring Members

to provide the Exchange with a complete list of its OCC clearing numbers and keep such information up to date with the Exchange. The Exchange currently receives from OCC on a daily basis Members' OCC clearing numbers, so the Exchange no longer needs Members to separately provide the Exchange with this information.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹² which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would permit the Exchange to collect revenue from the ORF, in combination with other regulatory fees and fines, in a manner that would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF to generate revenues that would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. The Exchange determined to modify the ORF rate in conjunction with implementation of the On-Exchange ORF,¹⁴ a new methodology for assessment and collection of ORF, and after its review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines. When taking into account recent options volume, coupled with the anticipated regulatory fees and anticipated reductions in other regulatory fees, the Exchange believes it's reasonable to increase the ORF rate from \$0.0002 per contract side on all

⁵ Today, ORF is assessed by the Exchange to each Member for options transactions cleared by the Member that are cleared by the OCC in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange.

⁶ The Exchange initially filed the proposed rule change on June 29, 2026 (SR-CboeEDGX-2026-046). On August 13, 2026, the Exchange withdrew that filing and submitted this proposal.

⁷ The current language in the fees schedule states ORF is collected by OCC on behalf of the Exchange from the Clearing Member or a non-Clearing Member on each side of the transaction that ultimately clears the transaction. The Exchange proposes to revise this language as set forth above. The Exchange believes the proposed language provides additional clarity regarding how ORF is collected, but has no impact on that process. The proposed rule change also deletes the language regarding the reimbursement of routing brokers for linkage transactions, as that is no longer applicable given ORF applies only to on-Exchange transactions.

⁸ Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

⁹ Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

¹⁰ See Exchange Notice, C2026052000 "Cboe Options Exchanges Regulatory Fee Update Effective July 1, 2026" (May 20, 2026).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(4).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See Securities Exchange Act Release No. 104404 (December 15, 2025), 90 FR 59275 (December 18, 2025) (SR-CboeEDGX-2025-084).

customer range transactions regardless of the Exchange on which the transaction executed to \$0.00286 per contract side for only those transactions that execute on the Exchange and clear in the customer range. Particularly, the proposed change is reasonable as it would offset the anticipated increased regulatory costs, while still not exceeding 75% of the Exchange's total regulatory costs.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the ORF by submitting a fee change filing to the Commission.¹⁵

The Exchange also believes the proposed change is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the customer range at the OCC. The Exchange believes On-Exchange ORF it is fair and reasonable to assess a specific fee to those Members that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a Member) benefit from the protections of a robust regulatory program, including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because Clearing Members and Market Maker Members (who clear in the Firm and Market Maker range, respectively), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, Clearing Members and Market Maker Members are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are

assessed only to Members and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that Clearing Members from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers are subject to various quoting and other obligations so that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in customer-range activity, regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff and travel expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Member proprietary transactions) of its regulatory program.¹⁶ While the Exchange notes that it has broad regulatory responsibilities with respect to its Members' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange.

The Exchange also believes the proposed rule change is equitable and not unfairly discriminatory because the On-Exchange ORF model more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as \$0.023 per transaction per side.¹⁷ While the Exchange's proposed ORF rate under the On-Exchange ORF model of \$0.00286 is higher than its

current ORF rate of \$0.0002 under the current model, beginning July 1, 2026, the Exchange understands all U.S. options exchanges will implement a similar on-exchange model, and ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by the Exchange and other options exchanges that also assess an ORF. Beginning July 1, 2026, transactions that would clear in the customer range occurring on other exchanges would no longer be subject to an ORF assessed by the Exchange.

The Exchange believes the proposed nonsubstantive changes to the rule text will protect investors and the public interest, as it provides additional clarity regarding how ORF is collected and deletes outdated language, but has no impact on that process and thus will have no impact on customers.

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. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate intermarket burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The proposed nonsubstantive changes have no impact 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)

¹⁵ Consistent with Rule 15.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

¹⁶ If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on Member proprietary transactions if the Exchange deems it advisable.

¹⁷ As of June 1, 2026.

of the Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ 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 shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-053 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-CboeEDGX-2026-053. 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-CboeEDGX-2026-053 and should be submitted on or before September 21, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17664 Filed 8-28-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21807 and #21808; INDIANA Disaster Number IN-20022]

Presidential Declaration of a Major Disaster for the State of Indiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Indiana (FEMA-4933-DR), dated August 25, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

DATES: Issued on August 25, 2026.

Incident Period: August 11, 2026 and continuing.

Physical Loan Application Deadline Date: October 25, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 25, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on August 25, 2026, 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 (Physical Damage and Economic Injury Loans): Carroll, Dearborn, Decatur, Delaware, Fayette, Franklin, Hamilton, Hancock, Henry, LaPorte, Lake, Madison, Marion, Morgan, Porter,

Pulaski, Randolph, Rush, Tipton, Union, Wayne.

Contiguous Counties (Economic Injury Loans Only):

Indiana: Bartholomew, Blackford, Boone, Brown, Cass, Clinton, Fulton, Grant, Hendricks, Howard, Jasper, Jay, Jennings, Johnson, Marshall, Monroe, Newton, Ohio, Owen, Putnam, Ripley, Shelby, St. Joseph, Starke, Tippecanoe, White. Illinois: Cook, Kankakee, Will. Kentucky: Boone. Michigan: Berrien. Ohio: Butler, Darke, Hamilton, Preble. The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218076 and for economic injury is 218080.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-17755 Filed 8-28-26; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2025-0057]

Rescission of Social Security Acquiescence Ruling 90-2(2)

AGENCY: Social Security Administration.

ACTION: Notice of Rescission of Social Security Acquiescence Ruling (AR).

SUMMARY: The Commissioner of Social Security gives notice of the rescission of AR 90-2(2): *Ruppert v. Bowen*, 871 F.2d 1172 (2d Cir. 1989)—Evaluation of a Rental Subsidy as In-Kind Income for

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

²⁰ 17 CFR 200.30-3(a)(12).

Supplemental Security Income (SSI) Benefit Calculation Purposes—Title XVI of the Social Security Act (Act).

DATES: August 31, 2026.

FOR FURTHER INFORMATION CONTACT:

Tracy Rega, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–4497, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION: In accordance with 20 CFR 402.160(b)(2) and 416.1485(e)(4), the Commissioner of Social Security gives notice of the rescission of AR 90–2(2).

When we determine that a United States Court of Appeals holding conflicts with our interpretation of the Act or regulations, and the Government does not seek further judicial review, we will issue an AR.¹ We may rescind an AR as obsolete if we subsequently clarify, modify, or revoke the regulation that was the subject of the circuit court holding that we determined conflicted with our interpretation of the Act or regulations.²

On July 16, 1990, we published AR 90–2(2) to reflect the Second Circuit's holding in *Ruppert v. Bowen*, 871 F.2d 1172 (2d Cir. 1989).³ In *Ruppert*, the Second Circuit addressed an aspect of our in-kind support and maintenance (ISM) rules outlined in 20 CFR 416.1130, under which we considered whether an individual was receiving ISM in the form of room or rent (sometimes referred to as our rental subsidy policy). Under that regulation at the time, we would not consider an individual to be receiving ISM if they paid the monthly required rent charged under a “business arrangement” in which the rent equaled or exceeded the current market rental value. In *Ruppert*, the Second Circuit held that we must determine whether an individual receives an “actual economic benefit” from a rental subsidy before charging the individual with in-kind support and maintenance (ISM); and that economic benefit could not be presumed based on the difference between current market rental value and the actual amount of rent paid. To apply the circuit court's holding, AR 90–2(2) instructed that if the actual amount of rent paid equals or exceeds the presumed maximum value

(PMV) described in 20 CFR 416.1140, we would not consider there to be a rental subsidy for purposes of ISM.⁴

On April 11, 2024, we published in the **Federal Register** the final rule *Expansion of the Rental Subsidy Policy for Supplemental Security Income (SSI) Applicants and Recipients*.⁵ We revised 20 CFR 416.1130 to accord with *Ruppert* and the policy in AR 90–2(2): an individual does not receive (countable) ISM in the form of a rental subsidy if the amount of monthly required rent to be paid equals or exceeds the PMV; and, if the required amount of rent is less than the PMV, we will impute as ISM the difference between the required amount of rent and either the PMV or the current market rental value, whichever is less.⁶

Because the regulation that was the subject of the *Ruppert* AR has been revised effective September 30, 2024, AR 90–2(2) is now obsolete. Accordingly, we are rescinding AR 90–2(2).⁷

Mark Steffensen,

General Counsel, Social Security Administration.

[FR Doc. 2026–17746 Filed 8–28–26; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 13114]

Rescission of the State Sponsor of Terrorism Determination Regarding Syria

In accordance with sections 1754 (c) and 1768(c) of the National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4813(c) and 4826(c)), I hereby rescind the Determination of December 29, 1979, regarding Syria, effective August 24, 2026. This action is based upon the considerations contained in the memorandum accompanying the Presidential Report of July 8, 2026, regarding Syria.

This rescission shall also satisfy the provisions of section 620A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(c)), and section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)), and, to the extent applicable, section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), and as continued in effect by Executive Order 13222 of August 17, 2001).

⁴ See *id.* at 28949.

⁵ See 89 FR 25507 (Apr. 11, 2024). The final rule became effective September 30, 2024. See *id.*

⁶ See 55 FR at 28949; 89 FR at 25513; 20 CFR 416.1130(b)(1).

⁷ See 20 CFR 416.1485(e)(4).

This notice shall be published in the **Federal Register**.

Dated: August 24, 2026.

Marco Rubio,

Secretary of State, Office of the Secretary, Department of State.

[FR Doc. 2026–17653 Filed 8–28–26; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 13109]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Revealing the Hidden: Byzantine Icons From Thessaloniki and Patmos” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “Revealing the Hidden: Byzantine Icons From Thessaloniki and Patmos” at the Museum of the Bible, Washington, District of Columbia, 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

¹ See 20 CFR 416.1485(b).

² See *id.* at 416.1485(e)(4).

³ See 55 FR 28947 (July 16, 1990).

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. 2026-17657 Filed 8-28-26; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 13112]

30-Day Notice of Proposed Information Collection: Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to September 30, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Tonya Bush, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522-0112, via phone at 202-992-0058, or via email at bush1@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data.
- *OMB Control Number:* 1405-0022.
- *Type of Request:* Revision of a Currently Approved Collection.

- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

- *Form Number:* DSP-85.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.

- *Estimated Number of Respondents:* 280.

- *Estimated Number of Responses:* 280.

- *Average Time per Response:* 30 minutes.

- *Total Estimated Burden Time:* 140 hours.

- *Frequency:* On occasion.

- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

In accordance with part 123 of the International Traffic in Arms Regulations (ITAR), any person who intends to permanently export, temporarily export, or temporarily import classified defense articles, including classified technical data must first obtain Directorate of Defense Trade Controls authorization. The “Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data” (Form DSP-85) is used to obtain permission for the permanent export, temporary export, or temporary import of classified defense articles, including classified technical data, covered by the U.S. Munitions List (USML). This form is an application that, when completed and approved by the Bureau of Political Military Affairs, Directorate of Defense Trade Controls (PM/DDTC), Department of State, constitutes the official record and authorization for all classified

commercial defense trade transactions, pursuant to the Arms Export Control Act and the ITAR.

Methodology

This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: electronically or mail.

Response to Comments

The Department published a 60-day notice on May 28, 2026. 91 FR 31817. Several public comments were received, most of which addressed matters outside the scope of this action or were submitted in error; therefore, the Department is not providing responses to those comments. One public commenter recommended methods for the Department to improve both efficiency and transparency for applicants. The Department appreciates the commenter’s support for the continuation of this information collection and the constructive recommendations regarding burden estimation, electronic processing, applicant guidance, transparency, and the reuse of previously submitted information.

With respect to the estimated 30-minute burden per response, the Department recognizes that the time required to complete an information collection may vary depending on the complexity of the submission and the extent to which supporting information or documentation must be gathered. The burden estimate reflects the Department’s current assessment of the time reasonably necessary to complete the collection instrument itself. The Department will continue to evaluate the burden associated with the collection, including the extent to which applicants may need to obtain, review, or verify information before completing a submission.

The Department also appreciates the commenter’s recommendation to further expand electronic submission capabilities. The Department continues to evaluate opportunities to improve electronic processing, including automated validation, standardized data entry, secure document submission, application status information, and electronic notifications.

The Department agrees that clear and accessible public guidance can help applicants submit complete and accurate information and thereby reduce avoidable processing delays. The Department will continue to assess opportunities to improve instructions, clarify frequently misunderstood requirements, provide examples of common submission errors, and update

publicly available guidance and frequently asked questions as appropriate. The Department also appreciates the suggestion to provide additional performance information, such as processing times and common deficiencies. The Department will continue to review when information can be made available in a manner that improves transparency and assists applicants while protecting sensitive information and accounting for operational and national security considerations.

Finally, the Department appreciates the recommendation to consider whether information contained in existing DDTC registrations or prior submissions can be reused or incorporated into subsequent submissions. The Department recognizes that, where appropriate, pre-population or reuse of information could reduce duplicative reporting and administrative burden. The Department will continue to evaluate opportunities to leverage information already available to the Department, consistent with applicable legal, regulatory, information security, data integrity, and recordkeeping requirements.

