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DEPARTMENT OF ENERGY

10 CFR Part 452

[EERE–2025–OT–0031]

RIN 1904–AG07

Rescission of Production Incentives for Cellulosic Biofuels

AGENCY: Office of Critical Minerals and Energy Innovation, U.S. Department of Energy.

ACTION: Final rule.

SUMMARY: The Office of Critical Minerals and Energy Innovation (formerly Office of Energy Efficiency and Renewable Energy) of the Department of Energy (DOE) is publishing a final rule to rescind the regulatory framework for production incentives for cellulosic biofuels, eliminating an inactive regulatory framework.

DATES: This rule is effective on October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Reed, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Alternative Fuels and Feedstocks Office, 1000 Independence Avenue SW, Washington,

DC 20585; (202) 492–6371 or Valerie.Sarisky-Reed@ee.doe.gov.

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I. General Discussion

On May 16, 2025, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NPR) to rescind the Production Incentives for Cellulosic Biofuels regulations at 10 CFR part 452. 90 FR 20942. That proposed rule invited comments on any reason to rescind or not rescind these regulations, specifically seeking input on the relevancy of 10 CFR part 452 and whether DOE should retain these regulations should funding be appropriated again to the relevant

authority, section 942 of the Energy Policy Act of 2005 (Pub. L. 109–58), codified at 42 U.S.C. 16251.

The Cellulosic Biofuels Production Incentive program, originally established under the authority of the Energy Policy Act of 2005, was intended to provide production incentives for cellulosic biofuels. However, Congress has not appropriated funds to DOE to implement the program. As a result, DOE’s Cellulosic Biofuels Production Incentive program is unused. Furthermore, since the program’s inception, the landscape for biofuels incentives has evolved. For example, the Renewable Fuel Standard (RFS) program, administered by the Environmental Protection Agency (EPA), has become the primary federal mechanism to incentivize the production of renewable fuels, including cellulosic biofuels, through Renewable Identification Numbers (RINs).

As proposed in the NPR, this final rule removes 10 CFR part 452 in its entirety, as it is outdated and no longer fits within DOE’s current strategic priorities or the prevailing energy policy framework. This deregulatory action also reduces administrative burden by eliminating an inactive regulatory framework.

II. Responses to Comments

DOE received one comment in response to the NPR published on May 16, 2025. The commenter is listed in Table II.1.

TABLE II–1—LIST OF COMMENTERS FROM THE NPR

Commenter	Reference in this rule	Document No. in the docket	Commenter type
T P	Comment 1	0002	Individual.

The commenter stated that the rulemaking is subject to National Environmental Policy Act (NEPA) and requires detailed statements on major Federal actions. Comment 1. The commenter further asserted that although DOE intends to use a categorical exclusion for NEPA compliance, this action has extraordinary circumstances, including “potential for uncertain environmental

risks, potential impacts on sensitive resources, and potential for cumulative impacts[.]” which would prevent the use of a categorical exclusion. *Id.* The commenter concluded that DOE must proceed with analysis under an environmental assessment (EA) or environmental impact statement (EIS) prior to finalizing this rule. DOE appreciates the commenter’s input regarding its NEPA review. DOE

has carefully considered the commenter’s concern about the applicability of a categorical exclusion and potential extraordinary circumstances. DOE has analyzed this action in accordance with NEPA, as amended, DOE’s NEPA implementing regulations (set forth in 10 CFR part 1021), and DOE’s NEPA implementing procedures (published outside the *Code of Federal Regulations* on June 30, 2025

(Available at: www.energy.gov/nepa/articles/doe-nepa-implementing-procedures-june-2025)).

On July 3, 2025, DOE published an interim final rule in the **Federal Register** that revised 10 CFR part 1021 to contain only administrative and routine actions excepted from NEPA review in appendix A, its existing categorical exclusions in appendix B, related requirements, and a provision for emergency circumstances. 90 FR 29676. DOE notes that appendix A in 10 CFR part 1021 (formerly categorical exclusions) are now administrative and routine actions that do not require NEPA review.

DOE has reviewed this action in accordance with NEPA and determined that removing requirements for awarding production incentives to the lowest bidder in a reverse auction is strictly procedural. 10 CFR part 1021, appendix A, paragraph A6. DOE has determined that, as a procedural action, it is an administrative and routine action and, therefore, is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and no further environmental review is needed.

In addition, this final rule removes an obsolete and inactive regulatory program. This program has not been utilized for a significant period and its objectives have been addressed by other federal programs, primarily the RFS program implemented by the EPA. The rescission of an inactive program, which has no ongoing direct or indirect environmental impacts, does not constitute a major Federal action with the potential for significant environmental effects. Therefore, the rescission of regulatory text for an inactive program does not introduce new uncertain environmental risks, impact sensitive resources, or create cumulative impacts and does not warrant an EA or an EIS as commenter suggests.

III. Conclusion

For the reasons discussed in the preceding sections of this document, DOE is finalizing the rescission of the Cellulosic Biofuels Production Incentive program regulations at 10 CFR part 452. This final rule removes an inactive and obsolete regulatory program.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866

E.O. 12866, “Regulatory Planning and Review” 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; (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. For the reasons stated in the preamble, this final rule is consistent with these principles. Although the agency remains free to extend the sunset date on any particular regulation, the sunset rule is expected to generally result in decreased regulatory burdens and to ensure that regulations remain up to date in light of changing circumstances.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review. OIRA has determined that this regulatory action is a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was subject to review under that Executive Order by OIRA.

B. Review Under Additional Executive Orders and Presidential Memoranda

This final rule has been determined to be an “E.O. 14192 deregulatory action” because it intends to reduce the burden to society by streamlining the regulatory framework and improving efficiency for regulated entities. As mentioned previously, 10 CFR part 452 relates to the inactive Cellulosic Biofuels Production Incentive program. The primary impact from the final rule is to eliminate the regulatory burden associated with an inactive incentive program. This final rule allows affected entities to focus their resources on matters of importance to them. These benefits are difficult to quantify, although DOE believes them to be positive. Even small positive changes, when aggregated, can result in meaningful burden reduction for industry.

C. Review Under Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) 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. As required by E.O. 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website (www.energy.gov/gc/office-general-counsel).

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final rule rescinds an inactive program and imposes no new requirements or burdens on any entity, including small businesses. Therefore, DOE concludes that the impacts of the rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an FRFA is not warranted. DOE transmitted this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

D. Review Under Paperwork Reduction Act

This final rule imposes no new information collection requirements subject to the Paperwork Reduction Act and OMB clearance is not required. (44 U.S.C. 3501 *et seq.*)

E. Review Under National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), DOE has analyzed this action in accordance with NEPA, as amended, DOE’s NEPA implementing regulations (set forth in 10 CFR part 1021), and DOE’s NEPA implementing procedures (published outside the *Code of Federal Regulations* on June 30, 2025 (Available at: www.energy.gov/nepa/articles/doe-nepa-implementing-procedures-june-2025)). On July 3, 2025, DOE published

an interim final rule in the **Federal Register** that revised 10 CFR part 1021 to contain only administrative and routine actions excepted from NEPA review in appendix A, its existing categorical exclusions in appendix B, related requirements, and a provision for emergency circumstances. 90 FR 29676. DOE notes that appendix A in 10 CFR part 1021 (formerly categorical exclusions) are now administrative and routine actions that do not require NEPA review.

DOE has reviewed this action in accordance with NEPA and determined that removing requirements for awarding production incentives to the lowest bidder in a reverse auction is strictly procedural. 10 CFR part 1021, appendix A, paragraph A6. DOE has determined that, as a procedural action, it is an administrative and routine action and, therefore, is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and no further environmental review is needed.

F. Review Under Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 4, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order 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. The Executive order 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. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this final rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no further action is required by Executive Order 13132.

G. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996),

imposes on Executive agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

H. Review Under Unfunded Mandates Reform Act of 1995

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. On

March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE’s policy statement is also available at www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.

DOE examined this final rule according to UMRA and its statement of policy and determined that the final rule 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.

I. Review Under Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well being. This final rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

J. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOE has determined that this final rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

K. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: <https://www.energy.gov/cio/departments-energy-information-quality-guidelines>. DOE has reviewed this final rule under the OMB and DOE guidelines and has

concluded that it is consistent with applicable policies in those guidelines.

L. Review Under Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A “significant energy action” is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This final rule is a significant regulatory action under E.O. 12866. However, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rule. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of final rule.

List of Subjects in 10 CFR Part 452

Fuel, Grant programs, Recordkeeping and reporting requirements, Renewable energy.

Signing Authority

This document of the Department of Energy was signed on July 15, 2026, by Audrey Robertson, Assistant Secretary of Energy (EERE). That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal

Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 28, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

PART 452 [REMOVED AND RESERVED]

■ For the reasons set forth in the preamble, under the authority of 42 U.S.C. 7101 *et. seq.*, and 42 U.S.C. 16251, DOE is removing and reserving part 452.

[FR Doc. 2026–17872 Filed 8–31–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket ID OCC–2026–0174]

RIN 1557–AF35

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 305

RIN 3064–AG16

Unsafe or Unsound Practices, Matters Requiring Attention

AGENCY: Office of the Comptroller of the Currency, Treasury, and the Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) are adopting a final rule to define the term “unsafe or unsound practice” for purposes of section 8 of the Federal Deposit Insurance Act and to revise the supervisory framework for the issuance of matters requiring attention and other supervisory communications.

DATES: The final rule is effective November 2, 2026.

FOR FURTHER INFORMATION CONTACT:

OCC: Eden Gray, Assistant Director, Marjorie Dieter, Special Counsel, Harry Naftalowitz, Attorney, Chief Counsel’s Office, 202–649–5490, Office of the

Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FDIC: Brittany Audia, Chief, Exam Support Section, Division of Risk Management Supervision, (703) 254–0801, baudia@fdic.gov; Seth P. Rosebrock, Assistant General Counsel, Legal Division, (202) 898–6609, srosebrock@fdic.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The OCC and the FDIC (collectively, the agencies) exercise their enforcement and supervision authority to ensure that supervised institutions¹ refrain from engaging in unsafe or unsound practices, operate in compliance with applicable laws and regulations, and address emerging supervisory concerns. To that effect, it is important to promote greater clarity and certainty regarding certain enforcement and supervision standards by defining them through regulation. Moreover, it is critical that examiners and institutions prioritize material financial risks over concerns related to policies, process, documentation, and other nonfinancial risks, and that the agencies’ enforcement and supervision standards further that prioritization.

On October 30, 2025, the agencies published in the **Federal Register** a notice of proposed rulemaking² to clarify the agencies’ supervisory and enforcement framework and focus on practices, acts, or failures to act, that, if continued, would be likely to materially harm the institution’s financial condition or present a material risk of loss to the Deposit Insurance Fund (DIF). Specifically, pursuant to the provisions of section 8 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1818), the agencies are authorized to take enforcement actions against depository institutions³ and

¹ For purposes of this preamble, the term “institution” refers to national banks, insured State nonmember banks, Federal and State savings associations, Federal branches and agencies of a foreign bank, insured State licensed branches of a foreign bank, and industrial loan corporations subject to supervision or enforcement by the agencies.

² See *Unsafe or Unsound Practices, Matters Requiring Attention*, 90 FR 48835 (Oct. 30, 2025).

³ A depository institution generally refers to an insured depository institution as defined in 12 U.S.C. 1813(c)(2); any national banking association chartered by the OCC, including an uninsured association; or a branch or agency of a foreign bank. Refer to specific provisions of 12 U.S.C. 1818 regarding their applicability to a specific institution. See 12 U.S.C. 1818(b)(4)–(5).

institution-affiliated parties⁴ that have engaged in an “unsafe or unsound practice.” The agencies proposed to establish a regulatory definition for the term “unsafe or unsound practice” for purposes of section 8 of the FDI Act. Additionally, the agencies proposed to establish standards for the issuance of Matters Requiring Attention (MRAs) and supervisory observations.

After considering the comments received on the proposal and as further described in this preamble, the agencies are adopting a final rule consistent with the objectives of the agencies’ proposal, with certain modifications. The final rule will explicitly limit its scope to institutions the agencies supervise. The final rule will also clarify how the agencies will exercise their enforcement and supervisory authority, including how the agencies will tailor their use of unsafe or unsound practices and matters requiring attention based on risk factors specific to an institution.

II. Overview of Proposal and Summary of Comments Received

The agencies proposed to issue a rule to define the term “unsafe or unsound practice” for purposes of section 8 of the FDI Act to mean a practice, act, or failure to act, alone or together with other practices, acts, or failures to act, that (1) is contrary to generally accepted standards of prudent operation; and (2)(i) if continued, is likely to (A) materially harm the financial condition of an institution; or (B) present a material risk of loss to the DIF; or (ii) materially harmed the financial condition of the institution. The proposed definition would have applied to the agencies’ supervisory and enforcement actions taken against both institutions and institution-affiliated parties. The proposed rule also sought to establish that the agencies may only issue an MRA for a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that (1)(i) is contrary to generally accepted standards of prudent operation; and (ii)(A) if continued, could reasonably be expected to, under current or reasonably foreseeable conditions, (1) materially harm the financial condition of the institution; or (2) present a material risk of loss to the DIF; or (B) has already materially harmed the financial condition of the institution; or (2) is an actual violation of a banking or banking-related law or regulation.

As proposed, the rule would have required the agencies to tailor their respective supervisory and enforcement

actions under 12 U.S.C. 1818 and issuances of MRAs both with regard to the requirements or expectations set forth in such actions as well as whether, and the extent to which, such actions are taken. Tailoring would have been based on the capital structure, riskiness, complexity, activities, asset size and any financial risk-related factor that the agencies deemed appropriate. For matters that would not have met the criteria for the proposed MRA standard, the agencies proposed clarifying that they would be permitted to communicate a suggestion or observation orally or in writing to enhance an institution’s policies, practices, condition, or operations, provided that the communication would not be, and would not be treated by the agencies in a manner similar to, an MRA.