Michael J. Vaccaro,

Deputy Assistant Secretary, Bureau of Political and Military Affairs, Department of State.

[FR Doc. 2026-17748 Filed 8-28-26; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF STATE

[Public Notice: 13115]

Revocation of the Designation of Al-Nusrah Front, Also Known as Hay'at Tahrir al-Sham, as a Specially Designated Global Terrorist

I hereby revoke the designation of the following person as a Specially Designated Global Terrorist, pursuant to Executive Order 13224, as amended: Al-Nusrah Front, also known as Hay'at Tahrir al-Sham, and its respective aliases.

This determination shall be published in the **Federal Register**.

Dated: August 24, 2026.

Marco Rubio,

Secretary of State, Office of the Secretary, U.S. Department of State.

[FR Doc. 2026-17747 Filed 8-28-26; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice: 13113]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “A Light in the Dark: Joseph Wright of Derby” 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 “A Light in the Dark: Joseph Wright of Derby” at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, 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. 2026-17658 Filed 8-28-26; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent To Rule on Request To Release Airport Property for Land Disposal at the Liberal Mid-America Regional Airport (LBL), Liberal, Kansas.

SUMMARY: The FAA proposes to rule and invites public comment on the release and sale of eleven parcels of land at the Liberal Mid-America Regional Airport (LBL), Liberal, Kansas, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before September 30, 2026.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 1100 Main Street, Suite 800, Kansas City, MO 64105.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Chance Plett, Director of Aviation, Liberal Mid-America Regional Airport, 700 Terminal Road, Liberal, KS 67901, (620) 626-0188.

FOR FURTHER INFORMATION CONTACT:

Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G 1100 Main Street, Suite 800, Kansas City, MO 64105, (816) 329-2603, amy.walter@faa.gov.

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release and sell eleven tracts of land in the airport industrial park totaling approximately 24 acres of airport property at the Liberal Mid-America Regional Airport (LBL) under the provisions of 49 U.S.C. 47107(h)(2). The Director of Aviation has requested from the FAA the release of eleven tracts of airport property be released for sale for commercial use. The FAA determined the request to release and sell property at Liberal Mid-America Regional Airport (LBL) meets the procedural requirements of the Federal Aviation Administration and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request: Liberal Mid-America Regional Airport (LBL) is proposing the release and sale of eleven tracts of land in the airport industrial park totaling approximately 24 acres of airport

property. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the release of land and surface rights at the Liberal Mid-America Regional Airport (LBL) from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value and the property will continue to be used for commercial businesses by the existing tenants on these tracts.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, request an appointment and inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Liberal Mid-America Regional Airport.

Issued in Kansas City, MO on August 26, 2026.

Rodney N. Joel,

Director, FAA Central Region, Airports Division.

[FR Doc. 2026-17654 Filed 8-28-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: **FAA-2026-9043**; Summary Notice No. **2026-23**]

Petition for Exemption and Other Relief

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

ACTION: Notice of petition for exemption and solicitation of comments on grant of petition with conditions.

SUMMARY: On July 23, 2026, JetBlue Airways Corporation (JetBlue) and Spirit Airlines, LLC (Spirit) (together, the carriers) petitioned the Department of Transportation (the Department) and Federal Aviation Administration (FAA) for an exemption from the prohibition on selling or purchasing Operating Authorizations (slots) at New York LaGuardia Airport (LGA). The carriers requested the exemption to allow them to consummate a transaction in which Spirit would sell 22 slots to JetBlue.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 21, 2026.

ADDRESSES: Send comments identified by docket number **FAA-2026-9043** using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: *Nondie.R.Hemphill@faa.gov*, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202-267-9677.

SUPPLEMENTARY INFORMATION:

Introduction

FAA limits the number of scheduled and unscheduled operations during peak hours at LGA pursuant to an Order that was originally published in December 2006 and extended several times since (the Order).¹ The Order allocates Operating Authorizations (slots) to carriers and establishes rules for the use and operation of slots. The Order allows temporary leases and trades of slots between carriers for consideration, provided the transfer does not extend beyond the duration of the Order. The Order prohibits the sale or purchase of slots.² The only way for

a carrier to sell or purchase a slot at LGA is through an exemption from the Order. Any slot FAA approves for transfer remains subject to FAA's authority, superior interest, and absolute control, and the Order and any extension(s) thereof, including FAA's ability to withdraw the slots for non-usage or when it is in the public interest.

FAA tentatively concludes that granting relief to the carriers from the prohibition on selling and purchasing slots in the Order, subject to certain conditions and limitations, is in the public interest.

Standard of Review; Legal Authority

The FAA Administrator may grant an exemption from a rule or order, issued pursuant to 49 U.S.C. 40103(b), whenever "the Administrator decides the exemption is in the public interest." 49 U.S.C. 40109(b). The Order was issued pursuant to FAA's authority to "develop plans for the use of the navigable airspace" and "assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace." 49 U.S.C. 40103(b)(1). The Administrator is also authorized to "modify or revoke an assignment [of the use of airspace] when required in the public interest." 49 U.S.C. 40103(b)(1). In considering what is in the public interest in this instance, FAA is guided by the policy goals prescribed for the Administrator for safety regulations in 49 U.S.C. 40101(d).³ However, this is not an exhaustive list as Congress did not preclude the FAA Administrator from considering the "public interest" to include factors beyond "safety," "national defense," and "security." As such, FAA is also guided by the policy goals prescribed for the Secretary in 49 U.S.C. 40101(a)(4), (6), (10-13) and the pro-competition policies followed by Congress in adopting legislation on matters such as slot exemptions and airport grant programs.⁴ These goals have been public policy since at least the time of adoption of the Airline Deregulation Act of 1978⁵ and they include (among others) maximizing reliance on competitive market forces; avoiding unreasonable industry concentration and excessive market domination; and encouraging entry into

¹ *Operating Limitations at New York LaGuardia Airport*, 71 FR 77854 (Dec. 27, 2006) as amended via 72 FR 63224 (Nov. 8, 2007) and 72 FR 48,428 (Aug. 19, 2008). FAA extended the expiration date of the amended Order on October 7, 2009, April 4, 2011, May 14, 2013, March 27, 2014, May 25, 2016, September 18, 2018, September 18, 2020, October 28, 2022, May 13, 2024, and June 23, 2026. 74 FR 51653; 76 FR 18616, amended by 77 FR 30585 (May 23, 2012); 78 FR 28278; 79 FR 17222; 81 FR 33126; 83 FR 47065; 85 FR 58255; 87 FR 65159; 89 FR 41484; and 91 FR 37771.

² "The FAA is not allowing carriers to buy and sell Operating Authorizations during the term of this Order." 71 FR 77854 (Dec. 27, 2006).

³ For a detailed history on the standard of review, the definition of public interest and the ability to impose conditions on a grant of relief, see *Notice of a petition for waiver and solicitation of comments on grant of petition with conditions*, 76 FR 45313 (July 28, 2011).

⁴ See, e.g., *Delta Air Lines v. CAB*, 674 F.2d 1 (D.C. Cir. 1982).

⁵ Public Law 95-504 (92 Stat. 1705).

air transportation markets by new carriers.

In granting an exemption, FAA may impose conditions to achieve its public interest objectives.⁶ Congress expressly allowed the Administrator to “amend, modify, or suspend an order” and to do so “in the way * * * the Administrator decides.” 49 U.S.C. 46105(a). Accordingly, the Administrator may impose conditions on grants of exemption.

Background and Petition

Spirit ceased all passenger operations on May 2, 2026, and began a wind-down and liquidation.⁷ Spirit, therefore, ceased operating its 22 slots at LGA. On June 22, 2026, the U.S. Bankruptcy Court for the Southern District of New York approved competitive bidding and auction procedures for the disposition of Spirit’s assets, including the 22 slots. JetBlue participated in and became the “Successful Bidder” for the slots at the conclusion of the auction. Spirit notified interested parties of the auction’s results through the bankruptcy proceeding. At a hearing on July 22, 2026, the Bankruptcy Court approved the transfer subject to necessary regulatory approvals.

On July 23, 2026, the carriers petitioned FAA and the Department for a grant of relief from the prohibition on the sale or purchase of slots under the Order. Specifically, the carriers requested that FAA and the Department permit the “non-reversionary transfer” of the 22 slots, recognize JetBlue as the historical holder of the transferred slots for the remainder of the Order and any extension(s), and provide relief from the Order’s usage requirements through April 2027. The carriers assert that the transfer will meet the public interest policies in 49 U.S.C. 40101 for the following reasons: “scarce capacity will return to service; a limited incumbent will gain a sustainable platform for expanded lower-fare competition; LaGuardia’s operating limits will remain unchanged.”

The carriers argue that it is in the public interest to swiftly resolve this regulatory matter and, therefore, forego notice and comment on the exemption request. The carriers reference the expiration of the use-or-lose relief, past practice in similarly situated situations,⁸ and differentiate the facts at

issue here from those involved in a 2011 decision.⁹

The carriers assert the transfer will preserve competition in the “heavily restricted New York market” by keeping the slots with a “price-competitive limited incumbent” that usually faces barriers to entry. The carriers cite a Government Accountability Office report stating that “slot scarcity at slot-controlled airports creates an entry barrier for new entrants, particularly low-cost carriers, and that average fares at those airports ranked among the highest at large hubs.”¹⁰ According to the carriers, the transfer would increase JetBlue’s share of assigned slots at LGA to 4.6 percent and “JetBlue’s LaGuardia portfolio by approximately 71 percent, giving JetBlue a more sustainable base from which to compete while remaining below 5 percent of carrier-held Operating Authorizations.” The carriers assert that the Department has previously used the below-5-percent benchmark to “identify eligible carriers with a limited airport presence” and that those carriers’ ability to obtain a “sufficient ‘critical mass’ of slots can support sustainable patterns of service and a competitive effect beyond the transferred slots themselves.”¹¹

The carriers also argue approval of the exemption request preserves the collateral financing framework for slots, gates, and routes without which “[l]enders would respond with lower advance rates, additional collateral demands, high pricing, or less credit.” The carriers claim that smaller and low-fare carriers would primarily be the group impacted by the inability of lenders to depend on that financing framework.

The carriers argue that 14 CFR part 93, which they acknowledge is not applicable at LGA, provides regulatory flexibility and supports the ramp-up of operations when a carrier is bankrupt or ceases operations. Specifically, the carriers point out that part 93 suspends the 80 percent usage requirements for bankruptcy or cessation of services and permits slots to be sold rather than withdrawing the slots to be distributed through an auction.

Finally, JetBlue argues its request for relief from the use-or-lose requirement in the Order through April 2027 is justified due to the need to address administrative and operational factors prior to conducting operations. For example, JetBlue discusses the need to “integrate the Operating Authorizations into its network, assign aircraft and crews, complete schedule and revenue-management work, load and publish the flights through distribution channels, and market the service.”

As outlined below, several of the public interest arguments the carriers assert are the same as those considered in prior relief and are relevant to this tentative decision.

Summary of Proposed Findings and Conditions and Limitations

As described in more detail below, FAA tentatively finds that the proposed transaction offers important benefits to the public. Approving the sale of Spirit’s 22 slots to JetBlue ensures that scarce public airspace resources are returned to active commercial service under a proven low-fare business model. Any purchased slot remains subject to FAA’s authority, superior interest, and absolute control, and the Order and any extension(s) thereof, including FAA’s ability to withdraw the slots for non-usage or when it is in the public interest. Accordingly, FAA has tentatively found that relief should be granted, subject to the conditions and limitations set forth below.¹²

In the absence of a specific provision allowing for an exemption of a particular requirement or restriction, FAA applies the same standard as for granting an exemption under 14 part 11. Specifically, FAA applies the same standards for foregoing notice and comment under 14 CFR 11.87 if FAA finds or the petitioner demonstrates good cause that FAA should not delay action on a petition. FAA also applies the same standard as for granting an exemption under 14 CFR 11.81. This standard requires the petitioner to demonstrate (1) why granting the request would not adversely affect safety or would provide an equivalent level of safety and (2) why a grant of the request is in the public interest.

FAA finds there is no good cause to forego notice and comment based on past practice or the deadlines put forth. FAA has extended the use-or-lose relief through October 31, 2026, and will

⁶ See, e.g., *South Dakota v. Dole*, 483 U.S. 203, 208 (1987).

⁷ *In re Spirit Aviation Holdings, Inc.*, No. 25–11897 (Bankr. S.D.N.Y.).

⁸ *Joint Application of Delta Air Lines, Inc. & Aerovías de México, S.A. de C.V.*, Order 2016–12–13, at 25 & n.61 (Dec. 14, 2016), Docket No. DOT–OST–2015–0070.

⁹ Notice of a petition for waiver and solicitation of comments on grant of petition with conditions, 76 FR 45313 (July 28, 2011).