The agencies received in total 36 comments on the notice of proposed rulemaking. Many commenters generally supported the proposed rule while others opposed it. Some commenters who supported the proposal highlighted the need for reform of the agencies’ supervisory and enforcement practices. One commenter asserted that a high percentage of supervisory findings, including MRAs, relate to non-financial risks, and that bank employees spend an increasing amount of time complying with examiner mandates. One commenter asserted that limiting examiner discretion and eliminating many non-financial concerns with respect to the type of concerns that could serve as the basis for an MRA will lead to structural supervision reform that will address debanking concerns. Another commenter thought that the proposal would address expansive MRA usage that has shifted regulatory decision making from public rulemaking to private supervision on an institution-by-institution basis. Generally, the agencies agree with these commenters that the final rule will provide important reforms to the agencies’ supervisory and enforcement practices and will help examiners and institutions take appropriate action where action is most warranted to promote safety and soundness.

Commenters that supported the proposal also expressed that the proposal’s emphasis on targeted supervision for material financial risks would better focus examiners and institutions on key considerations in furtherance of safety and soundness. For example, one commenter indicated that clarifying unsafe or unsound practices would benefit institutions by allowing them to prioritize issues. Additionally,

commenters noted that the proposal would promote the clarity, consistency, and transparency of bank supervision. For example, a commenter asserted that codification of the agencies’ views of unsafe or unsound practices and the standard for issuing MRAs would enhance institutions’ dialogue with examiners and accountability for the agencies in connection with appeals of supervisory determinations. The agencies also agree that the proposed rule generally struck the appropriate balance between proactive identification of material financial risks by examiners and providing each institution’s board of directors and management with clear and transparent supervisory findings and the flexibility to enact day-to-day decisions based on their business judgment and risk tolerance.

Other commenters opposed the proposal, and some of these commenters suggested that the agencies withdraw the proposal. Commenters who opposed the proposal argued that the proposed regulatory definition of “unsafe or unsound practice” and standard for the issuance of MRAs would inhibit examiners from proactive identification of risks to institutions. For example, one of these commenters indicated that the 2008 financial crisis demonstrated that regulations could not keep up with rapid changes in institutions’ products and practices. Commenters also indicated that the proposal disregarded the importance of policies, procedures, documentation, and nonfinancial risks in bank supervision, such as operational risks and risks to consumers. Some commenters asserted that bank policies and procedures could serve as leading indicators of financial risk without demonstrating this link. However, these assertions are not consistent with the agencies’ supervisory experience. Rather, the final rule will encourage institutions to focus on the most important risks to an institution’s safety and soundness. Examiners may still provide supervisory observations related to weaknesses in policies and procedures, and, in situations where issues related to an institution’s policies or procedures would meet the criteria to be deemed an unsafe or unsound practice or merit the issuance of an MRA, the agencies could take enforcement or supervisory action accordingly.

Furthermore, commenters expressed concern that the proposal’s more targeted focus on material financial risks could create incentives for institutions to improve their financial performance at the expense of controls. The agencies expect that institutions will prudently operate in accordance with generally

⁴ See 12 U.S.C. 1813(u).

accepted standards, and that any potential material financial risks would be properly addressed by the agencies. Finally, commenters argued that the proposal and its focus on risks to individual financial institutions failed to consider systemic risk to the financial system. Although macroprudential concerns are not the focus of the agencies' unsafe or unsound practices enforcement authority or MRA supervisory authority, the proposed standards' renewed focus on material financial risks will also strengthen the greater financial system by encouraging banks to address the most significant financial risks with the greatest vigilance.

III. Final Rule

A. Unsafe or Unsound Practices

Based on the agencies' supervisory experience and as a matter of policy, the agencies proposed to implement a definition of "unsafe or unsound practice" for purposes of section 8 of the FDI Act that would have focused on material risks to the financial condition of an institution and would have generally required that an imprudent practice, act, or failure to act, if continued, would be likely to materially harm the institution's financial condition or present a material risk of loss to the DIF. The proposal explained that, taking into account statutory text, legislative history, and case law, the proposed regulatory definition fit within the authority Congress granted to the agencies to take enforcement actions based on unsafe or unsound practices under section 8 of the FDI Act.⁵

The term "unsafe or unsound practice" appears in section 8 of the FDI Act for purposes of the agencies' enforcement authority. The statute does not define the term unsafe or unsound practice. An unsafe or unsound practice may serve as a ground for several types of enforcement actions under provisions of section 8 of the FDI Act. These include involuntary termination of deposit insurance by the FDIC,⁶ a cease-

and-desist order,⁷ a temporary cease-and-desist order,⁸ or a Tier 2 or Tier 3 civil money penalty.⁹ Most enforcement provisions in section 8 of the FDI Act also include other potential grounds, such as a violation of law or a breach of fiduciary duty, which are not affected by the regulatory definition in the final rule.

In determining what may be considered an unsafe or unsound practice under section 8 of the FDI Act, some courts have looked to a standard articulated by John Horne, then Chairman of the Federal Home Loan Bank Board (FHLBB) (Horne Standard), during congressional hearings related to the Financial Institutions Supervisory Act of 1966 (Act of 1966), which is the source of the agencies' cease-and-desist authority in section 8(b) of the FDI Act.¹⁰ Specifically, Chairman Horne stated:

⁷ *Id.* 1818(b)(1) ("If, in the opinion of the appropriate Federal banking agency, any insured depository institution, depository institution which has insured deposits, or any institution-affiliated party is engaging or has engaged, or the agency has reasonable cause to believe that the depository institution or any institution-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of such depository institution . . . the agency may issue and serve upon the depository institution or the institution-affiliated party an order to cease and desist from any such . . . practice.").

⁸ *Id.* 1818(c)(1) ("Whenever the appropriate Federal banking agency shall determine that . . . the unsafe or unsound practice or practices . . . or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the depository institution, or is likely to weaken the condition of the depository institution or otherwise prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to paragraph (1) of subsection (b) of this section, the agency may issue a temporary order requiring the depository institution or such party to cease and desist from any such . . . practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.").

⁹ *Id.* 1818(i) ("[A]ny insured depository institution which, and any institution-affiliated party who . . . recklessly engages in an unsafe or unsound practice in conducting the affairs of such insured depository institution . . . which practice is part of a pattern of misconduct; causes or is likely to cause more than a minimal loss to such depository institution; or results in pecuniary gain or other benefit to such party, shall forfeit and pay a civil penalty of not more than \$25,000 for each day during which such . . . practice . . . continues . . . [A]ny insured depository institution which, and any institution-affiliated party who knowingly . . . engages in any unsafe or unsound practice in conducting the affairs of such depository institution; . . . and knowingly or recklessly causes a substantial loss to such depository institution or a substantial pecuniary gain or other benefit to such party by reason of such . . . practice . . . shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under subparagraph (D) for each day during which such . . . practice . . . continues.").

¹⁰ See, e.g., *Gulf Fed. Sav. & Loan Assoc. of Jefferson Parish v. Fed. Home Loan Bank Bd.*, 651

Generally speaking, an "unsafe or unsound practice" embraces any action, or lack of action, which is contrary to generally accepted standards of prudent operation, the possible consequences of which, if continued, would be abnormal risk or loss or damage to an institution, its shareholders, or the agencies administering the insurance funds.¹¹

Representative Patman further described the authority added in the Act of 1966 as "aimed specifically at actions impairing the safety or soundness of . . . insured financial institutions" and providing the agencies with "flexible tools [that] relate strictly to the insurance risk and to assure the public of sound banking facilities."¹²

Defining "unsafe or unsound practice" by regulation will provide a clear nationwide standard and increase clarity for institutions. A regulatory definition of the term unsafe or unsound practice is also important to appropriately focus institution and examiner attention on practices that are likely to materially harm an institution's financial condition or present a material risk of loss to the DIF, providing the institution's board of directors and management additional flexibility to enact day-to-day decisions based on their business judgment and risk tolerance. The definition reflects the agencies' judgment and experience that their supervisory resources are best focused on practices that are likely to materially harm an institution's financial condition, such as risks that are more likely than other risks to lead to material financial losses, bank failures, and instability in the banking system.¹³ For the same reasons, practices that are likely to materially harm the financial condition of an institution are critical for an institution's board of directors and management to address.

The definition of an unsafe or unsound practice will ensure consistency in identifying practices as

F.2d 259, 264 (5th Cir. 1981) ("The authoritative definition of an unsafe or unsound practice, adopted in both Houses, was a memorandum submitted by John Horne . . ."). Chairman Horne's articulation of what constitutes an unsafe or unsound practice was read into the record in both chambers of Congress. See 112 Cong. Rec. 25008, 26474 (1966) (remarks of Rep. Thomas W.L. Ashley and Sen. Absalom W. Robertson).

¹¹ 112 Cong. Rec. at 26474.

¹² 112 Cong. Rec. at 24984 (remarks of Rep. Wright Patman).

¹³ In March 2023, several insured depository institutions with total consolidated assets of \$100 billion or more, including Silicon Valley Bank, experienced significant withdrawals of uninsured deposits in response to underlying material weaknesses in their financial position and failed. These failures highlight the need for the agencies to allocate supervisory resources with a focus on material financial risks.

⁵ See *Groos Nat'l Bank v. OCC*, 573 F.2d 889, 897 (5th Cir. 1978) ("The phrase 'unsafe or unsound banking practice' is widely used in the regulatory statutes and in case law, and one of the purposes of the banking acts is clearly to commit the progressive definition and eradication of such practices to the expertise of the appropriate regulatory agencies.").

⁶ 12 U.S.C. 1818(a)(2)–(3) ("If the [FDIC] Board of Directors determines that an insured depository institution or the directors or trustees of an insured depository institution have engaged or are engaging in unsafe or unsound practices in conducting the business of the depository institution . . . the [FDIC] Board of Directors may issue an order terminating the insured status of such depository institution effective as of a date subsequent to such finding.").

unsafe or unsound only where they are likely to materially harm the financial condition of an institution, are likely to present a material risk of loss to the DIF, or have materially harmed the financial condition of the institution. This definition will focus institution and examiner attention on material financial risks facing an institution and otherwise provide the institution's board of directors and management the flexibility to enact decisions based on their business judgment and risk tolerance.

Therefore, as explained further below, in the final rule, the agencies define the term unsafe or unsound practice to mean a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that (1) is contrary to generally accepted standards of prudent operation; and (2)(i) if continued, is likely to (A) materially harm the financial condition of the institution; or (B) present a material risk of loss to the DIF; or (ii) materially harmed the financial condition of the institution. This regulatory definition will provide greater consistency for institutions and appropriately focus supervisory and institution resources on the most critical financial risks to institutions and the financial system.

As in the proposal, the definition of "unsafe or unsound practice" in the final rule applies to the agencies' supervisory and enforcement activities prospectively only. Moreover, it does not apply to the agencies' rulemaking activities or authority. The agencies are making one technical change to the definition of unsafe or unsound practice in the final rule. Specifically, the definition of unsafe or unsound practices in the proposed rule would have applied to the agencies' supervisory and enforcement activities under 12 U.S.C. 1818. In the final rule, the agencies modified this language to refer separately to the agencies' "supervisory activities" and the agencies' "enforcement actions under 12 U.S.C. 1818." This change reflects that the agencies do not engage in supervisory activities under 12 U.S.C. 1818, and it is not a substantive change from the proposed definition. In addition to enforcement actions under 12 U.S.C. 1818, the agencies identify unsafe or unsound practices as supervisory findings in other communications, including reports of examination, supervisory letters, and informal enforcement actions. These identified unsafe or unsound practices sometimes establish a record for a later

enforcement action under 12 U.S.C. 1818.¹⁴

Scope. The proposed rule would have applied to the agencies' enforcement and supervisory actions taken against an institution or an institution-affiliated party. The agencies requested comment on the effect the proposed rule would have on the agencies' ability to address misconduct by institution-affiliated parties under their enforcement and supervisory authority, and the agencies carefully considered the comments received.¹⁵ A few commenters asserted that the proposed definition of unsafe or unsound practice would impede the agencies' ability to take appropriate enforcement actions against institution-affiliated parties that are affiliated with large institutions, even when an institution-affiliated party's actions result in a sizeable loss. Because the definition of unsafe or unsound practice would require that actions be likely to cause material harm to the financial condition of an institution or present a material risk of loss to the DIF, it would be rare that the actions of an institution-affiliated party could cause such harm to a large institution.

As proposed, the unsafe or unsound practice definition could result in enforcement actions against institution-affiliated parties being influenced by factors unrelated to the gravity of the misconduct, such as the asset size or staffing numbers of the institution with which a party is affiliated at the time of the misconduct. Given that an institution-affiliated party's misconduct would be confined to the relative scope of the party's responsibilities and sphere of influence at the institution, such misconduct may not materially impact the overall financial condition of the institution. Moreover, individuals who are institution-affiliated parties may move between institutions of various sizes. The application of this rule to institution-affiliated parties could allow an individual to engage in misconduct (e.g., failing to appropriately underwrite loans or secure collateral) at a large institution without any remedy or recourse. The individual could then

move to a smaller institution and engage in the same conduct.

Although the proposed rule attempted to create a single, uniform standard for the phrase "unsafe or unsound practice" that could be used in the context of enforcement actions under 12 U.S.C. 1818 and supervisory activities, the agencies recognize that applying a single uniform definition to both institutions and institution-affiliated parties could fail to account for differences in the agencies' supervisory objectives. Given this potential to impede, or distort incentives regarding, enforcement actions against institution-affiliated parties and that the primary purpose of this rulemaking was to address the agencies' supervisory and enforcement activities with respect to their supervised institutions, the agencies are not finalizing the rule's application to institution-affiliated parties.¹⁶ The agencies are adding a new paragraph to the final rule to codify the refined scope of the rule.

Practice. The proposed rule defined an unsafe or unsound practice for purposes of 12 U.S.C. 1818 to apply to a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that meet the other requirements of the definition. A few commenters asserted that the best reading of section 8 of the FDI Act is that the term "unsafe or unsound practice" applies only to practices, but not individual acts or failures to act, and that the final rule should apply only to practices that meet the criteria of the regulatory definition. Another commenter suggested that the agencies not consider an isolated or technical incident a "practice."