¹⁰ July 23, 2026, JetBlue and Spirit Petition for Exemption citing U.S. Gov’t Accountability Office, GAO–12–902 *Slot-Controlled Airports: FAA’s Rules Could Be Improved to Enhance Competition and Use of Available Capacity* 49–50 (2012).

¹¹ *Petition for Waiver of the Terms of the Order Limiting Scheduled Operations at LaGuardia Airport; Procedures for the Reallocation of Slots at Ronald Reagan Washington National Airport and LaGuardia Airport*, 76 FR 63702 (Oct. 13, 2011).

¹² FAA does not address arguments raised by the carriers that are not germane to its tentative decision or that it did not need to reach to tentatively find public interest. FAA’s decision not to address those arguments do not convey agreement.

continue to evaluate the need for future relief based on the regulatory proceedings. Also, where FAA found good cause in past circumstances, there was a robust administrative process leading up to the exemption requests during which the public could submit comments.¹³

Air traffic control procedures ensure the safety of operations conducted at LGA regardless of the number or operator of slots authorized. Moreover, the transfer of the 22 slots would not increase the number of operations at LGA. Accordingly, FAA tentatively finds there is no adverse effect on safety.

In prior slot transfer proceedings, the Department established that allocating scarce operating rights to carriers with limited access to congested markets directly serves the public interest by lowering average market fares, enhancing consumer choice, and disciplining legacy carrier pricing power.¹⁴ As in those prior proceedings where relief was granted, the proposed slot transfer at LGA would provide opportunities for greater competition at LGA by JetBlue.

Approval of this request is consistent with previous decisions requiring the divestment of slots to new entrants or carriers meeting the “less than 5 percent” slot share.¹⁵ After the transfer, JetBlue would continue to hold less than five percent of the total slot interest holdings at LGA, does not code share on flights to or from LGA with any carrier that has five percent or more slot interest holdings, and is not a subsidiary, either partially or wholly-owned, of a company whose combined slot interest holdings are equal to or greater than five percent at LGA. Approving this transfer enables a limited incumbent, independent, non-aligned carrier to strengthen its competitive position against dominant competitors, which, with the benefit of greater slot resources, could pursue anticompetitive strategies such as significantly increasing existing services

in any market entered by JetBlue. Approval of the request directly supports the public interest factors enumerated at 49 U.S.C. 40101(a) by enhancing the availability of a variety of adequate, economic, efficient, and low-priced services; placing maximum reliance on competitive market forces and on actual and potential competition; avoiding unreasonable industry concentration and excessive market domination; and by encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.¹⁶

FAA tentatively finds that as a condition of this relief, JetBlue is precluded from trading or leasing the slots to any carrier until after April 2028. While JetBlue may thereafter trade or lease these slots, the carrier is precluded from outright sale of these slots in the future. This restriction will help to ensure that the traveling public will receive the benefits of the service and price competition provided by JetBlue.

If FAA issues a final exemption approving the transfer, JetBlue will become the holder of the slots. As such, FAA does not need to act on the carriers’ request with regard to historic. Any purchased slots remain subject to FAA’s authority, superior interest, and absolute control, and the Order and any extension(s) thereof, including FAA’s ability to withdraw the slots for non-usage or when it is in the public interest.

Finally, while these slots will be subject to the minimum usage requirements contained in the Order, FAA tentatively grants a waiver from the use-or-lose requirements through April 2027 in order for JetBlue to start up service at new markets or add service to existing markets. This waiver would allow the carriers to complete the transaction and JetBlue to ramp-up its new operations at LGA.

FAA invites comments regarding the petition for exemption, its tentative decision, and any other relevant matters. FAA will issue a final decision after reviewing any relevant comments that it receives.

Issued in Washington, DC.

Brett T Daee,

Principal Deputy Chief Counsel.

[FR Doc. 2026–17800 Filed 8–27–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by Florida Department of Transportation (FDOT), pursuant to 23 U.S.C. 327, and other Federal Agencies.

SUMMARY: The FHWA, on behalf of the FDOT, is issuing this notice to announce actions taken by FDOT and other Federal Agencies that are final agency actions. These actions relate to the proposed State Road (S.R.) 30 (U.S. 98) Project Development and Environment (PD&E) Study (Financial Management Number 220260–3–22–01), referred to as “Around the Mound.” The proposed S.R. 30 (U.S. 98) project will add capacity to S.R. 30 (U.S. 98) from S.R. 189 (Beal Parkway) to the West End of Brooks Bridge, and north along S.R. 85 (Eglin Parkway) to Hollywood Boulevard, a distance of approximately 0.6 miles along S.R. 30 (U.S. 98). Improvements consist of roadway widening from four to six lanes, improvements at signalized intersections, changes to the S.R. network involving portions of S.R. 30 (U.S. 98), S.R. 85, and S.R. 145; and the construction of stormwater management facilities.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 28, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment/Finding of No Significant Impact and additional project documents can be viewed and downloaded from the project website at: <https://nwflroads.com/projects/220260-3> or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Katasha Gruver, Director, Office of

¹³ Letter from Lorelei Peter, Assistant Chief Counsel for Regulations, Federal Aviation Administration, to Christopher Walker, Delta Airlines granting relief (May 4, 2017). *See also*, *Grant of Waiver* (Feb. 10, 2014), Docket No. FAAA–2014–0074; *Grant of Waiver* (Dec. 2, 2013), Docket No. FAAA–2013–1011.

¹⁴ *See Id.* and “As we stated previously, we believe the competition induced by this action will bring many benefits, including lower fares, more throughput, higher utilization of scarce assets, more opportunities to develop flexible or common use airport facilities, and reduced opportunities for exclusionary behavior such as ‘babysitting.’” *Notice—Reassignment of Schedules at Newark-Liberty International Airport*, 86 FR 52285 (Sep. 20, 2021).

¹⁵ *Petition for Waiver and Other Relief*, 76 FR at 63706–07, 63711.

¹⁶ *See* 49 U.S.C. 40101(a)(4), (6), (10), and (13).

Environmental Management, FDOT; telephone (850) 414-5260; email: katasha.gruver@dot.state.fl.us.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal Agencies on the project, and the laws under which such actions were taken are described in the Environmental Assessment (EA) for the project approved on June 8, 2026, and a Finding of No Significant Impact issued on June 8, 2026, and in other documents in the project records. The Finding of No Significant Impact and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project is located along S.R. 30 (U.S. 98) from S.R. 189 (Beal Parkway) to the West End of Brooks Bridge, and north along S.R. 85 (Eglin Parkway) to Hollywood Boulevard in the City of Fort Walton Beach, Okaloosa County, Florida.

Project Actions: The Preferred Alternative 1A (At-Grade) realigns S.R. 30 (U.S. 98) north "Around the Mound" consistent with the Fort Walton Beach Master Plan and expands roadway capacity of S.R. 30 (U.S. 98) and S.R. 85 to meet travel demand from S.R. 189 (Beal Parkway) to the West End of Brooks Bridge, and North Along S.R. 85 (Eglin Parkway) to Hollywood Boulevard; a distance of approximately 0.6 miles along S.R. 30 (U.S. 98). This notice applies to the Finding of No Significant Impact, the Section 4(f) *de minimis* determinations, and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401-7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901-4918]; 23 CFR772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water

Conservation Fund (LWCF) [54 U.S.C. 200302-200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531-1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361-1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703-712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801-1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)-470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501-312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013; 18 U.S.C. 1170] .

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000d-2000d-1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251-1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501-3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451-1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f-300j-26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001-4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: August 24, 2026.

James Cons Christian,
Division Administrator, Federal Highway Administration.

[FR Doc. 2026-17690 Filed 8-28-26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in State Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the State Department of Transportation (FDOT), is issuing this notice to announce actions taken by FDOT and other Federal agencies that are final agency actions. These actions relate to the proposed improvements to the US 41/SR 45 at SR 54 intersection in Pasco County, Florida (Financial Project Identification 419182-1). The Preferred Alternative consists of an at-grade Diverging Diamond Interchange (DDI) on SR 54 and a grade separated crossing of US 41 over SR 54.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 28, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Type 2 Categorical Exclusion and additional project documents can be viewed and downloaded from the project website at: <https://www.fdotd7studies.com/sr54/us41-at-sr54/> or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Katasha Gruver, Director, Office of Environmental Management, FDOT; telephone (850) 414-5260; email: Katasha.Gruver@dot.state.fl.us.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the Type 2 Categorical Exclusion approved on June 10, 2026, and in other project records for the listed project. The Type 2 Categorical Exclusion and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include Pasco County, Florida, US 41 at SR 54 from south of SR 54 to north of SR 54 in unincorporated Pasco County. The Preferred Alternative consists of an at-grade Diverging Diamond Interchange (DDI) on SR 54 and a grade separated crossing of US 41 over SR 54.

Project Actions: This notice applies to the Type 2 Categorical Exclusion and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–

1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(ii)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Issued on: August 10, 2026.

James Cons Christian,
Division Administrator, Federal Highway Administration.

[FR Doc. 2026–17692 Filed 8–28–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in State Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the State Department of Transportation (FDOT), is issuing this notice to announce actions taken by FDOT and other Federal agencies that are final agency actions. These actions relate to the proposed State Road (S.R.) 60 from Prairie Lake Road to Florida's Turnpike (Financial Project Identification 452574–1). The proposed improvements consist of widening the existing two-lane roadway to a four-lane roadway; improving existing horizontal curve geometry; and replacing the Bridge over Blanket Bay Slough.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 28, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Type 2 Categorical Exclusion and additional project documents can be viewed and downloaded from the project website at: <https://www.cflroads.com/project/452574-1> or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT:

Katasha Gruver, Director, Office of Environmental Management, FDOT; telephone (850) 414–5260; email: Katasha.Gruver@dot.state.fl.us.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed

improvement highway project. The actions by FDOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the Type 2 Categorical Exclusion approved on April 29, 2026, and in other project records for the listed project. The Type 2 Categorical Exclusion and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include a 19.3-mile segment of S.R. 60 from Prairie Lake Road to Florida's Turnpike in Osceola County, Florida.

Project Actions: This notice applies to the Type 2 Categorical Exclusion and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d—

1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Issued on: August 24, 2026.

James Cons Christian,

Division Administrator, Federal Highway Administration.

[FR Doc. 2026–17691 Filed 8–28–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for judicial review.

SUMMARY: The FHWA, on behalf of the FDOT, is issuing this notice to announce actions taken by FDOT and

other Federal Agencies that are final agency actions. These actions relate to the proposed highway project known as the Sunbridge Parkway Project (Financial Project Identification 453229–1), which will provide a new roadway connection between US 192 (Irlo Bronson Memorial Highway), and Nova Road (County Road [CR] 532), a distance of approximately 6.3 miles. Improvements consist of constructing a four-lane divided roadway and appurtenant stormwater management facilities.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 28, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment/Finding of No Significant Impact (EA/FONSI) and additional project documents can be viewed and downloaded from the project website at: <https://one.osceola.org/sunbridgeparkway> or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Katasha Gruver, Director, Office of Environmental Management, FDOT; telephone (850) 414–5260; email: katasha.gruver@dot.state.fl.us.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal Agencies on the project, and the laws under which such actions were taken are described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) issued on May 22, 2026, and in other documents in the project records. The EA/FONSI and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include a new 6.3 mile roadway connecting US 192 to Nova Road in Osceola County, Florida.

Project Actions: This notice applies to the EA/FONSI and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16

U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: August 24, 2026.

James Cons Christian,
Division Administrator, Federal Highway Administration.

[FR Doc. 2026–17693 Filed 8–28–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in State Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the State Department of Transportation (FDOT), is issuing this notice to announce actions taken by FDOT and other Federal agencies that are final agency actions. These actions relate to the proposed highway project known as the State Road (S.R.) 524 from Friday Road (south) to Industry Road (Financial Project Identification 437983–1), which will widen the existing two-lane roadway to a four-lane divided urban roadway. Roundabouts are proposed at the S.R. 524 intersections of Cox Road and London Boulevard, and shared use paths are proposed on both sides of S.R. 524. Additionally, the S.R. 524 interchange

at Interstate 95 will be reconfigured to a diverging diamond interchange.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 28, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Type II Categorical Exclusion and additional project documents can be viewed and downloaded from the project website at: <https://www.cflroads.com/project/437983-1> or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT:

Katasha Gruver, Director, Office of Environmental Management, FDOT; telephone (850) 414–5260; email: Katasha.Gruver@dot.state.fl.us.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the Type II Categorical Exclusion approved on May 29, 2026 and in other project records for the listed project. The Type II Categorical Exclusion and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include a 3.15 mile segment of S.R. 524 from Friday Road (south) to Industry Road in the City of Cocoa and Brevard County, Florida.

Project Actions: The proposed improvements consist of widening the existing two-lane roadway to a four-lane divided urban roadway with proposed transportation improvements for all users, including continuous shared use paths on both sides of the corridor and re-configuration of the interchange at I–

95. This notice applies to the Type II Categorical Exclusion and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air*: Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise*: Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. *Wildlife*: Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources*: Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation

[23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Issued on: August 24, 2026.

James Cons Christian,
Division Administrator, Federal Highway Administration.