Under the final rule, like the proposal, a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act could be considered an unsafe or unsound practice. An individual act or failure to act may constitute an unsafe or unsound practice. Twelve U.S.C. 1818(b) provides that an agency may issue a cease-and desist order when an institution is engaging or has engaged, or the agency has reasonable cause to believe that the institution is about to engage, in an unsafe or unsound practice in conducting the business of the institution. For example, poor underwriting may constitute an unsafe or unsound practice. By making a loan that is poorly underwritten, an institution would have engaged in an

¹⁴ The agencies' identification of an unsafe or unsound practice is distinct from standards for safety and soundness that the agencies are required to issue pursuant to 12 U.S.C. 1831p-1. See 12 CFR parts 30, 364.

¹⁵ One commenter suggested that the agencies should not deem directors to have engaged in an unsafe or unsound practice because they approved a loan or an institution policy or practice unless said approval violated their fiduciary duties under state law. The agencies decline to adopt this suggestion, as unsafe or unsound practices and breaches of fiduciary duty are two distinct concepts.

¹⁶ Enforcement actions against institution-affiliated parties will continue to be handled under the agencies' prior standards and procedures and subject to controlling appellate case law.

unsafe or unsound practice to the extent it otherwise met the definition of an unsafe or unsound practice.

Whether an individual act or omission, as opposed to a pattern of conduct, could result in likely material harm to the financial condition of the institution is generally an academic question. In certain cases, a single event can materially impact the safety and soundness of an institution. But a single event could readily be described as multiple events, making the distinction between a single act or multiple acts that constitute a practice not useful. For example, if an institution agrees to purchase a portfolio of loans and weaknesses in one loan in the portfolio is likely to result in a material financial loss to the institution, the decision and act of purchasing the loan would be considered an outgrowth of the institution's lending practices. Accordingly, the term "unsafe or unsound practice" in section 8 of the FDI Act, as reflected in the final rule, applies to practices, acts, or failures to act, alone or together with one or more other practices, acts, or failures to act.¹⁷ If an act or failure to act materially harmed the financial condition of an institution and met other requirements of the regulatory definition, such an incident would be considered an unsafe or unsound practice.¹⁸

Imprudence. Consistent with the Horne Standard, the agencies proposed that a practice, act, or failure to act would have to be contrary to generally accepted standards of prudent operation to be considered an unsafe or unsound practice.¹⁹ A practice, act, or failure to act could only have been considered an unsafe or unsound practice if it deviated from generally accepted standards of prudent operation (and otherwise met the proposed definition).²⁰ Two

commenters recommended that the agencies revise the definition of unsafe or unsound practice to not require a finding that an institution acted contrary to generally accepted standards of prudent operation. Removal of the generally accepted standards provision could result in strict liability for assuming a risk of likely material harm to the financial condition of the institution. Consistent with the Horne Standard and relevant caselaw, a determination that a practice, act, or failure to act is unsafe or unsound is most appropriately found when the institution acted contrary to generally accepted standards of prudent operation.²¹ The agencies also acknowledge that an essential role of institutions is to identify, measure, incur, and manage risk. As provided in the proposal, the agencies do not intend to take enforcement actions under section 8 of the FDI Act for prudent operations merely because they result in risk-taking. Under the final rule, a practice, act, or failure to act will only be considered an unsafe or unsound practice if it deviates from generally accepted standards of prudent operation (and otherwise meets the definition). For these reasons, the agencies are adopting the requirement that for a practice, act, or failure to act to be considered unsafe or unsound, it must be contrary to generally accepted standards of prudent operation.

Several commenters requested that the agencies clarify what constitutes generally accepted standards of prudent operations. One commenter requested that the agencies codify a list of generally accepted standards of prudent operation and commit to publish any updates to these standards. Some commenters requested clarification specifically regarding emerging risks

and novel activities. One commenter requested clarification on what would qualify as a deviation from generally accepted standards of prudent operations. Another commenter requested that the agencies establish a safe harbor or include a rebuttable presumption regarding when an institution may be presumed to be acting in accordance with generally accepted standards of prudent operation. Finally, one commenter requested that the agencies clarify that best practices, including those identified through horizontal reviews, should not be the basis for findings of imprudent practices.

The agencies decline to codify a list of or adopt a bright line for generally accepted standards of prudent operation, which are concepts the agencies consider to be a matter of examiner judgment, based on objective facts and sound reasoning. Further, as discussed below, the agencies' expectations for what they consider to be generally accepted standards for prudent operation will be tailored based on the risks associated with an institution's capital structure, complexity, activities, asset size, and other financial risk-related factors. As the risk associated with these factors for an institution increases, the agencies' expectations for that institution's prudent operations would also increase.

The agencies agree with commenters that pointed out that generally accepted standards of prudent operation do not require an institution to adopt what the agencies consider to be best practices, including those practices identified in horizontal reviews of peer institutions. The agencies reserve the right to determine whether widespread practices are generally imprudent, taking into account the facts and circumstances, based on objective facts and sound reasoning.

For these reasons, the agencies are adopting the requirement that, for practices, acts, or failures to act to be considered unsafe or unsound, they must be contrary to generally accepted standards of prudent operation. The agencies also note that practices, acts, or failures to act that are imprudent, without more, would not be considered unsafe or unsound practices unless they also satisfied the other prong of the definition.

Likely. To qualify as an unsafe or unsound practice under the proposed definition, it also would have had to be likely—as opposed to, for example, merely possible—that the practice, act, or failure to act, if continued, would materially harm the financial condition of the institution or present a material

¹⁷ The language of paragraph (b) of the final rule—"together with one or more other practices, acts, or failures to act"—emphasizes the interconnectivity between individual acts or failures to act with other institution practices, acts, and failures to act.

¹⁸ The agencies could nonetheless exercise their discretion regarding whether it would be appropriate to take an enforcement action in response to an isolated or technical incident.

¹⁹ See, e.g., *Frontier State Bank Okla. City, Okla. v. FDIC*, 702 F.3d 588, 604 (10th Cir. 2012) (citing *Simpson v. OTS*, 29 F.3d 1418, 1425 (9th Cir. 1994)).

²⁰ The agencies decline to adopt a commenter's recommendation to reorder the elements of the definition of unsafe or unsound practice and the standard for the issuance of MRAs to place the generally accepted standards provision after the material harm provision. The action or inaction contrary to generally accepted standards of prudent operation is the source of the relevant risk of or actual material harm to the financial condition of an institution, and accordingly, should be enumerated first. As the agencies implement the

final rule, they will provide training for examiners that will, among other things, indicate that a practice cannot be considered unsafe or unsound or support the issuance of an MRA solely on the basis of likely or actual material harm to the financial condition of an institution.

²¹ One commenter suggested that the agencies' adoption of a requirement that unsafe or unsound practices be contrary to generally accepted standards of prudent operation may be inconsistent with the Fifth Circuit's decision in *Gulf Fed. Sav. & Loan Assoc. of Jefferson Parish*, 651 F.2d at 264–265. The agencies do not share the commenter's reading of the case. As described above, the *Gulf Fed.* court cited the Horne Standard, including the statement that an unsafe or unsound practice is one "which is contrary to generally accepted standards of prudent operation," as the "authoritative definition." The *Gulf Fed.* case otherwise does not focus on this part of the definition. In a later case, *MC Corp Financial, Inc. v. Board of Governors Federal Reserve System of U.S.*, 900 F.2d 852, 863 (5th Cir. 1990), the Fifth Circuit explicitly relied on the generally accepted standards of prudent operation requirement in the Horne Standard.

risk of loss to the DIF. As explained in the proposal, the agencies believed that including the term “if continued” was important to allow for identification of an unsafe or unsound practice before it impacts an institution’s financial condition. However, conduct would have had to be sufficiently proximate to material harm to an institution’s financial condition to meet the proposed definition.²² Moreover, the agencies invited comment on, but did not propose, more precisely defining the requisite likelihood under the proposed definition, such as through a minimum percentage (e.g., 10 percent, 51 percent).

Many commenters opined on “likely” as the proposed probability threshold for unsafe or unsound practices. Some commenters suggested that the agencies specify that “likely” has the same meaning as “more likely than not” or a likelihood of at least 51 percent.²³ One commenter noted that a potential meaning of likely is not just probable but “very probable.”

Other commenters suggested that the agencies should not quantify a specific threshold for harm to qualify as “likely.” These commenters suggested that precise quantification as to the likelihood of future events is not possible and would not be credible. Further, a commenter suggested that quantifying a threshold for harm to be considered “likely” could introduce unnecessary complications and legal risk because likelihood is often qualitative and context dependent.

One commenter asserted, however, that it should be insufficient for the nexus between an imprudent practice and material financial harm to be conclusory or speculative. Some commenters suggested that the agencies identify a time horizon over which material financial harm must be likely.²⁴

One commenter suggested that harm must be “imminent” or “near imminent,” as opposed to speculative. One commenter suggested that, without a defined time horizon, the likelihood of material financial harm based on a practice differs.

Some comments opposed “likely” as the applicable probability threshold for an unsafe or unsound practice. A few commenters indicated that if the supervisory process only stepped in when material harm already is likely, that would often be too late to prevent the material harm, thereby making the process pointless. Other commenters suggested a “likely” standard would prevent the agencies from addressing low-probability, high-impact risks or preclude reasonable supervisory activities to proactively address risks.

Some commenters suggested alternatives to “likely” as the appropriate threshold for the likelihood necessary for an unsafe or unsound practice. A few commenters suggested “reasonably foreseeable” as the appropriate standard. These commenters pointed out that a risk can be excessive, unsafe, and unsound without a likely bad outcome and noted that “reasonably foreseeable” is more frequently used as a standard in legal contexts. Other commenters stated that Chairman Horne used “possible consequences” to refer to the probability of harm necessary for an unsafe or unsound practice. One commenter suggested that the agencies consider “under stress conditions that are plausible” as the appropriate standard, as systemic crises occur suddenly and this would allow the agencies to take proactive action. Another commenter noted that section 8 of the FDI Act provides for different probabilities of harm for different causes of action.²⁵

After consideration of these comments, the agencies are adopting “likely,” as proposed. Under this provision of the final rule, to be considered an unsafe or unsound practice, a practice, act, or failure to act, if continued, must be likely to materially harm the financial condition of the institution or present a material risk of loss to the DIF. The agencies

not permit the agencies to identify an unsafe or unsound practice based on the mere possibility that the continuation of a practice, act, or failure to act would cause material harm to the financial condition of an institution.

²⁵ See 12 U.S.C. 1818(e) (removal where unsafe or unsound practice “could” prejudice depositors), (i)(B)(ii)(II) (removal where unsafe or unsound practice “will probably” result in financial loss or other damage to an institution). The agencies adoption of the final rule does not affect the fact that any statutory requirements must be met for the agencies to pursue an enforcement action.

considered commenter suggestions for different standards and ultimately determined that “likely” struck the right balance in terms of probability, clarity, and simplicity. This standard is sufficient to confirm that the agencies do not intend to identify unsafe or unsound practices by extrapolating from deficient conduct that could potentially result in, alone or in combination with other factors or events, material harm to the financial condition of an institution but is not likely to do so. The probability that a practice, act, or failure to act, if continued, will materially harm the financial condition of the institution or present a material risk of loss to the DIF must be more than speculative or merely possible. At the same time, a “likely” standard acknowledges that it is impossible to quantify the probability of future events with precision, such as by requiring that a specific result is more likely than not to occur. For the same reasons, the agencies decline to adopt a quantitative threshold for a result to be likely or identify a time horizon on which a result must be likely to occur. The agencies did not specify a time horizon over which the requisite harm could occur, as the appropriate time horizon would be a fact-specific determination based on multiple factors, including the certainty of projected conditions or harm and the magnitude of potential harm.

Harm to financial condition. Under the proposal, an unsafe or unsound practice would have included a practice, act, or failure to act that, if continued, was likely to materially harm the financial condition of an institution. In the preamble to the proposal, the agencies explained that they believed that harm to financial condition included practices, acts, or failures to act that are likely to directly, clearly, and predictably impact an institution’s capital, asset quality, earnings, liquidity, or sensitivity to market risk. One commenter suggested that the agencies add this concept to the regulatory text to prevent reputational or other non-financial impacts from being considered. As described in section III.C of this preamble, the agencies have added paragraph (d) of the final rule to clarify that “[h]arm to financial condition refers to financial losses or other negative impacts to an institution’s capital, asset quality, earnings, liquidity, or sensitivity to market risk.” In addition, described in section III.D of this preamble, the agencies are adding a provision to require that examiner determinations with respect to unsafe or unsound

²² Additionally, under the proposal, practices, acts, or failures to act that have already caused material harm to the financial condition of the institution would not have to meet the “likely” standard, as there would be certainty with respect to the harm.

²³ One commenter indicated that defining likely to mean “probably” or “more likely than not” was most in line with certain case law, citing to *Michael v. FDIC*, 687 F.3d 337, 349 (7th Cir. 2012). The cited case, however, does not use these terms to refer to the standard for what constitutes an unsafe or unsound practice generally and instead refers to the specific requirement in 12 U.S.C. 1818(e)(1) that permits removal and prohibition of an institution-affiliated party when, inter alia, by reason of the party’s conduct an institution “has suffered or will probably suffer financial loss or other damage.”

²⁴ One commenter requested the agencies clarify the “if continued” language in the proposed definition of unsafe or unsound practice. Under the final rule, the agencies will use objective facts and sound reasoning to determine whether a practice, act, or failure to act, if continued, is likely to cause the requisite harm. The words “if continued” do

practices, as well as MRAs, are based on objective facts and sound reasoning.

Materiality. The proposed standard for unsafe or unsound practices would have applied to practices, acts, or failures to act that, if continued, were likely to materially harm the financial condition of an institution or that had already resulted in actual material harm to the institution. The preamble to the proposal explained that neither actual but non-material financial losses to the institution nor risks of minor harm to an institution's financial condition, even if imminent, would have been sufficient to meet the proposed standard.

Many commenters commented on the concept of materiality. Some of these commenters asserted that the agencies should define material or provide more information regarding when the agencies would consider financial harm to be material. Commenter suggestions for how the agencies should define materiality varied widely.²⁶

A few commenters indicated that the agencies' consideration of materiality should focus on whether practices, acts, or failures to act are likely to threaten an institution's financial integrity or financial stability, or call into question the ability of the institution to continue to conduct its business. These commenters indicated that defining materiality in this manner would better align with case law.²⁷ One commenter suggested that the agencies define material harm as harm that, in conjunction with the reasonably foreseeable operational and economic conditions that the institution is likely to be subject to, causes an institution to

no longer be financially viable or to impose a loss on the DIF.

A few commenters suggested the agencies specify concrete, absolute dollar floors or percentages for harm that would be considered material, such as a specified basis point reduction in common equity tier 1 capital or an amount that could endanger the supervised institution's adequately capitalized status. One the other hand, one commenter suggested that the agencies should not adopt a quantitative threshold for materiality to allow the agencies to consider all aspects of harm, while another commenter suggested that the threshold for material harm should not be defined too narrowly, as it may constrain the agencies' ability to respond to emerging risks.

One commenter recommended clarifying that "material risk" must be tied to objective, demonstrable impacts on solvency, liquidity, capital, operations, or compliance—not reputational theories. Another commenter requested a concrete definition to ensure the definition is not susceptible in the future to regulatory drift that would include immaterial process or documentation issues. Other commenters suggested that any definition of material should consider the systemic impact caused by the bank's action. One commenter expressed that large banks, specifically, could be causing or distributing a problem but may not be directly financially impacted enough by their actions.

Several commenters proposed that the agencies use a term other than material to describe the threshold for potential or actual harm to the financial condition of an institution necessary to constitute an unsafe or unsound practice. One commenter suggested "undue" be used instead of material because it would preclude actions against a wide range of imprudent activities. A few commenters referred to "abnormal" as the threshold for risk or damage referred to by Chairman Horne in his statement.

Several commenters expressed disagreement with the materiality threshold. One commenter stated the standard would disproportionately affect smaller institutions while providing few scenarios to apply to larger institutions. Several commenters expressed concern that the new standard would permit banks to take too much risk or would prevent the agencies from intervening to correct bank deficiencies before there is a likelihood of material harm to financial condition.

After consideration of these comments, the agencies have determined to adopt materiality as the

appropriate threshold for potential or actual harm to the financial condition of an institution for practices, acts, or failures to act to be considered an unsafe or unsound practice. This threshold strikes the right balance between permitting both small and large institutions to take on appropriate risks in line with their business judgment, while focusing supervisory resources on serious financial risks. Some alternative suggestions, such as abnormal or undue risk, would not add clarity as compared to material financial risk and may cause confusion between the concepts of financial risk and practices that are opposed to generally accepted standards of prudent operation. In addition, as described above, systemic risk is a separate concept from safety and soundness and the scope of this rulemaking. The agencies also decline to adopt a quantitative definition for what qualifies as material because assessment of what qualifies as material harm to the financial condition of an institution relies on examiner judgement, based on objective facts and sound reasoning, as described in section III.D of this preamble.

Some commenters expressed concern that the proposed definition of unsafe or unsound practices would be insufficient to address imprudent practices by large or complex institutions. As discussed further below, the agencies' expectations for what they consider to be material harm to the financial condition of an institution will be tailored based on the risks associated with the institution's capital structure, complexity, activities, asset size, and other financial risk-related factors. Specifically, as the risk associated with the factors identified in the tailoring provision increases, the threshold for materiality of the harm to the financial condition of an institution that constitutes an unsafe or unsound practice or warrants an MRA decreases and the assessment of the harm to the financial condition of institution becomes more granular (e.g., specific business lines, products, or services).

As noted in the preamble to the proposal, the agencies acknowledge that, in limited circumstances, other practices, acts, or failures to act may be captured because, if continued, they are likely to result in material harm to an institution's financial condition. For example, a significant risk of disruption of an institution's operations through its information technology systems may, in some cases, be likely to cause material financial harm. Whether a cybersecurity vulnerability would meet the definition of an unsafe or unsound practice under this rule depends on the potential

²⁶ A few commenters noted that materiality is used as a threshold under securities laws or accounting standards with varying definitions. These commenters were split as to whether it may be helpful for the agencies to refer to these definitions of materiality. In the agencies' judgment, these situations, which generally refer to the materiality of misstatements or disclosure issues, are sufficiently distinct from the materiality of harm to financial condition so as to not warrant adoption. For purposes of securities laws or accounting standards, materiality standards generally refer to the likelihood that an individual viewing disclosures will be confused. See *Basic Inc. v. Levinson*, 485 U.S. 224, 232 (1988). Materiality in this case generally refers to information that is not available to the public.

²⁷ See *Michael*, 687 F.3d at 352 (referring to "abnormal risk to the financial stability of the . . . institution"); *Johnson*, 81 F.3d at 204 (referring to practices that "threaten the financial integrity" of the institution). These commenters do not cite case law for their argument that conduct would need to be sufficient to call into question the ability of the bank to continue to conduct its business to qualify as an unsafe or unsound practice. Moreover, the agencies do not view the cited case law as necessarily requiring any question about the institution's viability.

severity and likelihood of material harm to the financial condition of the institution. Mitigating factors such as compensating controls associated with a specific gap or weakness would also be considered. As an example, weaknesses surrounding unsupported operating systems and patch management may not be readily mitigated by controls in other areas. Such weaknesses are commonly leveraged by threat actors to interrupt and exploit institutions (via ransomware, data exfiltration, etc.). Such exploits may cause direct financial harm to institutions through the denial of banking services, data exfiltration, or other damaging actions, as well as costs associated with investigating and remediating such incidents.

The standard would not include risks to the institution's reputation unrelated to financial condition.²⁸

Risk of Loss to the Deposit Insurance Fund. Under the proposal, an unsafe or unsound practice also included a practice, act, or failure to act that, if continued, was likely to negatively affect an institution's ability to avoid FDIC receivership and present a material risk of loss to the DIF as a result of the failure. For example, the failure of an institution to implement appropriate contingency funding arrangements might not pose a risk of material harm to the financial condition of the institution, but could impair the institution's liquidity under stress and thus present an increased risk to the DIF. In other words, the proposed definition was intended to capture a practice, act, or failure to act that materially increases the probability that an institution would fail and impose a material risk of loss to the DIF.

The agencies received several comments relating to the agencies' proposed treatment of the risk of loss to the DIF. Two commenters asserted that the provision on material risk of loss to the DIF is superfluous, given that a loss to the DIF necessarily entails the failure of an institution, which in turn would have experienced material harm to its financial condition. As noted in the preamble to the proposal, inadequate contingency funding arrangements could impair an institution's liquidity under stress and present a material risk to the DIF without posing a risk of material harm to the financial condition

of the institution. The agencies therefore decline to remove the DIF provision.

One commenter recommended that the agencies, when analyzing whether a practice presents "a material risk of loss to the DIF," account for factors impacting the difficulty of resolving a particular institution. The agencies decline to adopt this suggestion. Specifically, the agencies' unsafe or unsound authority under section 8 of the FDI Act and the purpose of MRAs applies to the safety and soundness of institutions that are a going concern. The agencies will not consider a material risk of loss to the DIF as a means to consider an institution's resolution planning for their wind-down as a gone concern. The agencies' consideration under this prong will generally be limited to the likelihood that an institution's going-concern practices would cause it to fail in a manner that poses a material risk of loss to the DIF.

Another commenter asserted that a small institution is incapable of presenting a material risk of loss to the DIF. The materiality threshold is based on the risk of loss, not the potential amount of loss, so a small institution could still present a material risk of loss.

Taken together, the proposed provisions related to actual or potential material harm to the financial condition of the institution and a material risk of loss to the DIF provide the agencies with sufficient latitude to address imprudent practices, acts or failures to act that pose material financial risks. Accordingly, the agencies are adopting the DIF provision as proposed.

For these reasons, the agencies are defining the term unsafe or unsound practice, for purposes of the agencies' enforcement activities under 12 U.S.C. 1818, to mean a practice, act, or failure to act, alone or together with other practices, acts, or failures to act, that (1) is contrary to generally accepted standards of prudent operation; and (2)(i) if continued, is likely to (A) materially harm the financial condition of an institution; or (B) present a material risk of loss to the DIF; or (ii) materially harmed the financial condition of the institution.

B. Matters Requiring Attention

The agencies also proposed to establish uniform standards for examiners' issuance and communication of MRAs. Specifically, the proposed rule provided that the agencies would only be permitted to issue an MRA for a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that (1)(i) is contrary to generally

accepted standards of prudent operation; and (ii)(A) if continued, could reasonably be expected to, under current or reasonably foreseeable conditions, (1) materially harm the financial condition of the institution; or (2) present a material risk of loss to the DIF; or (B) has already materially harmed the financial condition of the institution; or (2) is an actual violation of a banking or banking-related law or regulation.

The proposed standard for MRAs differed from the proposed standard for unsafe or unsound practices in two significant respects. First, for the agencies to issue an MRA if imprudent practices, acts, or failures to act continued, material harm to the financial condition of an institution would have needed to be reasonably expected to under current or reasonably foreseeable conditions result in material financial harm, which is a lower bar than the likeliness requirement for unsafe or unsound practices. Second, the agencies could have issued an MRA for an actual violation of a banking or banking-related law or regulation. With respect to common terms between the proposed MRA standard and the proposed unsafe or unsound practices standard, the agencies are adopting those portions of the proposed MRA standard for the reasons discussed in section III.A of this preamble.

Many commenters supported the agencies' proposed standard for the issuance of an MRA. One commenter suggested that the agencies clarify that MRAs are not binding orders but are a warning of a potential enforcement action if the practice or violation is not corrected within a reasonable amount of time and that failure to remediate an MRA, in and of itself is not an unsafe or unsound practice.²⁹ Under the final rule, mere failure to remediate an MRA does not constitute an unsafe or unsound practice. The agencies characterize MRAs as concerns that, in the agencies' judgment, rise to the level of requiring presentation to the board of directors and for which an institution must take corrective action.³⁰

²⁹ Another commenter recommended that the FDIC continue to refer to matters requiring correction as "Matters Requiring Board Attention," because communications that the OCC labels "matters requiring attention" are unenforceable guidance. Under the final rule, institutions will be required to take action in response to an MRA, so the FDIC declines to adopt the commenter's recommendation.

³⁰ The commenter further suggested that the agencies' respective authority to issue MRAs is based on their authority to take enforcement actions pursuant to section 8 of the FDI Act and the agencies should revise the statutory authority

²⁸ See *Gulf Fed. Sav. & Loan Assoc. of Jefferson Parish*, 651 F.2d at 264–65 ("Approving intervention under the [FHLBB]'s 'loss of public confidence' rationale would result in open-ended supervision. . . . The Board's rationale would permit it to decide, not that the public has lost confidence in Gulf Federal's financial soundness, but that the public may lose confidence in the fairness of the association's contracts with its customers.").

Reasonable Expectation of Harm

Under the proposal, for the agencies to issue an MRA if imprudent practices, acts, or failures to act continued, material harm to the financial condition of an institution would have needed to be reasonably expected to, under current or reasonably foreseeable conditions, result in material financial harm. Some commenters suggested that the agencies lower the required probability of material harm to the financial condition of the institution to promote proactive identification of risks. A few commenters indicated that the proposed MRA standard would only permit the agencies to issue an MRA in response to an unsafe or unsound practice. One commenter suggested that the agencies broaden the types of harm cognizable under the proposed MRA standard to include emerging risks that could eventually cause material financial harm to consumers. Some commenters opined that the agencies should issue MRAs to address institutions that are highly vulnerable to reasonably foreseeable economic shocks, including when institutions adopt a niche business model or have high concentrations in certain types of customers, market interest rates rise, or credit quality erodes. One commenter referred to the FDIC's post-failure review report for Signature Bank and identified scenarios in which MRAs could be issued to institutions before institutions' financial condition and performance ratios decline.

The agencies reiterate that the MRA standard of the final rule requires a lower probability of material harm to the financial condition of an institution than does the final rule's definition of unsafe or unsound practice.

section of the proposal accordingly. The agencies do not believe that any change is necessary. Through statutory examination and reporting authorities, Congress has conferred upon the agencies the authority to exercise visitatorial powers with respect to supervised institutions. 12 U.S.C. 481, 1463, 1464, 1820, 3105(c), 5412(b). The Supreme Court has indicated support for a broad reading of the agencies' visitatorial powers. *See, e.g., Cuomo v. Clearing House Ass'n, L.L.C.*, 557 U.S. 519 (2009); *United States v. Gaubert*, 499 U.S. 315 (1991); *United States v. Phila. Nat'l Bank*, 374 U.S. 321 (1963). The visitatorial powers facilitate early identification and communication of supervisory concerns that may not rise to a violation of law, unsafe or unsound banking practice, or breach of fiduciary duty under section 8 of the FDI Act. The agencies' use of MRAs to identify material financial risks, as proposed and finalized, fits squarely within the agencies' visitatorial powers. Indeed, the agencies issued MRAs or their equivalent long before Congress provided the agencies with plenary enforcement authority. *See, e.g., Comptroller of the Currency: Treasury Department, Instructions to National Bank Examiners* 17–18 (1951) (“The ‘Examiners Comments on Matters Requiring Attention’ is one of the most important sections of the report [of examination].”).

Accordingly, examiners may issue an MRA before an unsafe or unsound practice is present. With that framing in mind, the agencies are of the opinion that the MRA standard would have been capable of proactively addressing the risks that precipitated the failure of Silicon Valley Bank. As described in the preamble to the proposal, “reasonably foreseeable” does not necessarily mean the most likely future outcome and could include a range of possible outcomes. For example, throughout 2022, the agencies could have considered it “reasonably foreseeable” that the federal funds rate and other market interest rates would rise considerably, and an institution's vulnerability to a significant rise in interest rates could have been grounds for an MRA. As described in section III.D of this preamble, examiners' determination that a significant increase in interest rates was reasonably foreseeable would need to be based on objective facts and sound reasoning. The MRA standard of the final rule is broad enough to proactively capture priority supervisory issues and the identification of material financial risks without overbroad issuances of MRAs. The breadth of the MRA standard will allow the agencies to, as commenters suggested, address reasonably foreseeable economic shocks before they materialize and affect the financial condition of an institution. Speculative concerns about future harm, however, should not support the issuance of an MRA. Thus, whether an MRA in a specific situation would be tailored to the unique facts and circumstances at a given institution and time.

Violations of Law

The agencies proposed that examiners could issue an MRA for an actual violation of a banking or banking-related law or regulation. Many commenters offered recommendations and requests for clarification on which types of violations should support the issuance of an MRA.