[FR Doc. 2026–17694 Filed 8–28–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1552]

AV Framework Updates and Request for Comments on Interim Guidance; Extension of Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Extension of comment period.

SUMMARY: In response to a request from the Alliance for Automotive Innovation (Auto Innovators), NHTSA is announcing a 30-day extension of the public comment period for the notice published on July 31, 2026 summarizing NHTSA's recent activity relating to the AV Framework and requesting comment on interim guidance for commercial deployment exemptions for automated vehicles. The comment period for the notice was originally scheduled to end on August 31, 2026. It will now end on September 30, 2026.

DATES: The comment period for the notice published at 91 FR 48485 on July 31, 2026, is extended. Comments should

be received on or before September 30, 2026.

ADDRESSES: You may submit comments identified by the docket number in the heading of this document through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

Confidential Business Information: If you claim that any of the information in your comment (including any additional documents or attachments) constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4) or is protected from disclosure pursuant to 18 U.S.C. 1905, please see the detailed instructions given under the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Stacy Balk, Rulemaking Office of Automation Safety by email: stacy.balk@dot.gov, or phone: (202) 841–4371, 1200 New Jersey Ave. SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On April 24, 2025, DOT and NHTSA announced

a new automated vehicle (AV) framework as part of the Department's broader transportation innovation agenda. This framework solidified that advanced vehicle technologies, such as automated driving systems (ADS), are a key priority of the agency. The framework is rooted in three principles: (1) prioritize the safety of ongoing AV operations on public roads; (2) unleash innovation by removing unnecessary regulatory barriers; and (3) enable the commercial deployment of AVs to enhance safety and mobility for the American public.¹ On July 31, 2026, NHTSA published a notice summarizing NHTSA's recent activity relating to the AV Framework and requesting comment on interim guidance for commercial deployment exemptions for automated vehicles.²

General Exemptions issued under 49 U.S.C. 30113, which are implemented in NHTSA's regulations in 49 CFR part 555, allow manufacturers to produce and sell vehicles to consumers or otherwise commercially deploy vehicles that do not comply with all applicable FMVSS. The interim guidance in the notice provides more detail about what types of information would be most helpful to the agency, how NHTSA reviews each of the possible grounds for a General Exemption, and whether the exemption furthers the public interest. Although the interim guidance is intended to help all part 555 applicants, it is expected to be especially helpful to manufacturers seeking exemptions for ADS-equipped vehicles because it contains a section dedicated to the information likely to be useful in NHTSA's review of applications for ADS-equipped vehicles. In addition, the notice described in more detail the more dynamic and flexible approach to evaluating and overseeing General Exemptions involving ADS that NHTSA announced on June 13, 2025. The notice provided a 30-day comment period which closes on August 31, 2026.

On August 10, 2026, NHTSA received a request from Auto Innovators for a 30-day extension of the comment period.³ Auto Innovators stated that the notice "presents numerous interconnected questions with potentially significant implications for future rulemaking and guidance." Auto Innovators said a 30-

day extension of the comment period would facilitate thoughtful stakeholder engagement and allow more technically robust comments.

NHTSA is granting the request to extend the comment period by 30 days. NHTSA has determined that the requestors have shown good cause for an extension and that the extension is consistent with public interest. A 30-day extension appropriately balances NHTSA's interest in providing the public with sufficient time to comment on the notice with its interest in obtaining specific feedback from stakeholders in a timely manner. Accordingly, NHTSA is extending the comment period until September 30, 2026.⁴

Issued under authority delegated in 49 CFR 1.95.

Jonathan Morrison,

Administrator.

[FR Doc. 2026-17741 Filed 8-28-26; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2026-3268]

Senior Executive Service Performance Review Board Membership

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Performance Review Board (PRB) appointments.

SUMMARY: DOT published the names of the persons selected to serve on Departmental PRBs.

FOR FURTHER INFORMATION CONTACT: Nicole Wright, Director, Departmental Office of Human Resource Management (202) 399-3100.

SUPPLEMENTARY INFORMATION: The persons named below may be selected to serve on one or more Departmental PRBs.

(Authority: 5 U.S.C. 4314(c)(4).)

Issued in Washington, DC, on August 27, 2026.

Nicole S. Wright,

Director, Departmental Office of Human Resource Management.

Department of Transportation

Federal Aviation Administration

ABBOTT, KATHY H
ABILLA, WALTER D JR
ADAMS, TIMOTHY R
ALEXANDER, KENNETH K
ANDREWS, MALCOLM
ANDROSIAN, KEVIN S
APONSO, BIMAL L
BAKER, JEFFREY D
BAKER, JODI L
BARTRON, MICHAEL S
BASSO, PETER J III
BECK, ROBERT W
BECKLES, MICHAEL R
BEST, ALETA
BISSET, MARY A
BLUM, DANIEL L
BORNHORST, DONALD T
BOSETTI, CRIS K
BRADFORD, STEVEN W
BURKHOLDER, DAVID S
CAPPABIANCA, BO R
CINTRON, MELVIN O
COBB, TREMAYNE O
COINTIN, REBECCA S
CRANOR, KATIE L.
CROUTHAMEL, RUSSELL N
CUNNINGHAM, BISA
DAEE, BRETT T
DAVIS, CHRISTOPHER J
DECLEENE, BRUCE E
DEGUZMAN, HARDIE H
ELGAS, DANIEL J.
FERNUIK, HEATHER
FIEBELKORN, TRAVIS J
FISH, DAVID A
FITCHITT, DAVID P
FLORES, IGNACIO
FONTAINE, PAUL
FOTACHE, CATALIN G
FULLER, NICHOLAS S
GANT, LANCE T
GARRISON, WILLIAM C
GIOVANETTI, PENNY M
GIRVIN, RAQUEL
GORELIK, MICHAEL
GREEN, RAMNIK K
GROCE, JERI V
GUY, REBECCA E
HALL, TIMOTHY L
HANSON, KEVIN J
HAWRYSKO, COLEEN K
HAYES, RANDA A
HEARDING, PETER W
HELVEY, MICHAEL W
HIATT, PATRICIA C
HILL, DENNIS J
HOLT, DOUGLAS P
HOOK, SEAN E
HUGUNIN, CHRISTOPHER M
ILCEWICZ, LARRY B

¹ See U.S. Dept. of Transp., *Trump's Transportation Secretary Sean P. Duffy Unveils New Automated Vehicle Framework as Part of Innovation Agenda* (Apr. 24, 2025), available at <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

² 91 FR 48485.

³ Alliance for Automotive Innovation, Docket No. NHTSA-2026-1552-0001.

⁴ Readers should note that, even after the comment closing date has passed, interested persons are able to file comments in the docket, which NHTSA will consider to the extent practicable. NHTSA may also continue to file relevant information in the docket as it becomes available. Accordingly, the Agency recommends that readers periodically check the docket for new material.

INGRAM, DAVID A
 JOHNSON, EDWARD J JR
 JONES, JESSICA C
 KENEMUTH, BRAD
 KENNINGTON-GARDINER, MARI
 KOZICA, SHAWN M
 KUBALA, HOPE A
 KUGEL, GINA M
 LAKE, SUSAN B
 LANDON, JAMES J
 LANE, DOUGLAS E
 LESLIE, DAVID D
 LOCKE, CAITLIN E
 MAC PHERSON, REBECCA B
 MANSFIELD, LISA-ANN L
 MARKS, JULIE A
 MARSHALL, TANEESHA D
 MC CORMICK, RICHARD D
 MC NEAL, DALE B
 MCCARTHY, MARY M
 MCINTOSH, FRANKLIN J
 MCKENNA, WILLIAM
 MICHAUD, MARK E
 MILBERG, RACHEL A
 MOORE, GERALD K
 MORGAN, RICHARD I
 MUELLER, ANDREW M
 MURPHY, DANIEL J
 NAILL, MALLORY A
 NEIDERMAN, ERIC C
 NGUYEN, ANH MINH N
 NORTHRUP, SUSAN E
 O'CONNOR, WENDY L
 OLDANI, ANNA L
 PAPIER, LEESA J
 PARRISH, JAMES D
 PAUL, CHRISTIANA R
 PELLETIERE, JOSEPH A
 PEPPER, JOSHUA W
 PHAM, TRUNG T
 PORCELLO, MICHAEL G
 PRICE, LAKISHA A
 PUTERBAUGH, DANIEL N
 RATLIFF, ROLAND
 RICHARDSON, BRITTANY B
 RICHARDSON, RUNO C
 ROBERTS, BRANDON L
 ROSS, IAN H
 RYAN, LISA A
 SALTER, MICHELLE L
 SCATA, DONALD S JR
 SCHROEDER, JEFFERY A
 SCHWAB, GREGORY E
 SHIFFER, JEANNIE L
 SIPLE, ADAM C
 SMALL, SCOTT E
 SNOW, JOANNE E
 SPARKS, LORI A
 STEINLE, ROBERT S
 STINNETTE, MURRELL
 STOWE, JON M
 SUPKO, DANIEL B
 SYPNIEWSKI, JESSICA S
 THOMAS, HUGH J
 TILLMAN, CALVIN D
 VINCENT, JEFFREY U
 WALDEN, HANNAH G
 WALDRON, THOMAS K
 WALLACE, DOMINIQUE A

WALSH, ANTHONY J
 WELLS, ANTHONY R
 WHITE, TYRONE L
 WILBANKS, CHRISTOPHER A
 WINSTON, THOMAS A
 WYRICK, BRETT A

Federal Highway Administration

BEZIO, BRIAN R
 BIONDI, EMILY C
 BRIGGS, VALERIE A
 BURROWS, SHAY K
 CHRISTIAN, JAMES C
 CRONIN, BRIAN P
 CURTIS, STEPHANIE
 DAVIS, DONALD E
 DREWRY, AIMEE S
 FINFROCK, ARLAN E
 FLEURY, NICOLLE M
 FOUCH, BRIAN J
 HARDING, JOHN A
 HARKINS, MICHAEL W
 HARTMANN, JOSEPH L
 HOGGE, BRIAN R
 KALLA, HARI
 KEHRLI, MARK R
 KNOPP, MARTIN C
 KONOVE, ELISSA K
 MARQUIS, RICHARD J
 MARSHALL, TIMOTHY C
 MARSHALL, DANA R
 NEHME, JEAN A
 NELSON, THOMAS L
 NESBITT, MICHAEL D
 PAYNE, JAMES O
 PETTY, KENNETH
 RICHARDSON CHRISTOPHER S
 RITTER, ROBERT G
 ROHDE, SUZANNE M
 SANTIAGO, DAMARIS
 SIDDIQI, BASHARAT
 THORNTON, NICHOLAS R
 WILNER, MARCUS D
 WINTER, DAVID R
 YUNG, JESSIE L

Federal Motor Carrier Safety Administration

BECK, VALERIE S
 COX, DAVID M
 DOWLING, STEVEN
 ELISON, JESSE P
 GRAHAM, KEITH A
 HAMPTON, MICHAEL M
 HERNANDEZ, SCOTT
 LENFERT, WINSOME A
 LIBERANTE, WENDY L
 LIBERATORE, THOMAS J
 MINOR, LARRY W
 NEMONS, PATRICK D
 PETTIT, MARY R
 RIDDLE, KENNETH H
 STEELE, GEORGIA S
 THOMAS, PHILIP W

Federal Railroad Administration

ALEXY, JOHN K
 DAVIS, HAKIM R
 DYER, WILLIAM P

FEELEY, ROBERT A
 HAYWARD-WILLIAMS, CAROLYN R
 KELLER, MICHAEL
 LONGLEY, MICHAEL M
 NISSENBAUM, PAUL
 OSTERHUES, MARLYS A
 PATTERSON, MARK A
 REYES-ALICEA, REBECCA
 RIGGS, TAMELA L
 VAN NOSTRAND, CHRISTOPHER S

Federal Transit Administration

ALLAHYAR, MARYAM
 ALLEN, REGINALD E
 BATHRICK, MARK
 BROOKINS, KELLEY
 BUTLER, PETER S
 CAHILL, MATTHEW B
 CULOTTA, MICHAEL L
 DALTON-KUMINS, SELENE F
 DELORENZO, JOSEPH P
 FERRONI, MARK A
 FLETCHER, SUSAN K
 GARCIA CREWS, THERESA
 LYSSY, GAIL C
 NIFOSI, DANA C
 OSBORNE BUTLER, CARRIE E
 PFISTER, JAMIE D
 TAYLOR, YVETTE G
 TELLIS, RAYMOND S
 TOROSSIAN, CONNOR A

Great Lakes St. Lawrence Seaway Development Corporation

O'BERRY, DONNA
 SCHARF, JEFFREY W

Maritime Administration

BECKETT, COREY A
 BORKA, ROBERT
 CERAOLO, ANTHONY J
 CHAPPELL, ASHLEY M C
 FISHER, ANTHONY
 GAJDOS, JOHNATHAN L W
 GORE, CAMERON V
 HATCHER, DAVID J
 HELLER, DAVID M
 JOHNSON, MARK
 OSTWIND, DAVID S
 PAAPE, WILLIAM
 SHEA, JOHN TIMOTHY
 SIMMONS-HEALY, MELINDA B