Some commenters recommended that the use of violations of law to support the issuance of an MRA be limited to only “substantive” violations of law. These commenters also made suggestions for what should be considered a substantive violation of law, such as those that are systemic, recurring, or repetitive or that represent a failure of an institution to meet a key purpose of the underlying regulation or statute or have resulted in significant harm to consumers or members of a community. The agencies find that judicious use of MRAs to address violations will best position the

agencies and institutions to address institution and customer harm. Consistent with these commenters' recommendations and as described below, the agencies intend to exercise their supervisory discretion to issue MRAs for violations only in response to substantive violations, as described below.

The following four categories of violations would support the issuance of an MRA.³¹ The first category of substantive violations are violations that demonstrate a pattern or are systemic. For these purposes, a violation demonstrates a pattern if there are repeated or ongoing violations, considering the number of violations and the length of time in which the violations occurred. Systemic violations of laws or regulations are violations that are widespread or prevalent within an institution or business line.

The second category of substantive violations are violations that have, or could be reasonably expected to have, a more than minimal adverse impact on an institution's financial condition, the accuracy of the institution's books and records, or its customers. The “more than minimal” threshold for impacts or restitution is a lower threshold than “material” but excludes trivial or de minimis impacts or restitution. A violation that results in a more than minimal adverse impact on an institution's financial condition must have a direct, clear, and predictable connection between the violation and the impact on an institution. Violations that have a more than minimal impact on the books and records of an institution include the filing of inaccurate Consolidated Reports of Condition and Income, depending on the relative and absolute impact of the inaccuracy, as well as other qualitative and quantitative factors the agencies deem appropriate. A more than minimal adverse impact to customers includes both financial and nonfinancial adverse impacts to customers, with “customers” referring to applicants, current customers, and former customers protected by applicable laws or regulations.

The third category of substantive violations are violations that require, or could be reasonably expected to require, more than minimal restitution to make the recipients whole. Whether restitution is considered more than minimal is based on the reasonably expected size of the restitution

³¹ Under the agencies' substantive violation policies, examiners must review objective facts and apply sound reasoning to determine whether a violation is substantive and, in turn, supports the issuance of an MRA.

payments, the degree of the adverse impact, and the number of persons affected by the violation.

Finally, the fourth category of substantive violations are violations that involve insider misconduct or self-dealing. Examples of violations involving insider misconduct or self-dealing would include violations of any law or regulation perpetrated by an insider knowingly or for the benefit of the insider or the insider's associate.

One commenter recommended that all violations should require correction. While not every violation may be correctable, and while some de minimis violations may not warrant corrections, the agencies believe that they should retain the discretion to require institutions to correct violations of law or regulation through means other than the issuance of an MRA, when appropriate. Additionally, the agencies recognize that Federal law expressly requires the agencies to take certain actions in the event of violations (*e.g.*, the imposition of civil money penalties for violations of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (Flood Act)).³² Therefore, the agencies are adding a new paragraph to the rule to provide additional clarification regarding violations of banking or banking-related laws or regulations for which the agencies do not issue an MRA or take an enforcement action, which are referred to as "other violations." Under paragraph (h), as added to the final rule, the agencies may direct an institution to remediate "other violations" and take other actions as required by applicable state or Federal law in connection with the violation. The agencies will not direct an institution to take any action other than to remediate the violation, unless such other actions are required by applicable state or Federal law.

Violations for which the agencies do not issue an MRA can be considered in ratings determinations. Additionally, for purposes of FDIC-supervised institutions, if the FDIC determines at a subsequent examination or visitation that a supervised institution has failed to remediate any "other violations" after the FDIC has directed the institution to remediate the violation, the FDIC would be permitted to cite such an uncorrected violation as an MRA as part of the follow-up examination or visitation.

Under the proposed rule, examiners could use the violation of law prong of

the MRA standard only to issue MRAs for actual violations of law and not for violations of law that may occur in the future. One commenter expressed concern that the proposed MRA standard would not permit the agencies to cite an MRA in response to imminent violations of consumer financial protection laws. The agencies note that the final rule permits examiners to offer supervisory observations to improve an institution's policies, practices, condition, or operations, as discussed in section III.F of this preamble.³³

Some commenters recommended that only federal banking or banking-related laws, and only those that the agencies are specifically or solely authorized to enforce, should support the issuance of an MRA. Commenters also recommended that the agencies exclude principles-based requirements, such as the Interagency Guidelines Establishing Standards for Safety and Soundness, from being used to support the issuance of an MRA.³⁴ One commenter recommended that the agencies publish a list of categories of laws the agencies would generally consider to constitute "banking or banking-related laws." Another commenter argued that the exclusion of violations other than banking or banking-related laws is both inconsistent with the scope of the agencies' enforcement authority under section 8 of the FDI Act and imprudent.³⁵

For purposes of the final rule, after consideration of the comments, the agencies are retaining the words "banking or banking-related" in the final rule.³⁶ The agencies continue to believe that bank supervision, including the issuance of MRAs, should be focused on banking-related issues. While the agencies recognize that

³³ An act, practice, or failure to act that is not an actual violation of a banking or banking-related law may nonetheless support the issuance of an MRA if the act, practice, or failure to act meets the criteria of the safety and soundness prong of the MRA.

³⁴ See 12 CFR part 30, appendix A (OCC); 12 CFR part 364, appendix A (FDIC).

³⁵ As previously discussed, the agencies' authority to take an enforcement action under section 8 of the FDI Act based on violations of law is unaffected by this rulemaking, which only addresses the agencies' issuance of MRAs based on violations of law.

³⁶ Consistent with the proposal, the agencies will not issue MRAs in response to violations of Federal consumer financial laws, as defined by 12 U.S.C. 5481(14), for insured depository institution with total assets of more than \$10 billion and any affiliate thereof. See 12 U.S.C. 5515–5516. Commenter's concerns regarding the potential for increased consumer harm resulting from the focused scope of the agencies' MRA authority does not allow for the agencies to exceed their statutory authority. See *Patel v. Garland*, 596 U.S. 328, 346 (2022) (citing *Niz-Chavez v. Garland*, 593 U.S. 155, 171 (2021) and *Jay v. Boyd*, 351 U.S. 345, 357 (1956)).

greater clarity may be beneficial regarding what was intended by this phrase, the agencies believe that providing an enumerated list of all such banking or banking-related laws and regulations could be overly restrictive and could prevent the agencies from effectively implementing and examining compliance with newly-adopted laws and regulations (*e.g.*, the Guiding and Establishing National Innovation for U.S. Stablecoins Act).

Therefore, the agencies are providing a general, non-exhaustive overview of how they interpret the terms "banking or banking-related laws or regulations." Such laws or regulations involve both Federal or applicable state laws or regulations that are inherently associated with the conduct of banking or financial operations and related activities.³⁷ Certain state laws, like state legal lending limits, are relevant to the safety and soundness of state-chartered institutions and are accordingly considered banking or banking related laws or regulations.

Various categories of laws or regulations are properly classified as banking or banking-related. For example, laws or regulations that establish prudential requirements for institutions, such as the FDI Act or Regulation W, are banking or banking-related. Consumer protection laws or regulations applicable to bank products or services, like the Electronic Fund Transfer Act and the Equal Credit Opportunity Act, are also considered banking or banking-related. Anti-money laundering, counter-terrorist financing, and sanctions laws or regulations, including regulations issued by the Office of Foreign Assets Control to enforce economic and trade sanctions, are banking or banking-related as well. By contrast, laws that are wholly unrelated to the business of banking, including zoning or environmental laws and regulations would not be considered banking or banking-related, even though such laws and regulations apply to banks. The nature of other laws and regulations may be dependent on the context in which they are being applied. For example, an Internal Revenue Service (IRS) regulation requiring the delivery of tax forms to depositors or borrowers would be considered a banking or banking-related

³⁷ A State law that purports to apply to national banks, Federal savings associations, or Federal branches or agencies of a foreign bank may be preempted, for example when it prevents or significantly interferes with their exercise of Federal powers. See *Cantero v. Bank of Am., N.A.*, 602 U.S. 205 (2024); *Barnett Bank of Marion Cnty., N.A. v. Nelson*, 517 U.S. 25, 33 (1996); 12 U.S.C. 25b(b)(1)(B), 1465(a), 3102(b).

³² Depending on the facts and circumstances, a violation of the Flood Act, like any violation of a banking or banking-related law or regulation, could meet the criteria of a substantive violation.

regulation, whereas an IRS regulation requiring employers to deliver tax forms to their employees would not be considered a banking or banking-related regulation.

Nonconformance with guidelines, such as the Interagency Guidelines Establishing Standards for Safety and Soundness, is not considered a violation of banking or banking-related law or regulation.

Other Comments About MRAs

In the proposal, the agencies noted that the agencies have often kept MRAs outstanding for a prolonged period of time after an institution has fully completed its remediation of the underlying practice, act, or failure to act because examiners seek to see demonstrated sustainability of the remediation before an MRA is closed. The agencies' practice of keeping MRAs open past the point of full remediation has the potential to distract an institution's board of directors and management, as well as examiners, by inflating the number of MRAs based on practices, acts, or failures to act that have already been remediated. The agencies received many comments relating to the timeframe for remediation and closure of MRAs, the information the agencies should consider when determining whether to close an outstanding an MRA, and various ways in which the agencies can further enhance their respective supervisory frameworks. The agencies have determined that these suggestions, where warranted, would be best incorporated outside of the context of this rulemaking. Moreover, experience with administering the supervisory and enforcement framework described in the final rule will inform future agency deliberations on whether revisions to the framework, consistent with these comments, are advisable.³⁸

C. Harm to Financial Condition

As described above, the agencies have added paragraph (d) of the final rule to clarify that "[h]arm to financial condition refers to financial losses or other negative impacts to an institution's capital, asset quality, earnings, liquidity, or sensitivity to market risk." This codifies language included in the preamble to the proposal and defines harm to financial

condition for purposes of the agencies' definition of unsafe or unsound practices definition and MRA standard. A commenter suggested that the agencies codify this definition of harm to financial condition.

Some commenters recommended that the agencies make revisions in the final rule to capture consumer harm, other than consumer harm that results from a violation of law or regulation, which may be covered by the violation of law prong of the MRA standard. The agencies decline to adopt this suggestion, as it is beyond the scope of the agencies' statutory authorities underlying the rulemaking. Consumer harm will be captured under the final rule to the extent the underlying issues result in safety and soundness concerns or violations of law or regulation that meet the requisite standards described above.

D. Basis for Agency Determinations

The preamble to the proposed rule explained that the agencies proposed to rely on examiner judgment, based on objective facts and sound reasoning, to determine whether a practice, act, or failure to act met the criteria for the issuance of an MRA. Many commenters supported the agencies' proposed reliance on objective facts and sound reasoning to determine not only whether the criteria for the issuance of an MRA are met but also whether the criteria for the definition of unsafe or unsound practice are met. The agencies agree with these commenters and have added at paragraph (f) in the final rule a statement that the agencies will use objective facts and sound reasoning to determine whether, in accordance with the requirements of the rule, the agencies may take an enforcement action based on an unsafe or unsound practice under 12 U.S.C. 1818 or issue a matter requiring attention.

To further promote objectivity and consistency, several commenters suggested that the agencies require examiners to provide demonstrable and quantifiable evidence to determine whether the criteria for the definition of unsafe or unsound practice or the issuance of an MRA are met. Other commenters, however, objected to requiring examiners to quantify the probability and materiality of harm, as the difficulty in making such predictions would make a quantification requirement difficult to administer and speculative in nature. The agencies agree with commenters that examiners must share with an institution the basis for their identification of an unsafe or unsound practice or the issuance of an MRA. However, the agencies also agree

that a quantification requirement would give a false sense of precision due to its reliance on subjective assumptions rather than empirical evidence. Essentially, a quantification requirement would not solve for the inherent uncertainty regarding whether an institution will suffer material harm in the future. Accordingly, the agencies decline to require examiners to provide quantitative support for the identification of an unsafe or unsound practice or the issuance of an MRA.

For the same reasons, the agencies decline to adopt commenter suggestions for the agencies to codify a burden of proof or burden of persuasion requirement. Instead, examiners must justify their determination that a practice, act, or failure to act is unsafe or unsound or meets the standard for the issuance of an MRA based on objective facts and sound reasoning. In addition to providing an institution with information about the basis for an unsafe or unsound practice or MRA, including a sound justification within a report of examination or supervisory letter will help inform an institution's reasoned consideration of whether to appeal an MRA or other material supervisory determination and assist the agencies in administering appeals.³⁹

E. Tailoring

Under paragraph (d) of the proposal, the agencies would have tailored their supervisory and enforcement actions under 12 U.S.C. 1818 and their issuance of MRAs based on the capital structure, riskiness, complexity, activities, asset size, and any financial risk-related factor that the agencies deemed appropriate.⁴⁰ This included tailoring with respect to the requirements or expectations set forth in such actions as well as whether, and the extent to which, such actions are taken. The agencies explained that they expected that finding an unsafe or unsound practice would be a much higher bar for a community bank than for a larger institution when considered against the overall operations of the institution.

Some commenters discussed the proposed tailoring standard, with many of these commenters generally in favor of the use of tailoring. For example, one commenter noted that tailoring is essential and reflects supervisory best practices. Tailoring what is considered "material harm" for each institution

³⁸ One commenter requested that the agencies issue a request for information (RFI) in approximately 36 months of implementing the final rule to determine whether additional revisions to the agencies' supervisory or enforcement standards are needed to effectuate the goals of the rulemaking. The agencies cannot at this time commit to issuing such an RFI but will consider institutions' feedback on the final rule, once implemented.

³⁹ The FDIC recently published *Guidelines for Appeals of Material Supervisory Determinations*, 91 FR 3184 (Jan. 26, 2026). The OCC recently published a proposed rule regarding the *Bank Appeals Process*, 91 FR 7163 (Feb. 17, 2026).

⁴⁰ Paragraph (d) of the proposal will be redesignated as paragraph (e) in the final rule.

will, in the words of the commenter, improve supervisory effectiveness and ensure proportionate supervision. Another commenter, however, opposed the use of tailoring generally, stating that the codification of a tailoring requirement could be used as a deregulatory lever and noting that supervision is already risk-based and proportionate in practice. The tailoring provision in the final rule ensures risk-based supervision as it relates to unsafe or unsound practices and MRAs.