National Highway Traffic Safety Administration

BAUMANN, ROLAND T
 CLAYTON, SEAN M
 DANIELSON, JACK H
 DOHERTY, JANE H
 GATTI, JONATHAN D
 HATIPOGLU, CEM
 JOHNSON, TIM J
 KOLODZIEJ, KERRY E
 MATHEKE, OTTO G
 SAUERS, BARBARA F
 SIMSHAUSER, PETER J
 SULLIVAN, EILEEN F
 TERRY, JANE S
 TOPKA, TANYA L

VALLESE, JULIETTE M
WHITE, LEON

Office of the Secretary of Transportation

ABRAHAM, JULIE
ALBRIGHT, JACK G
BARABAN, CINDY A
BAUMER, PAUL R
BECERA, LESLIE
BUSKARD, BRIAN A
BYRD, ANNE S
CALLENDER, DUANE A
CARLSON, TERENCE W
CONSTANTINE, PETER J
COTE, GREGORY D
EITEL, JOHN
ENLOE, CHARLES E
FARAJIAN, MORTEZA
FIELDS, KYLE D
FLEMING, GREGG G
GAUTREAUX, CATHY F
GEIER, PAUL M
GUTIERREZ, ALLEN M
HALEM, MICHAEL A
HAWKINS, MATTHEW J
HOMAN, TODD M
HUYNH, JULI C
IRVINE, PETER D
JACKSON, RONALD A
JONES, CHRISHAUN P
KALETA, JUDITH S
KERN, DABNEY R
KING, DANIEL E
KRAWIETZ, ANTHONY B
LANKENAU, MATTHEW W
LANG, JAMES M
LEFEVRE, MARIA S
LEWIS, SHERESE P
LINARES, LAILA I
LITTLETON, THOMAS
MARTIN, HAROLD W
MCCARTNEY, ERIN P
MCCOSHEN, CALE M
MEACHUM, CHARLES P
MOORE, CAROLINE E
MORGAN, DANIEL S
MORGAN, OWEN R
ORNDORFF, ANDREW R
PRABHALA, LAKSHMIKANTH
POPKIN, STEPHEN M
RAJANALA, GOPAL V
SAINI, ANKUR
SCHALL, BRANDON M
SHEIKH IBRAHIM, FIRAS
SIMON, DOUGLAS A
SIZEMORE, NATHANIEL T
SMITH, LOREN A
SWAFFORD, LISA A
SZAKAL, KEITH J
TAYLOR, BENJAMIN J
TIMOTHY, DARREN P
URE, DEVIN L
USUAL, JAMES A
WALKER, JONATHAN B
WASHINGTON, KEITH E
WIED, JASON G
WORKIE, BLANE A
WRIGHT, NICOLE S

*Pipeline and Hazardous Materials
Safety Administration*

CORRELL, THOMAS G

COYLE, KEITH J
DAUGHERTY, LINDA D
KOCHMAN, BENJAMIN
QUADE, WILLIAM A
RELES, MICHAEL E
WONG, EMILY M S

[FR Doc. 2026–17717 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2018–0190]

**Aviation Consumer Protection
Advisory Committee; Notice of Public
Meeting**

AGENCY: Office of the Secretary (OST),
U.S. Department of Transportation (DOT
or Department).

ACTION: Notice of public meeting.

SUMMARY: This Notice announces a two-
day public meeting of the Aviation
Consumer Protection Advisory
Committee (ACPAC) to be held
virtually.

DATES: The virtual meeting will be held
on Tuesday, September 22, 2026 from
10:00 a.m. to 5:00 p.m., and on
Wednesday, September 23, 2026 from
10:00 a.m. to 5:00 p.m. Eastern Daylight
Time.

ADDRESSES: The virtual meeting will be
open to the public and held via the
Zoom Webinar Platform. You may
register to attend this virtual meeting at
this website: [https://
usdot.zoomgov.com/webinar/register/
WN_Gli1-epTTNmC0XkzHooVMw](https://usdot.zoomgov.com/webinar/register/WN_Gli1-epTTNmC0XkzHooVMw).
Virtual attendance information will be
provided upon registration. An agenda
will be available on the DOT Office of
Aviation Consumer Protection website
at [https://www.transportation.gov/
airconsumer/ACPAC](https://www.transportation.gov/airconsumer/ACPAC) in advance of the
meeting.

FOR FURTHER INFORMATION CONTACT: For
further information, please contact
ACPAC@dot.gov. Communication
Access Real-time Translation (CART) is
available within the Zoom platform.
Requests for additional accommodations
because of a disability must be received
at ACPAC@dot.gov by September 18,
2026.

SUPPLEMENTARY INFORMATION:

I. Background

ACPAC was initially established by
the Department as a Federal advisory
committee as mandated by the FAA
Modernization and Reform Act of 2012.
The statutory termination date for the
Committee has been extended several
times, most recently by the FAA

Reauthorization Act of 2024 (2024 Act)
to the current termination date of
September 30, 2028. ACPAC's mandate
is to evaluate current DOT aviation
consumer protection programs and
provide recommendations to the
Secretary for improving them, as well as
recommending any additional consumer
protection that may be needed.

II. Agenda

Three topics will be discussed during
the meeting to be held on September 22,
2026 and September 23, 2026: (1)
airlines' one-page summary of consumer
rights; (2) airline customer service
dashboards (Delay and Cancellation
Dashboard, Family Seating Dashboard,
and Seat Size Dashboard); and (3) know-
your-rights posters.

Regarding the first topic, section 429
of the FAA Reauthorization Act of 2018
directs the Department to require U.S.
and foreign air carriers to submit to the
Department a one-page document that
describes the rights of passengers in air
transportation regarding compensation
for flight delays, diversions,
cancellations, mishandled baggage,
overbooking, and boarding denials, and
further directs covered carriers to post
the document prominently on their
websites. The Department published its
Final Rule implementing Section 429 of
the 2018 Act on April 24, 2026. During
this upcoming meeting of the ACPAC,
the Department will provide an
overview of this statutory requirement
and the corresponding Final Rule.¹
Following an overview by the
Department of the applicable statute and
rule, ACPAC will gather information
from interested stakeholders, including
consumer advocates and industry, to
assess whether to make
recommendations on best practices
regarding the manner of complying with
these requirements.

Regarding the second topic, section
506 of the FAA Reauthorization Act of
2024 requires the Department to
establish, maintain, and make publicly
available three dashboards for purposes
of keeping aviation consumers informed
of policies and services provided by
large U.S. air carriers: (1) a delay and
cancellation dashboard that displays
information regarding the services and
compensation provided to mitigate
passenger inconvenience caused by a
delay or cancellation within the control
of the carrier; (2) a family seating
dashboard that displays information
regarding which carriers guarantee fee-
free adjacent seating to an adult

¹ [https://www.federalregister.gov/documents/
2026/04/24/2026-08103/one-page-document-on-
passenger-rights](https://www.federalregister.gov/documents/2026/04/24/2026-08103/one-page-document-on-passenger-rights).

accompanying a child; and (3) a seat size dashboard that displays information regarding economy class seat dimensions, including pitch, width, and length for the aircraft models and configurations most commonly flown by each carrier. The first two dashboards currently exist and are available on the Department's website, while the last dashboard (seat size) has not yet been created. Following an overview by the Department of the applicable statute, ACPAC will gather input from interested stakeholders, including consumer advocates, airlines, and aircraft manufacturers, to assess whether to recommend modifications to existing dashboards and implementation strategies for the seat size dashboard.

Regarding the third topic, section 504 of the FAA Reauthorization Act of 2024 requires each large hub airport, medium hub airport, and small hub airport with scheduled passenger service to display posters prominently that clearly and concisely outline the rights of airline passengers under Federal law with respect to, at a minimum, (1) flight delays and cancellations; (2) refunds; (3) bumping of passengers from flights and the oversale of flights; and (4) lost, delayed, or damaged baggage. The statute requires that the posters be displayed in conspicuous locations throughout the airport, including ticket counters, security checkpoints, and boarding gates. Following an overview by the Department of the applicable statute, ACPAC will gather input from interested stakeholders, including consumer advocates, airports, and airlines, to assess whether to make recommendations on best practices for complying with the statute, which could include the specific placement of such posters and the layout of their content.

The September 22, 2026 and September 23, 2026 meeting will focus on topic presentations by the Department and all involved stakeholders. ACPAC plans to reconvene at a later date to deliberate and decide on formal recommendations, if any, to be made to the Department on these three matters.

III. Public Participation

The meetings will be open to the public. Attendees may register for the meeting at the web address set forth in the **ADDRESSES** section. The Department is committed to providing equal access to these meetings for all participants. If you need alternative formats or services because of a disability, such as a sign language interpreter or other ancillary aids, please contact the email address

listed in the **FOR FURTHER INFORMATION CONTACT** section.

At the discretion of the Chair or Designated Federal Officer, after completion of the planned agenda, individual members of the public may provide verbal comments, time permitting. Any verbal comments presented must be limited to the objectives of the Committee and will be limited to three (3) minutes per person. Individual members of the public who wish to present verbal comments must notify the Department via email at ACPAC@dot.gov that they wish to present verbal comments and submit a written copy of their prepared remarks for inclusion in the meeting record no later than Monday, September 21, 2026. In addition, members of the public may submit written comments for the Committee's consideration at any time by filing them in the ACPAC public docket (DOT-OST-2018-0190).

IV. Viewing Documents

You may view documents mentioned in this notice at <https://www.regulations.gov>. After entering the docket number (DOT-OST-2018-0190), click the link to "Open Docket Folder" and choose the document to review.

Issued in Washington, DC, on this 26th day of August 2026.

Gregory Zerzan,

General Counsel.

[FR Doc. 2026-17721 Filed 8-28-26; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from the Specially Designated Nationals and Blocked Persons List (SDN List). OFAC is also publishing the names of one or more persons that have been placed on OFAC's SDN List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. These actions are taken pursuant to Executive Order

13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," (collectively, "Executive Order 13224, as amended by Executive Order 13886") 84 FR 48041, 3 CFR, 2019 Comp., p. 356.

DATES: See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On August 24, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following entity and individuals are unblocked and they have been removed from the SDN List.

Entity

1. AL-NUSRAH FRONT (a.k.a. AL NUSRAH FRONT FOR THE PEOPLE OF LEVANT; a.k.a. AL-NUSRAH FRONT IN LEBANON; a.k.a. ASSEMBLY FOR LIBERATION OF THE LEVANT; a.k.a. ASSEMBLY FOR THE LIBERATION OF SYRIA; a.k.a. CONQUEST OF THE LEVANT FRONT; a.k.a. FATAH AL-SHAM FRONT; a.k.a. FATEH AL-SHAM FRONT; a.k.a. FRONT FOR THE CONQUEST OF SYRIA; a.k.a. FRONT FOR THE CONQUEST OF SYRIA/THE LEVANT; a.k.a. FRONT FOR THE LIBERATION OF THE LEVANT; a.k.a. HAYAT TAHRIR AL-SHAM; a.k.a. HAY'AT TAHRIR AL-SHAM; a.k.a. HAY'ET TAHRIR AL-SHAM; a.k.a. JABHAT AL-NUSRA LI-AHL AL-SHAM MIN MUJAHEDI AL-SHAM FI SAHAT AL-JIHAD; a.k.a. JABHAT AL-NUSRAH; a.k.a. JABHAT FATAH AL-SHAM; a.k.a. JABHAT FATEH AL-SHAM; a.k.a. JABHAT FATH AL-SHAM; a.k.a. JABHAT FATH AL-SHAM; a.k.a. JABHET AL-NUSRAH; a.k.a. LIBERATION OF AL-SHAM COMMISSION; a.k.a. LIBERATION OF THE LEVANT ORGANISATION; a.k.a. TAHRIR AL-SHAM; a.k.a. TAHRIR AL-SHAM HAY'AT; a.k.a. THE FRONT

FOR THE LIBERATION OF AL SHAM; a.k.a. "HTS"; a.k.a. "SUPPORT FRONT FOR THE PEOPLE OF THE LEVANT"; a.k.a. "THE VICTORY FRONT"; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 [SDGT].

Individuals

1. AL-AJMI, Shafi Sultan Mohammed (a.k.a. AL-AJMI, Doctor Shafi; a.k.a. AL-AJMI, Sheikh Shafi; a.k.a. "SHAYKH ABU-SULTAN"), Area 3, Street 327, Building 41, Al-Uqaylah, Kuwait; DOB 01 Jan 1973; POB Warah, Kuwait; nationality Kuwait; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 0216155930 (individual) [SDGT].

2. AL-'ALLAK, Ashraf Ahmad Fari' (a.k.a. AL-ALLAL, Ashraf Ahmad Fari; a.k.a. AL-URDUNI, Abu Raghad; a.k.a. BASHQ, Abu Raghad; a.k.a. FARI', Ashraf Ahmad; a.k.a. "BASHIQ"), Dar'a, Syria; DOB 15 Dec 1978; POB Amman, Jordan; nationality Jordan; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive

Order 13886 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

3. AL-HASRI, Bassam Ahmad (a.k.a. HUSARI, Bassam Ahmad; a.k.a. "AKHLAQ, Abu Ahmad"; a.k.a. "AL-SHAMI, Abu Ahmad"), Syria; DOB 01 Jan 1971 to 31 Dec 1971; alt. DOB 01 Jan 1969; POB Qalamun, Damascus Province, Syria; alt. POB Ghutah, Damascus Province, Syria; alt. POB Tadamon, Rif Dimashq, Syria; nationality Syria; alt. nationality Palestinian; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

4. AL-MUHAYSINI, 'Abdallah Muhammad Bin-Sulayman (a.k.a. ALMUHAYSINI, Abdullah); DOB 30 Oct 1987; POB Al Qasim, Saudi Arabia; nationality Saudi Arabia; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport K163255 (Saudi Arabia) issued 11 Jun 2011 expires 16 Apr 2016 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

5. AL-SHARIKH, Abdul Mohsen Abdullah Ibrahim (a.k.a. AL CHAREKH, Abdul Mohsen Abdallah Ibrahim; a.k.a. AL-NAJDI, Abd-al-Latif; a.k.a. AL-NASR, Sanafi; a.k.a. ALSHAREKH, Abdul Mohsen Abdullah Ibrahim; a.k.a. AL-SHARIKH, Abd-al-Muhsin Abdallah; a.k.a. "KARIMI, Ali"); DOB 12 Jul 1985; alt. DOB 13 Jul 1985; alt. DOB 07 Dec 1985; POB Shagraa, Saudi Arabia; nationality Saudi Arabia; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport G895402; National ID No. 1050433349 (Saudi Arabia) (individual) [SDGT].

6. ALSHEAK, Omar (a.k.a. AL-SHEIKH, Jihad Issa; a.k.a. "ZAKKUR, Abu-Ahmad"; a.k.a. "ZAKOUR, Abu Ahmed"), Kilis Province, Turkey; DOB 05 Jan 1979; POB Aleppo, Syria; nationality Syria; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 011965412 (Syria) (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

7. FAYZIMATOV, Farrukh Furkatovitch (a.k.a. AL-SHAMI, Faruk; a.k.a. ASH-SHAMI, Faruk; a.k.a. FAYZIMATOV, Faruk Furkatovich; a.k.a. SHAMI, Faruk; a.k.a. SHAMI, Faruq (Cyrillic: ШАМИ, Фарук)), Idlib, Syria; DOB 02 Mar 1996; citizen Tajikistan; Gender Male; Digital Currency Address - XBT 17a5bpKvEp1j1Trs4qTbcNZrby53JbaS9C; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT].

8. JASHARI, Abdul (a.k.a. AL-ALBANI, Abu Qatada; a.k.a. AL-ALBANI, Abu-Qatadah; a.k.a. JASHARI, Abdul; a.k.a. JASHARI, Abdyl; a.k.a. "IRAKI, Commander"), Syria; DOB 25 Sep 1976; POB Skopje, Macedonia; nationality North Macedonia, The Republic of; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

9. KHALIL, Iyad Nazmi Salih (a.k.a. AL-TOUBASI, Iyad; a.k.a. AL-TUBASI, Iyad; a.k.a. KHALIL, Ayyad Nazmi Salih; a.k.a. KHALIL, Eyad Nazmi Saleh; a.k.a. "ABU-JULAYBIB"; a.k.a. "AL-DARDA', Abu"; a.k.a. "AL-URDUNI, Abu-Julaybib"), Syria; DOB 01 Jan 1974 to 31 Dec 1974; POB Syria; nationality Jordan; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 286062 (Jordan) issued 05 Apr 1999 expires 04 Apr 2004; alt. Passport 654781 (Jordan) issued 01 Jan 2008 to 31 Dec 2010

(individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

10. MAHAMED, Mostafa (a.k.a. ABDEL HAMID, Mostafa Mohamed; a.k.a. FARAG, Mostafa; a.k.a. FARAG, Mostafa Mohamed; a.k.a. "AL AUSTRALI, Abu Sulayman"; a.k.a. "AL MUHAJIR, Abu Sulayman"; a.k.a. "AL USTRALI, Abu Sulayman"; a.k.a. "AL-MASRI, Abu Sulayman"); DOB 14 Feb 1984; POB Port Said, Egypt; nationality Australia; alt. nationality Egypt; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport M1898709 (Australia) expires 11 Oct 2012; Driver's License No. 13652517 (Australia) expires 19 Apr 2014 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

11. AL-MUTAYRI, Abd al-Muhsin Zabin Mutib Naif (a.k.a. AL-MUTAIRI, 'Abd al-Muhsin; a.k.a. AL-MUTAIRI, Abdulmohsen Zeven Mutaab; a.k.a. AL-MUTAYRI, 'Abd al-Muhsin Zaban; a.k.a. AL-MUTAYRI, 'Abd al-Muhsin Zabin Mut'ab; a.k.a. AL-MUTAYRI, 'Abd al-Muhsin Zabin Naif; a.k.a. AL-

MUTAYRI, 'Abd al-Muhsin Zibin Mut'ib Nayif; a.k.a. AL-MUTAYRI, 'Abd al-Muhsin Zibn Muta'ab; a.k.a. AL-MUTAYRI, 'Abd al-Muhsin Zubin; a.k.a. AL-MUTAYRI, 'Abd al-Mushin Zabin Mutib Naif; a.k.a. AL-MUTAYRI, 'Abd al-Mushin Zabin; a.k.a. AL-MUTAYRI, Dr. 'Abd al-Muhsin Zabin Mut'ib; a.k.a. AL-MUTAYYYIRI, 'Abd al-Muhsin Zabin Mutab Nayif; a.k.a. AL-MUTAYYYIRI, 'Abd al-Muhsin Zabin; a.k.a. AL-MUTAYYYIRI, 'Abd al-Muhsin Zubyn; a.k.a. AL-MUTAYYYIRI, 'Abd al-Muhsin; a.k.a. "AL-ZIBIN, Muhsin"; a.k.a. "NAYIF, 'Abd al-Muhsin Zayn Mun'ib"), Kuwait; DOB 01 Jul 1973; POB Kuwait; nationality Kuwait; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

12. AL-'AJMI, Hajjaj Fahd Hajjaj Muhammad Shabib (a.k.a. AJAMI, Ajaj; a.k.a. AL-ACMI, Hicac Fahid Hicac Muhammed Sebib; a.k.a. AL-AJAMI, Hajaj; a.k.a. AL-AJAMI, Sheikh Hajaj; a.k.a. AL-AJMI, Hajjaj Bin-Fahad; a.k.a.

AL-AJMI, Hijaj Fahid Hijaj Muhammad Sabib); DOB 10 Aug 1987; POB Kuwait; nationality Kuwait; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT].

On August 24, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AL-KA'BI, Sa'd bin Sa'd Muhammad Shariyan (a.k.a. AL-KA'BI, Sa'd al-Sharyan; a.k.a. AL-KA'BI, Sa'd Bin Sa'd Muhammad Shiryman; a.k.a. AL-KA'BI, Sa'd Sa'd Muhammad Shiryman; a.k.a. "Abu Haza"; a.k.a. "Abu Hazza"; a.k.a. "Abu Sa'd"; a.k.a. "Abu Suad"; a.k.a. "Umar al-Afghani"), Qatar; DOB 15 Feb 1972; nationality Qatar; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 00966737 (Qatar) (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224, as amended by Executive Order 13886, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Al Qa'ida, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. ZAYNIYAH, Jamal Husayn (a.k.a. AL-ANSARI, Abu-Malik; a.k.a. AL-SHAMI, Abu-Malik; a.k.a. AL-TALLI, Abu-Malik), Al-Qalamun, Syria; DOB 17 Aug 1972; alt. DOB 01 Jan 1972; POB Al-Tal, Syria; alt. POB Tell Mnin, Syria; nationality Syria; Gender Male; Secondary sanctions risk: section 1(b) of E.O. 13224, as amended; Passport 3987189 (individual) [SDGT] (Linked To: HURRAS AL-DIN).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Hurras al-Din, a person whose property and interests in property are blocked pursuant to Executive Order 13224, as amended by Executive Order 13886.

(Authority: E.O. 13224, as amended by Executive Order 13886.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026-17725 Filed 8-28-26; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on August 26, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On August 26, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Entities

1. PALESTINE ACTION (a.k.a. PALESTINE ACTION GROUP), United Kingdom; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 30 Jul 2020; Organization Type: Transnational Terrorist Group [SDGT].

Designated pursuant to section 1(a)(iii)(C) of Executive Order (E.O.) 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR

48041, 3 CFR, 2019 Comp., p. 356 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an act of terrorism as defined in section 3(d) of E.O. 13224.

2. AUTISTICI INVENTATI, Strada Statale Abetone e del Brennero 253, San Giuliano Terme, Province of Pisa 56017, Italy; website www.autistici.org; Email Address www.associazione@ai-odv.org; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2001; Organization Type: Data processing, hosting and related activities [SDGT].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an act of terrorism as defined in section 3(d) of E.O. 13224.

3. MASAR BADIL (a.k.a. PALESTINIAN ALTERNATIVE REVOLUTIONARY PATH MOVEMENT), Brazil; Germany; Canada; Belgium; Spain; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date Oct 2021; Organization Type: Advocacy organization [SDGT] (Linked To: SAMIDOUN PALESTINIAN PRISONER SOLIDARITY NETWORK).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, the Samidoun Palestinian Prisoner Solidarity Network, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Individuals

1. ABDULNASSER, Zaid (a.k.a. "TAMIM, Zid"), Germany; DOB 1995; nationality Palestinian; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: MASAR BADIL).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of Masar Badil, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. ALSAGHEER, Rawa (a.k.a. AL-SAGHIR, Ruwaa), Brazil; DOB 1997; nationality Palestinian; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by

Executive Order 13886 (individual) [SDGT] (Linked To: MASAR BADIL).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of Masar Badil, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

(Authority: E.O. 13224, as amended.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026-17724 Filed 8-28-26; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council; Public Meeting

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Notice of public meeting.

SUMMARY: The Internal Revenue Service Advisory Council will hold a public meeting.

DATES: Thursday, September 10, 2026.

ADDRESSES: The meeting will be held virtually via Microsoft Teams.

FOR FURTHER INFORMATION, CONTACT:

Anna Millikan, Office of National Public Liaison, at 202-317-6564 or send an email to PublicLiaison@irs.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, the Internal Revenue Service announces the Internal Revenue Service Advisory Council (IRSAC) will hold a public meeting on Thursday, September 10, 2026, at 1:00 p.m. Eastern to discuss topics that may be recommended for inclusion in a future report of the Council.

The meeting will be held virtually via Microsoft Teams. Members of the public planning to attend should register by September 8 by contacting Anna Millikan at PublicLiaison@irs.gov or 202-317-6564. Attendees are encouraged to join at least five minutes before the meeting begins.

Agenda items to be discussed may include but are not limited to: enhancements to IRS operations; suggestions for administrative and policy changes to improve taxpayer experience and service, compliance and tax administration; information reporting issues; and matters concerning tax-exempt and government entities. The meeting agenda will be posted online prior to the meeting at the IRSAC web page, www.irs.gov/irsac.

Should you wish the IRSAC to consider a written statement germane to

the Council's work, file the statement by sending an email to PublicLiaison@irs.gov by September 8, 2026.

Dated: August 27, 2026.

John A. Lipold,

Designated Federal Official, Office of National Public Liaison, Internal Revenue Service.

[FR Doc. 2026-17758 Filed 8-28-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Foreign Account Tax Compliance Act (FATCA) Registration

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before October 30, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545-2246" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317-5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Foreign Account Tax

Compliance Act (FATCA) registration.

OMB Control Number: 1545-2246.

Form Numbers: 8966, 8966-C, 8809-I, 8508-I, and FATCA Online Registration (formerly Form 8957).

Regulation Project Numbers: TD 9610, TD 9657, IRS Notice 2013-43, IRS Notice 2014-33, IRS Notice 2023-11, IRS Notice 2024-78, Revenue Procedure (Rev Proc) 2014-38, Rev Proc 2014-47, Rev Proc 2017-21, and Announcement 2014-17.

Abstract: Internal Revenue Code (IRC) section 1471-1474 is part of the Foreign Account Tax Compliance Act (FATCA) legislative framework to obtain reporting from foreign financial institutions on the accounts held in their institutions by US persons. The IRS developed forms and regulations under these authorities of IRC. TD 9610 and TD 9657 include the regulations related to the reporting on the forms and the associated recordkeeping requirements.

The FATCA Online Registration System (formerly Form 8957) information is to be used by a foreign financial institution to apply for status as a foreign financial institution (FFI) as defined in IRC 1471(b)(2). Form 8966, FATCA Report, is used by a responsible officer of a foreign institution to report information with respect to U.S. accounts or persons based on their IRC chapter 4 status. Form 8966-C is used to authenticate the paper-filed Forms 8966 and to ensure the ability to identify discrepancies between the number of forms received versus those claimed to have been sent by the filer. Taxpayers use Form 8508-I to request a waiver from filing Form 8966 electronically. Form 8809-I is used to request an initial or additional extension of time to file 8966 for the current year. IRS Notice 2023-11 and IRS Notice 2024-78 allow FFIs to obtain temporary relief from reporting missing

required U.S. taxpayer identification numbers for certain preexisting accounts, when they comply with the procedures described within each notice. Publication 5124 provides directions on how Model 1 Intergovernmental Agreements report information directly to the IRS.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 5,561,180.