In addition to general views on tailoring, commenters expressed concern with certain aspects of the tailoring standard. Specifically, several commenters expressed concern regarding the statement in the preamble to the proposal that finding an unsafe or unsound practice or concluding that an MRA was warranted would be a higher bar for a community bank than for a larger institution. One of those commenters believed that statement was counterintuitive and suggested that the agencies simply state that a risk-based approach would result in materiality being based on an institution's risk profile. Another commenter recommended that the agencies clarify that the tailoring standard would be implemented consistent with risk-based supervision, that is, tailored to each bank's size, complexity, and business model. Additionally, in that commenter's view, the rule should consider the strength of the institution's capital and liquidity levels.⁴¹ Another commenter suggested that the agencies provide additional clarity as to supervisory expectations and requirements that are proportionate to community banks' lower level of complexity and risk to the banking system, to ensure consistent and appropriate supervision of community banks. Alternatively, this commenter stated that the agencies could revise the tailoring framework by establishing tiers based on asset size and complexity. Another commenter said that the proposal would seem to impose higher standards on smaller banks, rather than the lower standard noted in the proposal, and that the proposal would allow greater relative risk at smaller institutions. As described in more detail below, the agencies have added a paragraph to the final rule to further explain how the tailoring provisions

would apply to institutions of different asset size, complexity, and risk profile.

A commenter expressed concerns that the proposed tailoring standard would not require examiners to show how they applied tailoring. The commenter recommended that the agencies publish tailoring guidance—such as an illustrative matrix showing asset or complexity bands and how supervisory expectations change by band—and require examiners to describe in reports of examinations how the examiners applied tailoring. Another commenter suggested the agencies establish tiers based on asset size and complexity to ensure that the concepts of material harm would be appropriately scaled across community banks, midsize banks, and large banks. The commenter suggested regulatory text stating that the agencies shall ensure that supervisory expectations and requirements are proportionate to community banks' lower level of complexity and risk to the banking system.

Several commenters suggested that the agencies should tailor what they consider to be generally accepted standards of prudent operation. One commenter asserted that practices developed for large, highly complex, or systemically important institutions should not be treated as generalized standards applicable across the banking system.

Based on consideration of the comments, the agencies are adopting in the final rule the proposed tailoring standard with certain revisions to clarify how tailoring will work. The agencies considered the commenters' concerns, including that the proposed standard was counterintuitive and should be revised or clarified through additional guidance. For the reasons discussed below, the proposal's tailoring standard would have applied the appropriate level of rigor to community banks as well as larger institutions. The agencies have determined, however, that the proposed tailoring standard would benefit from additional clarity given the potential for confusion reflected in the comments. The benefits of additional clarity must be balanced with the need for flexibility inherent in applying the tailoring standard.

To balance these interests, the agencies decided to clarify the proposed tailoring standard by adding language to the final rule that effectively codifies the explanation provided in the preamble to the proposal. That said, the agencies determined not to develop tiers based on asset size or complexity, a matrix, or other guidance on the tailoring standard at this time because, in the agencies' view, such guidance may have an

inappropriate limiting effect on the application of examiner judgment in tailoring of supervisory activities and enforcement actions under 12 U.S.C. 1818 and issuance of MRAs. In the agencies' view, these determinations are fact specific assessments. Accordingly, the agencies determined that clarifying the tailoring standard in the final rule would provide the needed clarity without introducing an overly formulaic approach.

To provide additional clarity, the final rule explains that as the risk associated with the factors identified in the tailoring provision increases: the threshold for materiality of the harm to the financial condition of an institution that constitutes an unsafe or unsound practice or warrants an MRA decreases; the assessment of the harm to the financial condition of an institution becomes more granular (e.g., specific business lines, products, or services); and the requirements under an enforcement action or MRA relating to remediation, and the expectations regarding prudent operation, increase. Similarly, the inverse is true. As the risk associated with the factors identified in the tailoring provision decreases, the threshold for materiality of the harm to financial condition increases; the agencies will consider harm to financial condition with less granularity; and the requirements related to remediation, and expectations regarding prudent operation, decrease.

This added clarification will codify the explanation that the agencies provided in the preamble to the proposal and is responsive to many commenter suggestions. For example, as explained in the proposal, as applied to the threshold for material harm, the agencies would not expect that a particular projected percentage decrease in capital or liquidity that rises to the level of materiality for the largest institutions would necessarily also be material for community banks. Similarly, while the agencies may consider increased classified assets in a particular business line as a result of the institution's imprudent practices to warrant an MRA at the largest institutions, the agencies may consider a community bank's asset quality less granularly and consider the overall asset portfolio at the institution level. For all institutions, the agencies would not expect the assessment of the harm to the financial condition of institution to be so granular that the agencies would consider the harm to financial condition to narrow products or services that were immaterial to the institution overall. As suggested by several commenters, the added clarification explicitly confirms

⁴¹ The agencies note that consideration of the institution's capital and liquidity levels, as well as other indicators of the institution's financial condition, is generally already included in the agencies' determination to identify an unsafe or unsound practice or issue an MRA based on potential or actual material financial harm as a result of imprudent practices.

that the agencies will tailor their expectations regarding prudent operations based on an institution's asset size and other financial risk-related factors. In all, added paragraph (e)(3) provides clarity regarding how the agencies will tailor their supervisory activities and enforcement actions based on unsafe or unsound practices for community banks with a lower level of complexity and large and complex institutions.

The final rule also includes technical revisions to the tailoring provision to clarify its scope. First, as discussed above regarding paragraph (b)(1), the tailoring provision in the final rule applies to the agencies' supervisory activities and enforcement actions under 12 U.S.C. 1818. Second, the final rule would clarify that the tailoring provisions only apply to enforcement actions based on unsafe or unsound practices. Enforcement actions based on other conduct are beyond the scope of the final rule.

F. Supervisory Observations

For concerns that do not rise to the level of an MRA, the agencies proposed to continue to permit examiners to provide informal supervisory observations to enhance an institution's policies, practices, condition, or operations without a requirement for corrective action.⁴² With certain clarifications, the agencies are adopting the proposed supervisory observations standard. Supervisory observations are informal observations of objective facts identifying weaknesses in an institution's policies, practices, condition, or operations that do not rise to the level of an MRA. Unlike MRAs, there is no requirement that an institution will take corrective action in response to a supervisory observation.⁴³

With respect to the proposed supervisory observation standard, one commenter supported the proposed standard because it would reduce conflation of MRAs and other informal supervisory communications. Another commenter argued that, because the proposed rule would only result in MRAs for unsafe or unsound practices, the agencies would relegate important observations to nonbinding examiner

communications. As previously discussed, the MRA standard expands beyond conduct that is considered an unsafe or unsound practice. Supervisory concerns that do not meet the MRA standard are best addressed through the use of supervisory observations. To clarify that supervisory observations are intended to address examiner findings that do not meet the standard for the issuance of an MRA, a specific reference to the MRA standard was added to more clearly define a supervisory observation. To clarify that the weaknesses described in supervisory observations do not meet the criteria of an unsafe or unsound practice, the agencies have added paragraph (g)(1) to the final rule, which explicitly states that the paragraph defining "unsafe or unsound practices" does not apply to the supervisory observation standard.

As proposed, the agencies would not have been permitted to criticize an institution for declining to remediate a concern or weakness identified in a supervisory communication or to escalate the communication into an MRA on the sole basis of an institution's lack of adoption of an examiner's suggestion offered in multiple examination cycles. One commenter disagreed with the agencies and suggested that the agencies permit examiners to escalate supervisory observations into MRAs when an institution repeatedly declines to adopt an examiner recommendation. It is critical that institutions, and not the agencies, exercise their own judgment on whether, when, and how to enhance their policies, practices, condition, or operations, unless otherwise required by an MRA or an enforcement action.

Accordingly, supervisory observations do not warrant escalation into an MRA absent a change in the institution or its operating environment that would support the issuance of an MRA, in accordance with the final rule's standard for issuing MRAs. To the extent there is an actual or increased probability of deterioration to an institution's condition following the communication of a supervisory observation, the circumstances underlying the observation could later be the basis for an MRA or enforcement action, but only if the criteria for an MRA or enforcement action are satisfied.

The agencies indicated in the preamble to the proposed rule several limitations on how the agencies would use supervisory observations. The agencies would not be permitted to require an institution to submit an action plan to incorporate examiners' supervisory observations. Examiners

would not be permitted, and the institution would not be required, to track the institution's implementation of changes in response to supervisory observations. Although examiners would be permitted to informally make such supervisory observations to the institution's board of directors, the institution's management would not be required to present the supervisory observations to the institution's board of directors. Some commenters recommended that the agencies codify these limitations in the final rule. Codification of some of these limitations will promote transparency and clarity.⁴⁴ Accordingly, the final rule explicitly states that a supervisory observation does not create a requirement or supervisory expectation that a supervisory observation will be presented to an institution's board of directors. The agencies note that this would not prohibit an examiner from informally providing feedback regarding how an institution could address weaknesses identified in a supervisory observation. Each institution's board of directors and management, informed by supervisory observations and independent judgment, can determine whether to implement changes to enhance the institution's policies, practices, condition, or operations. Examiners could not require or suggest any expectation that the institution take any corrective action in response to a supervisory observation.⁴⁵ However, consistent with the proposal, the agencies can use the information underlying supervisory observations to support assigned ratings.

G. Other Comments Received

The agencies received various other comments on the proposed rulemaking. Many of these commenters suggested other reforms to the agencies' supervisory and enforcement action processes. Some commenters addressed the agencies' suggestion in the preamble to the proposal that the agencies require any downgrade to a CAMELS composite rating under the Uniform Interagency

⁴⁴ The agencies will oversee the implementation of the supervisory observation framework to promote effective use of supervisory observations by examiners, consistent with the requirements of the final rule.

⁴⁵ As a corollary of there being no requirement or supervisory expectation that an institution will take corrective action in response to a supervisory observation, the institution will not be required to submit an action plan to address a supervisory observation or track the implementation of a voluntary decision to address a supervisory observation. Examiners will also be prohibited from tracking the institution's voluntary implementation of changes in response to a supervisory observation, outside of normal recordkeeping related to examinations.

⁴² Consistent with the proposal, supervisory observations are separate and distinct from requirements that the agencies impose in connection with an application, notice, or other request, including through a condition imposed in writing under 12 U.S.C. 1818.

⁴³ To the extent a supervisory observation would refer to a violation of a banking or banking-related law or regulation for which the agencies do not take an enforcement action or issue an MRA, paragraph (h) of the final rule would allow the agencies to require the institution to remediate the violation.

Rating System of 3 or below to be accompanied by an MRA or enforcement action. Upon further consideration, the agencies have determined this proposal, as well as other reforms to the agencies' supervisory and enforcement action processes beyond the identification of unsafe or unsound practices and issuance of MRAs, is beyond the scope of this rulemaking.⁴⁶ The agencies will consider these comments, as appropriate, when considering other changes to their supervisory and enforcement action processes.

IV. Impact Analysis

OCC Expected Effects

A. Introduction

The OCC is issuing a final rule to establish certain definitions and standards for certain OCC supervisory activities and enforcement actions against an institution that is a national bank, Federal savings association, or Federal branch or agency of a foreign bank (collectively, institutions). The rule will establish a regulatory definition for the term "unsafe or unsound practice," a revised standard for the issuance of MRAs, and other supervisory tools to ensure that institutions prioritize material financial risks.

B. Regulatory Baseline

The OCC assumes that the various courts' definitions of the term "unsafe or unsound practice" and the OCC supervisory standards, including its MRA standard, in effect immediately before the OCC proposed this rule are the relevant regulatory baselines.

C. Background

As previously discussed, the OCC is issuing this final rule to promote greater clarity and certainty regarding certain enforcement and supervision standards and to ensure that examiners and institutions prioritize material financial risks. The final rule establishes for OCC-supervised institutions a uniform definition for the term "unsafe or unsound practice" for purposes of enforcement actions under 12 U.S.C.

1818 and supervisory activities. Additionally, the final rule establishes uniform standards for when and how the agencies may communicate MRAs and "other violations" as part of the examination process. Furthermore, the final rule also clarifies how the OCC will tailor its supervisory activities and enforcement actions based on unsafe or unsound practices and its issuance of MRAs. Finally, the final rule permits the OCC examiners to offer informal observations, referred to as "supervisory observations," to institutions.

D. Parties Affected by the Final Rule

The OCC currently supervises 986 institutions.⁴⁷ Because all OCC-supervised institutions were subject to the supervisory and enforcement standards in effect immediately before the OCC proposed this rule, the rule would affect all 986 institutions the OCC supervises.

E. Costs and Benefits

i. Cost Savings From Decreased Regulatory Compliance Burden

The final rule would result in several direct benefits to institutions, namely, significant cost and time savings to institutions. Additionally, the final rule does not impose new mandates or costs related thereto on institutions.

Under the final rule, the OCC expects that it will issue fewer MRAs and take fewer enforcement actions under 12 U.S.C. 1818 on the basis of an unsafe or unsound practice. As a result, institutions would have fewer MRAs and enforcement actions to address and remediate. Institutions can incur significant direct costs arising from MRAs and enforcement actions. For example, in response to an MRA or an enforcement action, some institutions hire external consultants, for which hourly rates can range from between \$300 to \$1,200 an hour for top-tier firms or \$150 to \$300 an hour for lower-tier firms, or financial advisory firms that charge institutions \$250 to \$550 per hour.⁴⁸ To the extent that there may be less need for consultants, institutions

will directly benefit from consultant cost savings.

In addition to consultant fees, institutions incur other direct costs to successfully address MRAs and enforcement actions, including the payment of civil money penalties. These costs may include increased hiring and retention of appropriately qualified employees, training for existing employees, time expenditure of employees (which may include time spent addressing MRAs and enforcement actions, time by management and the board to review and approve changes made, time spent working with external consultants, time conducting internal audit verification, and time spent in partnership with the OCC in ongoing follow up communications and examinations specific to the issue), updating processes and procedures, and addressing the supervisory concern that is the basis of the MRA or the enforcement action. If the MRA or enforcement action has to do with institution systems or infrastructure, these costs could include technology costs, which could be very costly expenditures. If institutions do not appropriately address MRAs and enforcement actions in a timely fashion, they may also incur additional fines and penalties⁴⁹ on top of the costs to remediate the issue itself.⁵⁰

While it would be difficult to precisely quantify the overall aggregate annual direct cost savings to institutions, the OCC expects that cost savings will likely exceed \$100 million due to the decrease in the number of MRAs issued to institutions. In addition to the significant direct cost savings described above, institutions could potentially experience several indirect benefits, including clarity regarding, and consistent application of MRA or enforcement concerns, as well as less staffing turnover.