Estimated Time per Response: 7 minutes up to 8 hours.

Estimated Total Annual Burden Hours: 2,912,282.

Dated: August 27, 2026.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2026–17744 Filed 8–28–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Assignment—VA Government Life Insurance

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, 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 30, 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–NEW.”

FOR FURTHER INFORMATION CONTACT:

VA PRA information: Dorothy Glasgow, (202) 461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Assignment—VA Government Life Insurance (VA Form 29–538).

OMB Control Number: 2900–NEW
<https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: NEW collection.

Abstract: This form will be used by the Department of Veterans Affairs Insurance Center (VAIC) to enable beneficiary(ies) to formally submit requests to assign their portion of their VA life insurance death benefits to another decedent of the insured. This is in compliance with 38 U.S.C. 1918. The information collected ensures legal compliance with 38 U.S.C. 1918 which requires the signature of the contingent beneficiary if the death benefit payout is listed as installments.

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 34349 on June 5, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10.

(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. 2026–17718 Filed 8–28–26; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

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Part II

The President

Proclamation 11058—Fifth Anniversary of the Attack at Abbey Gate

Proclamation 11059—Further Ensuring Affordable Beef for the American Consumer

Executive Order 14421—Declaring a National Emergency To Secure the United States Bulk-Power System

Presidential Documents

Title 3—

Proclamation 11058 of August 26, 2026

The President

Fifth Anniversary of the Attack at Abbey Gate

By the President of the United States of America

A Proclamation

At 5:36 p.m. on August 26, 2021, a lone ISIS–K terrorist pressed into the crowd at Abbey Gate in Kabul, Afghanistan, and detonated a body-worn bomb. The terrorist was one of the thousands of prisoners released by the Taliban just 2 months earlier. As a result, 13 American service members were killed, 45 were wounded, and more than 160 civilians were injured.

As a Nation, it is our sacred duty to honor—with the deepest respect and reverence—the men and women in uniform who gave their lives that day, to remember all that was taken from their families, and to never forget their names: Staff Sergeant Ryan C. Knauss, USA; Staff Sergeant Darin T. Hoover, USMC; Sergeant Johanny Rosario Pichardo, USMC; Sergeant Nicole L. Gee, USMC; Corporal Hunter Lopez, USMC; Corporal Daegan W. Page, USMC; Corporal Humberto A. Sanchez, USMC; Lance Corporal David L. Espinoza, USMC; Lance Corporal Jared M. Schmitz, USMC; Lance Corporal Rylee J. McCollum, USMC; Lance Corporal Dylan R. Merola, USMC; Lance Corporal Kareem M. Nikoui, USMC; and Petty Officer Third Class Maxton W. Soviak, USN.

On the fifth anniversary of the attack at Abbey Gate, we solemnly honor their selflessness and valor.

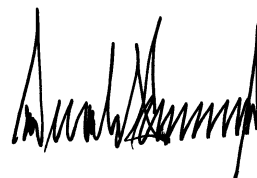
For 20 years, the brave warriors of the United States Armed Forces fought across the mountains and cities of Afghanistan to destroy terrorism and remove the Taliban from power. Yet within months, President Biden squandered those hard-fought gains, putting politics over strategy and rushing through a poorly executed withdrawal that would soon become one of the worst military disasters in our Nation's history.

On July 2, 2021, President Biden withdrew American forces from Bagram Airfield in the middle of the night without even notifying the Afghan National Defense and Security Forces. The decision surrendered our largest military base in the country, lost billions of dollars of military equipment, and left our remaining forces without its strategic advantages as the Taliban rapidly advanced. Within weeks, the Taliban seized Bagram and freed thousands of terrorists and criminals from its prisons. Kabul soon fell, leaving our troops to carry out a desperate evacuation at Hamid Karzai International Airport amid the devastating collapse the previous administration's incompetence had invited.

As Commander in Chief, I will always put America First and defend our sovereignty. I was proud to apprehend the ISIS–K terrorist responsible for the atrocity and bring him to face the swift sword of American justice. I will always stand by our service members, support our military families, and I will never allow the failures that led to Abbey Gate to be repeated. On this solemn anniversary, we renew our sacred promise to the 13 fallen service members and their families that we will always remember their names, cherish their memory, and never forget the price they paid for our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2026, as a day in commemoration of the 5th anniversary of the attack at Abbey Gate. I encourage all Americans to remember the heroism of the brave men and women who made the ultimate sacrifice for our country, and the Gold Star Families who carry on their proud legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.

A handwritten signature in black ink, appearing to be "Donald J. Trump", located in the lower right quadrant of the page.

Presidential Documents

Proclamation 11059 of August 26, 2026

Further Ensuring Affordable Beef for the American Consumer

By the President of the United States of America

A Proclamation

1. In Proclamation 11010 of February 6, 2026 (Ensuring Affordable Beef for the American Consumer), I found that cattle ranchers in the United States have played, and continue to play, an integral role in food production for the United States; that the United States is the world's largest consumer of beef and is a large importer of beef; that, because of recent circumstances, beef prices have increased unreasonably for United States consumers; that imports into the United States of certain beef products, including lean beef trimmings, are currently subject to the United States tariff-rate quota (TRQ) for beef; and that the United States supply of lean beef trimmings or directly competitive or substitutable agricultural products will be inadequate to meet domestic demand at reasonable prices because of a natural disaster and major national market disruption. Accordingly, in Proclamation 11010, I took action to address the elevated beef prices for United States consumers, including the elevated price of ground beef. Specifically, I increased the in-quota amount for lean beef trimmings from Argentina by 80,000 metric tons (mt) for the calendar year 2026, thereby increasing the supply of ground beef available to United States consumers.

2. In accordance with 19 U.S.C. 3601(c), the appropriate senior executive branch official has monitored the domestic supply of beef products subject to a TRQ since the issuance of Proclamation 11010, as well as the increase in imports of lean beef trimmings as a result of the action in Proclamation 11010. That official has also advised me on the forecasted increase in domestic beef consumption and prices and on whether the domestic supply of beef products and substitutable products combined with the estimated imports of beef products subject to the TRQ may be inadequate to meet current domestic demand at reasonable prices. And that official, after consulting with other relevant senior executive branch officials, has informed me that additional action may be necessary to ensure affordable ground beef for United States consumers and has recommended to me certain additional actions.

3. Among other things, senior executive branch officials have informed me that even though the action taken in Proclamation 11010 has increased beef imports from Argentina, the supply contraction in the United States beef industry coupled with the growing demand for beef is resulting in higher beef prices that are expected to continue absent further action. For example, United States restrictions on live animal imports from Mexico, which are currently necessary to protect United States livestock from the introduction of the New World Screwworm, continue to affect United States cattle production as the Department of Agriculture conducts a phased reopening of southern cattle ports. In addition, due in part to the policies of the prior Administration's War on Cattle, the United States herd has fallen to its lowest level in 75 years. While Department of Agriculture data suggests the herd began early stages of growth in July 2026, the herd will continue to face drought and wildfire conditions across cattle producing regions, increasing costs for cattle producers and putting additional strain on ranchers' ability to retain the breeding stock needed to grow the United States herd.

As a result of these and other factors, the Department of Agriculture forecasts beef output to fall this year by around 4 percent from 2025 levels.

4. Due to growing consumer awareness of the health benefits and consistent quality of United States-produced beef, the Department of Agriculture forecasts that domestic beef consumption will increase for the remainder of 2026. Consequently, the price of this critical source of protein for many Americans remains elevated and is expected to continue to be elevated absent additional action.

5. As President of the United States, I have a responsibility to ensure that hard-working Americans can afford to feed themselves and their families. After considering the information and advice provided to me pursuant to 19 U.S.C. 3601(c) and Proclamation 11010, among other relevant information, I determine that the supply of beef products, including ground beef, or directly competitive or substitutable agricultural products will be inadequate to meet domestic demand at reasonable prices because of natural disasters, disease, or major national market disruptions. Accordingly, I determine that it is necessary and appropriate to temporarily increase the quantity of lean beef trimmings subject to the in-quota rate of duty established under the United States beef import TRQ by 300,000 mt, as further described below and in the Annex to this proclamation.

6. In my judgment, the action in this proclamation is appropriate, necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States, and necessary to ensure that the supply of ground beef will be adequate to meet domestic demand at reasonable prices.

7. I anticipate that the action taken in this proclamation will result in the importation of ground beef that will be sold at a discounted price compared to current sale prices, helping to ensure hard-working Americans can afford to feed themselves and their families. If the action taken in this proclamation does not result in a lower sale price of imported ground beef, I may end the action taken in this proclamation in order to, among other things, prevent a windfall to foreign producers.

8. Section 404 of the Uruguay Round Agreements Act (URAA) (Public Law 103–465, 108 Stat. 4809, 4959–61 (19 U.S.C. 3601)) authorizes the President, in certain circumstances, to modify TRQs on certain agricultural products. In particular, section 404(b) of the URAA (19 U.S.C. 3601(b)) provides that where imports of an agricultural product are subject to a TRQ, and where the President determines and proclaims that the supply of the same or directly competitive or substitutable agricultural product will be inadequate, because of a natural disaster, disease, or major national market disruption, to meet domestic demand at reasonable prices, the President may temporarily increase the quantity of imports of the agricultural product that is subject to the in-quota rate of duty established under the TRQ. Further, section 404(a) of the URAA (19 U.S.C. 3601(a)) provides that in implementing applicable TRQs, the President must take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States. In addition, section 404(d)(3) of the URAA (19 U.S.C. 3601(d)(3)) provides that the President may allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas and may modify any allocation as determined appropriate by the President.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) (section 604), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 404 of the URAA; section

604; and section 301 of title 3, United States Code, do hereby proclaim as follows:

(1) For the calendar year 2026, the aggregate in-quota quantity for certain products described in Additional United States Note 3 of Chapter 2 of the HTSUS will be increased by 300,000 mt.

(2) The additional 300,000 mt described in clause (1) of this proclamation will apply only to lean beef trimmings classifiable under HTSUS statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091, and 0202.30.5097.

(3) The additional 300,000 mt described in clauses (1) and (2) of this proclamation will be administered on a first come, first served basis in three 30 day tranches. The first tranche of 100,000 mt will open on September 1, 2026, and close on September 30, 2026. The second tranche of 100,000 mt will open on October 1, 2026, and close on October 30, 2026. The third tranche of 100,000 mt will open on October 31, 2026, and will remain open until the additional in-quota quantity is filled or November 30, 2026, whichever is earlier.

(4) The additional 300,000 mt described in clauses (1) and (2) of this proclamation is allocated in its entirety to “other countries or areas.”

(5)(a) To establish the TRQ amendments described in this proclamation, the HTSUS is modified as set forth in the Annex to this proclamation.

(b) The United States Trade Representative (Trade Representative), in consultation with any senior official he deems appropriate, shall determine whether any additional modifications to the HTSUS are necessary to effectuate this proclamation and shall make such modifications to the HTSUS through notice in the *Federal Register*, including any technical or ministerial corrections to the Annex to this proclamation.

(c) U.S. Customs and Border Protection (CBP) shall ensure that all eligible countries have full access to the temporary increase to the TRQ in accordance with this proclamation and the Annex to this proclamation. CBP is authorized to take any appropriate measures or make any operational adjustments to administer, implement, and enforce this proclamation.

(6)(a) The Secretary of Agriculture shall continue to monitor the domestic supply of lean beef trimmings, as the Secretary considers appropriate, and shall advise my Administration on the domestic supply of lean beef trimmings or directly competitive or substitutable products, combined with the estimated imports of such products under the TRQ as adjusted by this proclamation, and how such availability relates to domestic demand for ground beef at reasonable prices. The Secretary of Agriculture, in consultation with other senior executive branch officials, shall inform me of any circumstances that, in the Secretary's opinion, might indicate the need for further action and shall recommend to me any additional action I should take, if necessary.

(b) The Secretary of Agriculture and the Trade Representative, in consultation with any other senior executive branch official they deem appropriate, shall monitor whether the imports of lean beef trimmings entered under the increased in-quota quantity established in this proclamation are being sold at a price 25 percent below the market price for lean beef trimmings. If the Secretary of Agriculture and the Trade Representative determine that imports entering under the increased in-quota quantity established in this proclamation are not being sold at a price that is 25 percent below the market price for lean beef trimmings, the Secretary and the Trade Representative shall immediately notify me, so that I may determine whether to eliminate what remains of the increased in-quota quantity established in this proclamation.

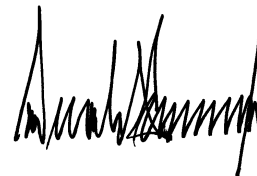
(7) To the extent consistent with applicable law, the Secretary of Agriculture, the Secretary of Homeland Security, and the Trade Representative

are directed and authorized to take all actions that are appropriate to implement and effectuate this proclamation and any actions contemplated by this proclamation—including through temporary suspension or amendment of regulations or through notices in the *Federal Register* and by adopting rules, regulations, or guidance—and to employ all delegable powers granted to me, including by section 404 of the URAA, as may be appropriate to implement and effectuate this proclamation. The head of each executive department and agency (agency) is authorized to and shall take all appropriate measures within the agency's authority to implement this proclamation. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate any of these functions within their respective agencies.

(8) Nothing in this proclamation shall affect the increased in-quota quantity established in Proclamation 11010 and allocated to Argentina.

(9) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency. If any provision of this proclamation or the application of any provision to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individuals or circumstances shall not be affected.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.



ANNEX

**MODIFICATIONS TO THE HARMONIZED
TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on September 1, 2026:

A. Additional U.S. note 3 to chapter 2 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by deleting the phrase “subsection (b) of this note,” in subsection (a) and by inserting “subsections (b) and (c) of this note,” in lieu thereof; and

2. by inserting the following new subsection (c) in alphabetical order:

“(c) In addition to the aggregate quantity of beef specified in subsection (a) of this note and the aggregate quantity of lean beef trimmings of Argentina specified in subsection (b) of this note, 300,000 metric tons of lean beef trimmings of other countries or areas, described in statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091 and 0202.30.5097, may be entered for consumption, or withdrawn from warehouse for consumption, between 12:01 a.m. local port time on September 1, 2026, and 11:59 p.m. eastern time on November 30, 2026, as specified in HTSUS heading 9903.54.02. The additional aggregate quantity of lean beef trimmings specified under subsection (c) of this note shall be administered in three 30-day tranches such that, in any 30-day period, the additional aggregate quantity of lean beef trimmings entered under statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091 and 0202.30.5097 shall not exceed 100,000 metric tons.”

B. Subchapter III of chapter 99 of the HTSUS is modified:

1. by inserting new heading 9903.54.02 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special” and “Rates of Duty 2”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.54.02	In addition to the aggregate quantity of beef specified in additional U.S. note 3(a) to chapter 2 of the tariff schedule for any calendar year, and the aggregate quantity of lean beef trimmings of Argentina specified in additional U.S. note 3(b) to chapter 2 of the tariff schedule, 300,000 metric tons of lean beef trimmings of other countries or areas, described in statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091	No change	No change	No change”

	and 0202.30.5097, may be entered for consumption, or withdrawn from warehouse for consumption, between 12:01 a.m. local port time on September 1, 2026, and 11:59 p.m. eastern time on November 30, 2026, as provided in subsections (c) and (d) of U.S. note 7 to this subchapter.			
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2. by inserting the following new subsection (c) to U.S. note 7 in alphabetical order:
- “(c) As provided in additional U.S. note 3(c) to chapter 2 of the HTSUS and as provided in heading 9903.54.02, an additional 300,000 metric tons of lean beef trimmings of other countries or areas, described in statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091 and 0202.30.5097, may be entered for consumption, or withdrawn from warehouse for consumption, between 12:01 a.m. local port time on September 1, 2026, and 11:59 p.m. eastern time on November 30, 2026.
3. by inserting the following new subsection (d) to U.S. note 7 in alphabetical order:
- “(d) The additional aggregate quantity of lean beef trimmings specified under additional U.S. note 3(c) to chapter 2 of the HTSUS, and as provided in heading 9903.54.02, shall be administered in three 30-day tranches such that, in any 30-day period, the additional aggregate quantity of lean beef trimmings, entered under additional U.S. note 3(c) to chapter 2 of the HTSUS, heading 9903.54.02 and statistical reporting numbers 0201.30.5091, 0201.30.5097, 0202.30.5091 and 0202.30.5097, shall not exceed 100,000 metric tons.”

Presidential Documents

Executive Order 14421 of August 26, 2026

Declaring a National Emergency To Secure the United States Bulk-Power System

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code, I hereby determine and order:

Section 1. *National Emergency.* As President of the United States, my highest duty is protecting the national security, foreign policy, and economy of this country. Certain foreign actors are increasingly creating and exploiting vulnerabilities in the United States bulk-power system, which provides the electricity that supports our national defense, vital emergency services, critical infrastructure, and economy. During my first term, I found that the bulk-power system could be a target of those seeking to commit malicious acts against the United States, including malicious cyber activities, because of the significant risks that a successful attack would have on our economy, human health and safety, and national defense. Since my first term, the threat to the United States regarding foreign supply of bulk-power system electric equipment has become even more acute: The rapid growth of advanced manufacturing, data centers, artificial intelligence, and defense production has increased the Nation's dependence on abundant, reliable electricity and magnified the consequences of a successful attack or supply disruption on the bulk-power system.

The minimal restrictions on acquisition or operation in the United States of foreign-produced bulk-power system electric equipment augment the ability of some foreign entities to create and exploit vulnerabilities in such equipment; for instance, such equipment might have digital backdoors built into their systems that allow a foreign country to access that equipment remotely. Further, continued United States reliance on foreign sources of bulk-power system electric equipment with these potential national security vulnerabilities also creates a supply chain vulnerability that could eliminate the supply of these products in the United States as a result of disruptions in international trade or other causes.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, find that the situation with respect to the foreign supply of bulk-power system electric equipment constitutes an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States and hereby declare a national emergency with respect to that threat. This threat exists both in the case of individual transactions and when transactions are considered as a class. To deal with this threat, additional steps are required to protect the security, integrity, and reliability of bulk-power system electric equipment used in the United States.

Sec. 2. *Prohibitions and Implementation.* (a) The following actions are prohibited: any acquisition, importation, transfer, or installation of any foreign-produced bulk-power system electric equipment (transaction) by any person, or with respect to any property, subject to the jurisdiction of the United States, where the transaction involves any property in which any foreign country or a national thereof has any interest (including through an interest in a contract for the provision of the equipment), where the transaction

was initiated after the date of this order, and where the Secretary of Energy (Secretary), in coordination with the Director of the Office of Management and Budget and in consultation with the Secretary of War, the Secretary of Commerce, the Secretary of Homeland Security, the Director of National Intelligence, and, as appropriate, the heads of other executive departments and agencies (agencies), has determined that:

(i) the transaction involves bulk-power system electric equipment—or any critical component, software, firmware, digital service, maintenance service, or remote-access capability associated with such equipment—designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a Covered Foreign Entity; and

(ii) the transaction:

(A) poses an undue risk of sabotage, subversion, unauthorized access, malicious remote action, or supply disruption affecting the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of the bulk-power system in the United States;

(B) poses an undue risk of catastrophic effects on the security or resilience of United States critical infrastructure or the economy of the United States; or

(C) otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(b) Upon making the determinations described in subsection (a) of this section, the Secretary, in consultation with the Secretary of War, the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, may impose conditions on the continued use, operation, maintenance, servicing, or updating of foreign manufactured or operated bulk-power system electric equipment acquired or installed before the date of this order, including requirements to identify, isolate, monitor, secure, disconnect, replace, or remove such equipment. Before directing isolation, disconnection, replacement, or removal, the Secretary shall consider effects on reliability and safety, the availability of secure replacements, and continuity of essential service, and may establish phased compliance.

(c) The Secretary, in consultation with any senior executive branch official he deems appropriate, may design or negotiate measures to mitigate concerns identified in this order. Such measures may serve as a precondition to the approval by the Secretary of a transaction or of a class of transactions that would otherwise be prohibited pursuant to this order.

(d) The prohibitions in this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

(e) The Secretary, in consultation with any senior executive branch official he deems appropriate, may establish criteria and procedures for recognizing particular equipment and particular vendors in the bulk-power system electric equipment market as pre-qualified for future transactions and therefore exempt from subsection (a) of this section, and may apply these criteria to establish and publish a list of pre-qualified equipment and vendors. Nothing in this provision limits the Secretary's authority under this section to prohibit or otherwise regulate any transaction involving qualified equipment or suppliers.

(f) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any prohibition or requirement under this order is prohibited. Any conspiracy formed to violate any prohibition or requirement under this order is prohibited.

Sec. 3. Authorities. (a) The Secretary is hereby authorized to take such actions, including directing the timing and manner of the cessation of pending and future transactions prohibited pursuant to section 1 of this order, ordering

the replacement of equipment posing an unacceptable risk to national security, adopting appropriate rules and regulations, and employing all other powers granted to the President by IEEPA, as may be necessary to implement this order. The head of each agency is authorized to and shall take all appropriate measures within the agency's authority to implement this order. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate the authority to take such appropriate measures within the agency.

(b) Rules and regulations issued pursuant to this order may, among other things, determine that particular countries or persons are a Covered Foreign Entity exclusively for the purposes of this order; identify persons owned by, controlled by, or subject to the jurisdiction or direction of a Covered Foreign Entity exclusively for the purposes of this order; identify particular equipment or countries with respect to which transactions involving bulk-power system electric equipment warrant particular scrutiny under the provisions of this order; and establish procedures to license transactions otherwise prohibited pursuant to this order. Within 120 days of the date of this order, the Secretary, in consultation with the Secretary of War, the Secretary of Homeland Security, the Director of National Intelligence, and any other senior executive branch official the Secretary deems appropriate, shall publish rules or regulations implementing the authorities delegated to the Secretary by this order as needed.

(c) As soon as practicable, the Secretary, in consultation with the Secretary of War, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Homeland Security, the Director of National Intelligence, and any other senior executive branch official the Secretary deems appropriate, shall:

(i) identify bulk-power system electric equipment designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of one or more Covered Foreign Entities that poses an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of the bulk-power system in the United States; poses an undue risk of catastrophic effects on the security or resilience of United States critical infrastructure or the economy of the United States; or otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(ii) develop and submit to the President through the Assistant to the President for National Security Affairs recommendations on ways to identify, inventory, isolate, monitor, or replace such items as soon as practicable, taking into consideration overall risk to the bulk-power system.

Sec. 4. *Promoting Federal Energy Infrastructure Procurement Policies to Support National Security and Resilience.* (a) Within 180 days of the date of this order, the Secretary, in consultation with the Federal Acquisition Regulatory Council (FAR Council) and any other senior executive branch official he deems appropriate, shall develop and submit a set of recommended revisions to the Federal Acquisition Regulation (FAR) to ensure that national security risks are adequately considered in any Federal procurement concerning energy infrastructure and to prioritize the acquisition of United States-manufactured energy infrastructure.

(b) Within 90 days of receiving the Secretary's recommendations pursuant to subsection (a) of this section, the FAR Council shall consider proposing for notice and public comment amendments to the applicable provisions in the FAR to implement the recommendations provided by the Secretary.

Sec. 5. *Definitions.* For the purposes of this order:

(a) The term "bulk-power system" means a system that: (i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and (ii) electric energy from generation facilities needed to maintain electric system reliability. For the purpose of this order, this definition includes transmission lines rated at 69,000 volts (69 kV) or more, but does not include facilities used in the local distribution of electric energy.

(b) The term “bulk-power system electric equipment” means items used in bulk-power system substations, control rooms, or power generating stations, including reactors; capacitors; substation transformers; utility-scale and other grid-connected inverters; battery energy storage systems; and uninterruptible power supply systems supporting critical infrastructure, current coupling capacitors, large generators, small generators, backup generators, substation voltage regulators, shunt capacitor equipment, automatic circuit reclosers, instrument transformers, coupling capacity voltage transformers, protective relaying, metering equipment, high voltage circuit breakers, generation turbines, industrial control systems (including remote terminal units, programmable logic controllers, and intelligent electronic devices), distributed control systems, and safety instrumented systems. In determining whether equipment is within the scope of this order, agencies also may consider associated software and firmware, remote access capabilities, lifecycle maintenance and update mechanisms, and other supply chain dependencies that could present an unacceptable risk to the bulk-power system. Items not included in the preceding list or that have broader application beyond the bulk-power system unrelated to the national security concerns identified in this order are outside the scope of this order.

(c) The term “foreign-produced” means an article that is not manufactured, produced, or assembled in the United States.

(d) The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(e) The term “Covered Foreign Entity” means a country or any person owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is subject to a United States arms embargo or sanctions regime, under the International Traffic in Arms Regulations (22 C.F.R. 126.1), or that the Secretary, in consultation with the Secretary of War, the Director of National Intelligence, and the Assistant to the President for National Security Affairs, has determined is engaged in conduct that is detrimental to the national security or foreign policy of the United States.

(f) The term “person” means an individual or entity.

(g) The term “procurement” means the acquiring by contract with appropriated funds of supplies or services, including installation services, by and for the use of the Federal Government, through purchase, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

(h) The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 6. *Reports to Congress.* (a) The Secretary is hereby authorized and directed to submit recurring and final reports to the Congress regarding the national emergency declared in this order, consistent with section 401 of the NEA (50 U.S.C. 1641) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

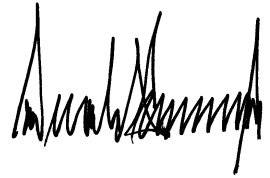
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized representation of a name, possibly "Donald Trump".

THE WHITE HOUSE,
August 26, 2026.

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