⁴⁹ To reiterate, under the final rule, an institution's mere failure to remediate an MRA does not constitute an unsafe or unsound practice.

⁵⁰ See Perry Menezes et al., CSO, *How Financial Institutions Can Reduce Security and Other Risks from MRAs* (Aug. 29, 2023), [https://www.csoonline.com/article/650386/how-financial-institutions-can-reduce-security-and-other-risks-from-mras.html#:~:text=MRAs%20are%20expensive,has%20not%20done%20its%20job;See%20also%20Monticello%20Consulting%20Group,%20Building%20Regulatory%20Resilience%20A%20Deeper%20Look%20into%20Consent%20Orders%20&%20MRAs%20\(Apr.%202021\),https://www.monticellocc.com/blog/2021/04/20/building-regulatory-resilience-a-deeper-look-into-consent-orders-mras#_ftn2](https://www.csoonline.com/article/650386/how-financial-institutions-can-reduce-security-and-other-risks-from-mras.html#:~:text=MRAs%20are%20expensive,has%20not%20done%20its%20job;See%20also%20Monticello%20Consulting%20Group,%20Building%20Regulatory%20Resilience%20A%20Deeper%20Look%20into%20Consent%20Orders%20&%20MRAs%20(Apr.%202021),https://www.monticellocc.com/blog/2021/04/20/building-regulatory-resilience-a-deeper-look-into-consent-orders-mras#_ftn2) (stating that the largest banks in the United States have incurred almost \$200 billion in aggregate fines and penalties during a 20-year period ending around early 2021).

⁴⁶ On May 19, 2026, the Federal Financial Institutions Examination Council (FFIEC) published a proposed notice to request comment on proposed revisions to the CAMELS rating system. The proposed FFIEC notice would recommend strengthening the link between CAMELS ratings and a financial institution's safety and soundness by focusing component and composite ratings on factors that materially affect an institution's financial condition and risk profile, and by improving the transparency of CAMELS ratings. The agencies have determined that any changes to their rating processes would be premature while the FFIEC proposal is pending.

⁴⁷ Based on data accessed using the Financial Institution Data Retrieval System (FINDRS) on July 29, 2026.

⁴⁸ See Clancy Fossum, Embark, *What are the Fees & Hourly Rates of Accounting Consulting Firms?* (Nov. 13, 2019), <https://blog.embarkwithus.com/what-are-the-fees-hourly-rates-of-accounting-consulting-firms#:~:text=in%20each%20category,.Big%204%20Firms,global%20footprints%2C%20and%20charge%20accordingly.&text=Although%20Big%204%20fees%20in,be%20aware%20of%20before%20proceeding;Consulting%20Mavericks,Average%20Consulting%20Rates%20by%20Industry,https://consultingmavericks.com/start/other/average-consulting-rates-by-industry/> (last visited Sept. 26, 2025).

ii. Costs and Benefits Relating to the Safety and Soundness of Institutions

The final rule imposes no new mandates, and thus no direct costs, on institutions, and has a low probability of causing indirect costs to institutions. Regarding indirect costs, the narrowed MRA standard of the final rule could delay the identification of supervisory risks. This delayed identification could result in higher costs to resolve supervisory concerns, associated losses, and in extreme cases, failure. Nevertheless, the OCC determined it is unlikely that the final rule will result in the delayed identification of supervisory risks because the definition of unsafe or unsound practice and standard for the issuance of MRAs endeavor to more effectively prioritize the identification of material financial risks (*i.e.*, those most likely to cause significant stress) and therefore to lower the risk of institution failure. Accordingly, it is also possible that under the final rule, risks to institutions, including the risk of failure, could decrease significantly; under the final rule, examiners and institutions would prioritize the identification and remediation of supervisory concerns that could result in material financial loss to institutions. Ultimately, the net effect will be dependent upon OCC's policies and oversight, as well as how institutions' management respond to this rule.

FDIC Expected Effects

As previously discussed, the agencies are amending their regulations to define the term "unsafe or unsound practice" for purposes of section 8 of the Federal Deposit Insurance Act and revise the framework for communicating MRAs to supervised insured depository institutions (IDIs)⁵¹ to focus on practices, acts, or failures to act that, if continued, could reasonably be expected to, under current or reasonably foreseeable conditions, (A) materially harm the financial condition of an institution or (B) present a material risk of loss to the DIF, or violations of a banking or banking-related law or regulation. The final rule will provide a consistent nationwide standard for the issuance of MRAs to promote greater clarity for IDIs.

This analysis utilizes all regulations and guidance applicable to IDIs supervised by the agencies, as well as information on the financial condition of supervised IDIs as of the quarter ending March 31, 2026, as the baseline

to which the effects of the final rule are considered.

The final rule is substantially similar to the proposal, with two primary modifications: (1) the final rule would remove institution-affiliated parties from its scope; and (2) the final rule would create a newer category of "other" violations of laws and regulations that the agencies may cite and which may not rise to the level of an MRA.

As noted in section III of this preamble, enforcement actions against institution-affiliated parties under the final rule will continue to be handled under the agencies' prior standards and procedures. As such, institution-affiliated parties are not expected to be impacted by the final rule, relative to the baseline. Similarly, the agencies currently cite other violations of banking and banking-related laws and regulations. The final rule would maintain this practice, but it would limit the remedies that the agencies could seek for such other violations (*i.e.*, the agencies will only be permitted to direct IDIs to remediate other violations and take such other actions as may be required by law). As such, IDIs are not expected to be adversely impacted by the final rule, relative to the baseline.

A. Scope

The final rule does not impose any obligations on supervised IDIs, and supervised IDIs do not need to take any action in response to this rule. The final rule requires the FDIC to revise its current practices regarding the identification and communication of examination findings. Therefore, the FDIC is the only entity directly affected by the final rule.

The final rule affects supervised IDIs through examinations and reports of examination conducted by the agencies. All 2,700 FDIC-supervised IDIs subject to examinations as of March 31, 2026, could be affected by the final rule.⁵²

B. Benefits and Costs

The following subsections discuss qualitatively the benefits and costs of the final rule.

Benefits to IDIs

The final rule poses two types of benefits to supervised IDIs: (1) reductions in, or more efficient use of, resources to comply with findings from reports of examinations; and (2) possible increases in proceeds from the provision of banking products and services. By raising the standard against which an

IDI's action, or inaction, is assessed to be eligible for an MRA, IDIs may experience lower volumes of examination findings, particularly MRAs. Further, by potentially reducing the number of examination findings not related to material risks to the financial condition of the IDI, the final rule may enable IDIs that do receive MRAs to more effectively address those risks. Finally, by enacting a consistent definition of conditions that merit the use of MRAs by the FDIC, the final rule improves clarity and reduces uncertainty of findings in reports of examinations, relative to the baseline. Such reductions in findings and increases in clarity may reduce compliance costs or increase the efficiency with which compliance costs are expended by IDIs to respond to ROE findings. The FDIC does not have the information necessary to quantify such potential benefits.

Negative feedback from regulators during the examination process may discourage IDIs from taking part in activities and could result in reduced provision of banking products and services. To the extent that matters requiring the attention of an institution's board of directors and management are currently identified and used in a way that raises potential chilling effects, the final rule could result in fewer such effects relative to the baseline. A reduction in chilling effects could enable IDIs to provide financial products and services to entities that they would not have otherwise. The FDIC does not have the data necessary to quantify this potential benefit.

Costs to IDIs

The final rule may reduce the volume of examination findings communicated to IDIs, and this could pose certain costs. To the extent that the final rule results in delays in the identification of material risks to the financial condition of an IDI, such entities could incur higher costs to resolve such issues, associated losses, and in extreme cases, failure. However, as previously discussed, the FDIC expects that the final rule's definition of unsafe or unsound practice better prioritizes the identification and communication of such risks. Therefore, the FDIC anticipates that delayed identification of such risks is unlikely, because risks that are likely to lead to losses or failure will still be in scope under the final rule. Moreover, it is also possible that under the final rule, risks to IDIs and risks of IDI failures could decrease because, under the final rule, IDI management and examiners will prioritize the

⁵¹ The FDIC's rule applies to an institution that is an insured State nonmember bank, insured State licensed branch of a foreign bank, or an insured State savings association.

⁵² See Consolidated Reports of Condition and Income (Call Reports), March 31, 2026.

identification and remediation of issues that could result in material financial loss to IDIs.

Effects on Households and Small Businesses

A comment letter on the proposed rule requested a discussion of the expected effects of the rule on households and small businesses. As mentioned, the final rule imposes no direct requirements on the IDIs supervised by the FDIC, so any effects would be a consequence of the effects on the IDIs. The reduction of regulatory burden and chilling effects for supervised IDIs, as discussed above, may result in lower prices of their financial products and services, or an increase in credit or other product offerings. Potentially lower prices or increasing credit availability would benefit the customers of IDIs and may be particularly valuable to price-sensitive customers or customers with more limited access to credit, including many households and small businesses. The FDIC lacks the data needed to estimate this potential impact.

Alternatives Considered

The agencies considered adopting the proposed rule without changes. As discussed earlier, the agencies made several revisions in the final rule that the agencies determined to be an improvement over the proposal. The agencies determined not to finalize the rule's application to institution affiliated parties to avoid impeding or distorting incentives regarding enforcement actions against institution-affiliated parties. The final rule clarifies the proposed tailoring provision by describing how the agencies will apply the provision as the risks associated with various financial risk-related factors increase. Additionally, the final rule clarifies the supervisory observation standard, adds a definition of "harm to financial condition," and establishes the "other violations" mechanism to require the correction of actual violations of banking or banking-related laws for which the agencies do not take an enforcement action or issue an MRA.

The agencies also considered the suggestions made by commenters that included alternatives to the final rule, such as establishing a broader MRA standard than that adopted by this rule and eliminating the issuance of MRAs based on an institution's internal audit findings. The agencies also considered, but did not adopt, an alternative rule framework that would use a quantified definition of likelihood or material. For example, some commenters suggested a

minimum percentage (e.g., 10 percent, 51 percent) as part of the final rule's definition of "unsafe or unsound practice" for a harm to be considered "likely." Other commenters suggested clarifications or quantifications of what risks would be consistent with "material" harm and to consider including specific absolute dollar floors or percentage impacts on metrics, such as tier-1 capital, in defining "material." As discussed in section II of this preamble, after careful consideration, the agencies determined the definitions adopted in the final rule best meet the rule's objectives to promote greater clarity and certainty regarding enforcement and supervision standards so that examiners and institutions may prioritize material financial risks to institutions and avoid unnecessary regulatory burden. For a complete discussion of the comments considered, see section III of this preamble. For the reasons articulated above, the agencies believe the final rule is preferred over the alternatives.

V. Administrative Law Matters

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1995⁵³ (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies have reviewed this rule and determined that it does not create any information collection or revise any existing collection of information. One commenter asserted that the MRA standard that the agencies are adopting creates information collection, recordkeeping, and disclosure requirements for institutions, and that the rule thus failed to comply with the procedural requirements of the PRA. The commenter misunderstands the nature of this rulemaking, as this rulemaking is not the source of the agencies' authority to issue MRAs. The agencies' visitorial authority provides the agencies with the authority to issue MRAs, and the rule does not impose any requirements on institutions. Furthermore, each MRA is tailored to the specific issues examiners identify at an institution, so the final rule does not require the same information from 10 or more entities. Accordingly, no PRA submissions to OMB will be made with respect to this rule.

⁵³ 44 U.S.C. 3501–3521.

B. Regulatory Flexibility Act Analysis OCC

In general, the Regulatory Flexibility Act (RFA)⁵⁴ requires an agency, in connection with a final rule, to prepare a final regulatory flexibility analysis describing the impact of the rule on small entities (defined by the U.S. Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of \$850 million or less and trust companies with total assets of \$47 million or less). However, under section 605(b) of the RFA, this analysis is not required if an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its final rule.

The OCC currently supervises approximately 602 small entities, all of which may be impacted by the rule.⁵⁵ In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. Thus, at present, 30 OCC-supervised small entities would constitute a substantial number.

The final rule will affect all covered institutions, including national banks, Federal savings associations, and Federal branches or agencies of foreign banks. Therefore, the final rule will apply to a substantial number of small entities. The OCC expects that the final rule will reduce the aggregate annual number of MRA issuances across OCC-supervised institutions. This reduction in the number of MRAs issued will, in turn, reduce the burden for institutions relating to MRA remediation. Additionally, the OCC expects that the final rule will result in a decrease in the

⁵⁴ 5 U.S.C. 601 *et seq.*

⁵⁵ The OCC bases its estimate of the number of small entities on the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are \$850 million and \$47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counts the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2025, to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the SBA's *Table of Size Standards*.

annual number of MRAs escalated to enforcement actions, which will provide de minimis cost savings. Therefore, the Comptroller of the Currency certifies that this final rule will not have a significant economic impact on a substantial number of small entities. A final regulatory flexibility analysis is thus not required.

One commenter argued that the MRA standard that the OCC is adopting imposes new costs on institutions, including small entities. The codified MRA standard does not impose any new obligations, and thus no direct costs, on institutions.

FDIC

The RFA generally requires that an agency, in connection with a final rule, prepare and make available for public comment a final regulatory flexibility analysis that describes the impact of the final rule on small entities.⁵⁶ However, a final regulatory flexibility analysis is not required if the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The SBA has defined small entities to include banking organizations with total assets of less than or equal to \$850 million.⁵⁷ Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses of the regulated small entity. As detailed in the following statement of factual basis, the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

To evaluate the impact of the final rule on small entities regulated by the FDIC, this analysis considers all relevant regulations and guidance applicable to these institutions, together with financial data for all IDIs, as the baseline to which the effects of the final rule are considered. As of the quarter ending March 31, 2026, the FDIC supervised 2,700 IDIs, of which 1,978 are small entities for the purposes of the

RFA.⁵⁸ Only a subset of small, FDIC-supervised IDIs are examined in a given year.⁵⁹

As noted in the RFA section of the proposal, the FDIC believed that the proposal would not impose any obligations on small, FDIC-supervised entities, and supervised entities would not need to take any action in response.⁶⁰ The FDIC did not receive any comments in response to its RFA analysis of the proposal.

Like the proposed rule, the final rule will not directly impose any obligations on small, FDIC-supervised entities, and such supervised entities will not need to take any action in response. The final rule requires the FDIC to revise its current practices regarding the communication of IDI examination findings. Therefore, the FDIC will be the only entity directly affected by the rule.

In light of the foregoing statement of factual bases, the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities and, therefore, a final regulatory flexibility analysis is not required.

C. Unfunded Mandates Reform Act of 1995

Consistent with the Unfunded Mandates Reform Act (UMRA), the review considers whether the mandates imposed by the rule may result in an expenditure of \$100 million or more by State, local, and tribal governments, or by the private sector, in any one year, adjusted annually for inflation (currently \$193 million). One commenter argued that the MRA standard that the agencies are adopting imposes new costs on institutions, potentially in excess of \$193 million, and requested that the agencies either provide data and reasoning why total costs impose are less than \$193 million or publish the UMRA-required written statement. The codified MRA standard does not impose any new obligations on institutions. Accordingly, the OCC estimates that the final rule would not require additional expenditure from OCC-regulated entities, nor will it require expenditures of \$193 million or more by State, local, and tribal governments, or by other segments of the private sector. Thus, the OCC believes the rule is not a significant rule for the purposes of the UMRA.

⁵⁸ See Call Reports, March 31, 2026.

⁵⁹ Based on 1,978 small FDIC-supervised IDIs, the FDIC estimates a range of 1,319 examinations to 1,978 examinations per year. The estimate assumes qualifying IDIs are examined once every 18 months (1,978/1.5 = 1,319) and non-qualifying IDIs are examined every 12 months.

⁶⁰ See 90 FR 48835 at 48845.

Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.⁶¹

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA) of 1994,⁶² in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC and FDIC must consider, consistent with principles of safety and soundness and the public interest (1) any administrative burdens that the final rule would place on depository institutions, including small depository institutions and customers of depository institutions and (2) the benefits of the final rule. This rulemaking would not impose any reporting, disclosure, or other requirements on insured depository institutions. Therefore, section 302(a) does not apply to this final rule.

E. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act) defines a “major rule” as a rule that the Administrator of OMB’s Office of Information and Regulatory Affairs (OIRA) finds has resulted in or is likely to result in:

1. An annual effect on the economy of \$100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.⁶³

OMB has determined that the final rule is a major rule for purposes of the Congressional Review Act. As required, the agencies will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

F. Executive Orders 12866 and 14192

1. Executive Order 12866

Section 3(f) of Executive Order 12866 defines a “significant regulatory action”

⁶¹ The FDIC also notes that independent regulatory agencies, like the FDIC, are not subject to UMRA. See 2 U.S.C. 658(1), 1502(1).

⁶² 12 U.S.C. 4802(a).

⁶³ 5 U.S.C. 804(2).

⁵⁶ See 5 U.S.C. 601 *et seq.*

⁵⁷ The SBA defines a small banking organization as having \$850 million or less in assets, where an organization’s “assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.” See 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the “SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.” See 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution’s affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is “small” for the purposes of RFA.

as a regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

OIRA has determined that this final rule is a significant regulatory action under section 3(f)(1) of Executive Order 12866 and, therefore, is subject to review under Executive Order 12866.

2. Executive Order 14192

Executive Order 14192, titled "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(a) of Executive Order 14192 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 standard, 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. This rule is considered a deregulatory action under Executive Order 14192.

List of Subjects

12 CFR Part 4

Administrative practice and procedure, Freedom of information, Individuals with disabilities, Minority businesses, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Women.

12 CFR Part 305

Banks, Banking, Organization and functions (Government agencies).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the preamble, and under the authority of 12

U.S.C. 93a, chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 4—ORGANIZATION AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM, POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 1, 93a, 161, 481, 482, 484(a), 1442, 1462a, 1463, 1464, 1467a, 1817(a), 1818, 1820, 1821, 1831m, 1831p-1, 1831o, 1833e, 1867, 1951 *et seq.*, 2601 *et seq.*, 2801 *et seq.*, 2901 *et seq.*, 3101 *et seq.*, 3102(b), 3401 *et seq.*, 3501(c)(1)(C), 5321, 5412, 5414; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 5318(g)(2), 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

■ 2. Add § 4.92 to read as follows:

§ 4.92 Enforcement and supervisory standards.

(a) *Scope.* This section prescribes the definitions and standards for certain OCC supervisory activities and enforcement actions against an institution that is a national bank, Federal savings association, or Federal branch or agency of a foreign bank.

(b) *Unsafe or unsound practices.* For purposes of the OCC's enforcement actions under 12 U.S.C. 1818 and supervisory activities, an "unsafe or unsound practice" is a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that:

(1) Is contrary to generally accepted standards of prudent operation; and

(2) (i) If continued, is likely to—

(A) Materially harm the financial condition of the institution; or

(B) Present a material risk of loss to the Deposit Insurance Fund; or

(ii) Materially harmed the financial condition of the institution.

(c) *Matters requiring attention.* The OCC may only issue a matter requiring attention to an institution for a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that:

(1) (i) Is contrary to generally accepted standards of prudent operation; and

(ii) (A) If continued, could reasonably be expected to, under current or reasonably foreseeable conditions:

(1) Materially harm the financial condition of the institution; or

(2) Present a material risk of loss to the Deposit Insurance Fund; or

(B) Materially harmed the financial condition of the institution; or

(2) Is an actual violation of a banking or banking-related law or regulation.

(d) *Harm to financial condition.* Harm to financial condition refers to financial losses or other negative impacts to an institution's capital, asset quality, earnings, liquidity, or sensitivity to market risk.

(e) *Tailored application required.* (1) The OCC will tailor its supervisory activities and enforcement actions based on unsafe or unsound practices under 12 U.S.C. 1818 and its issuance of matters requiring attention based on the risks associated with the institution's capital structure, complexity, activities, asset size, and any other financial risk-related factor that the OCC deems appropriate.

(2) Tailoring required by this paragraph (e)(1) of this section includes tailoring with respect to the requirements or expectations set forth in enforcement actions based on unsafe or unsound practices under 12 U.S.C. 1818 and in matters requiring attention, as well as whether, and the extent to which, such actions and matters are taken or issued.

(3) As the risk associated with the factors identified in paragraph (e)(1) of this section increases:

(i) The threshold for materiality of the harm to the financial condition of an institution to take or issue an action or matter decreases;

(ii) The assessment of the harm to the financial condition of institution becomes more granular (*e.g.*, specific business lines, products, or services); and

(iii) The requirements under the action or matter relating to remediation, and the expectations regarding prudent operation, increase.

(f) *Basis for OCC determinations.* The OCC will use objective facts and sound reasoning to determine whether, in accordance with paragraphs (b) through (e) of this section, the OCC may take an enforcement action based on an unsafe or unsound practice under 12 U.S.C. 1818 or issue a matter requiring attention.

(g) *Clarification regarding supervisory observations.* (1) Paragraph (b) of this section does not apply to supervisory observations.

(2) A supervisory observation is an informal observation that does not rise to the level of a matter requiring attention, as described in paragraph (c) of this section, that identifies weaknesses in an institution's policies, practices, condition, or operations.

(3) A supervisory observation does not create a requirement or supervisory expectation that the supervisory observation will be presented to the

institution's board of directors or that the institution will take corrective action in response to the supervisory observation.

(h) *Other violations.* An actual violation of a banking or banking-related law or regulation for which the OCC does not take an enforcement action or issue a matter requiring attention is an other violation.

(1) The OCC may require an institution to remediate an other violation.

(2) The OCC may take such other actions as are required by law in connection with an other violation.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Authority and Issuance

For the reasons set out in the preamble, title 12 of the Code of Federal Regulations is amended as follows:

■ 3. Add part 305, consisting of § 305.1, to read as follows:

PART 305—ENFORCEMENT AND SUPERVISION STANDARDS

Sec.

305.1 Enforcement and supervisory standards.

Authority: 12 U.S.C. 1818, 1819(a) (Seventh, Eighth, and Tenth), 1831p–1.

§ 305.1 Enforcement and supervisory standards.

(a) *Scope.* This section prescribes the definitions and standards for certain FDIC supervisory activities and enforcement actions against an institution that is an insured State nonmember bank, insured State licensed branch of a foreign bank, or an insured State savings association.

(b) *Unsafe or unsound practices.* For purposes of the FDIC's enforcement actions under 12 U.S.C. 1818 and supervisory activities, an “unsafe or unsound practice” is a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that:

(1) Is contrary to generally accepted standards of prudent operation; and

(2) (i) If continued, is likely to—

(A) Materially harm the financial condition of the institution; or

(B) Present a material risk of loss to the Deposit Insurance Fund; or

(ii) Materially harmed the financial condition of the institution.

(c) *Matters requiring attention.* The FDIC may only issue a matter requiring attention to an institution for a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that:

(1) (i) Is contrary to generally accepted standards of prudent operation; and

(ii) (A) If continued, could reasonably be expected to, under current or reasonably foreseeable conditions:

(1) Materially harm the financial condition of the institution; or

(2) Present a material risk of loss to the Deposit Insurance Fund; or

(B) Materially harmed the financial condition of the institution; or

(2) Is an actual violation of a banking or banking-related law or regulation.

(d) *Harm to financial condition.* Harm to financial condition refers to financial losses or other negative impacts to an institution's capital, asset quality, earnings, liquidity, or sensitivity to market risk.

(e) *Tailored application required.* (1) The FDIC will tailor its supervisory activities and enforcement actions based on unsafe or unsound practices under 12 U.S.C. 1818 and its issuance of matters requiring attention based on the risks associated with the institution's capital structure, complexity, activities, asset size, and any other financial risk-related factor that the FDIC deems appropriate.

(2) Tailoring required by this paragraph (e)(1) of this section includes tailoring with respect to the requirements or expectations set forth in enforcement actions based on unsafe or unsound practices under 12 U.S.C. 1818 and in matters requiring attention, as well as whether, and the extent to which, such actions and matters are taken or issued.

(3) As the risk associated with the factors identified in paragraph (e)(1) of this section increases:

(i) The threshold for materiality of the harm to the financial condition of an institution to take or issue an action or matter decreases;

(ii) The assessment of the harm to the financial condition of institution becomes more granular (e.g., specific business lines, products, or services); and

(iii) The requirements under the action or matter relating to remediation, and the expectations regarding prudent operation, increase.

(f) *Basis for FDIC determinations.* The FDIC will use objective facts and sound reasoning to determine whether, in accordance with paragraphs (b) through (e) of this section, the FDIC may take an enforcement action based on an unsafe or unsound practice under 12 U.S.C. 1818 or issue a matter requiring attention.

(g) *Clarification regarding supervisory observations.* (1) Paragraph (b) of this section does not apply to supervisory observations.

(2) A supervisory observation is an informal observation that does not rise to the level of a matter requiring attention, as described in paragraph (c) of this section, that identifies weaknesses in an institution's policies, practices, condition, or operations.

(3) A supervisory observation does not create a requirement or supervisory expectation that the supervisory observation will be presented to the institution's board of directors or that the institution will take corrective action in response to the supervisory observation.

(h) *Other violations.* An actual violation of a banking or banking-related law or regulation for which the FDIC does not take an enforcement action or issue a matter requiring attention is an other violation.

(1) The FDIC may require an institution to remediate an other violation.

(2) The FDIC may take such other actions as are required by law in connection with an other violation.

Jonathan V. Gould,

Comptroller of the Currency.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on August 27, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–17823 Filed 8–31–26; 8:45 am]

BILLING CODE 4810–33–6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

RIN 3064–AG32

Reciprocal Deposits: Implementing the 21st Century ROAD to Housing Act

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Interim final rule and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending its brokered deposit regulations to conform with recent changes to section 29 of the Federal Deposit Insurance Act made by section 902 of the 21st Century ROAD to Housing Act related to reciprocal deposits, which took effect on July 11, 2026. The FDIC is also providing certain clarifications regarding the reciprocal deposit framework to facilitate and simplify compliance. The FDIC invites public comment on this interim final rule.

DATES: The interim final rule is effective September 1, 2026. Comments must be received no later than October 1, 2026.

ADDRESSES: You may submit comments on the interim final rule, identified by RIN 3064–AG32 using any of the following methods:

- **FDIC Website:** <https://www.fdic.gov/federal-register-publications>. Follow the instructions for submitting comments on the agency website.

- **Email:** Comments@fdic.gov. Include RIN 3064–AG32 on the subject line of the message.

- **Mail:** Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064–AG32, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- **Hand Delivery to FDIC:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW, building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

- **Public Inspection:** Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/federal-register-publications>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the rule will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

This interim final rule, all comments received, and a summary of not more than 100 words are available at <https://www.fdic.gov/federal-register-publications> consistent with the Providing Accountability Through Transparency Act of 2023.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

The 21st Century ROAD to Housing Act (the Housing Act) became effective on July 11, 2026. Section 902 of the Housing Act amended the limited exception for reciprocal deposits (the exception) in section 29(i) of the Federal Deposit Insurance Act (FDI Act). The exception was added to section 29 by section 202 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA)¹ enacted on May 24, 2018, and allows qualifying institutions to except a capped amount of reciprocal deposits from being considered to be received by or through a deposit broker (*i.e.*, the reciprocal deposits are considered to not be brokered deposits). The FDIC implemented section 202 of EGRRCPA by amending its brokered deposit and assessment regulations through a 2018 rule.² The FDIC is now issuing this interim final rule (IFR) to amend its brokered deposit regulations to conform with section 29 as amended by the Housing Act.

A. Section 29 of the FDI Act

Under section 29 of the FDI Act, an insured depository institution (IDI) is restricted from accepting deposits by or through a deposit broker unless the institution is well capitalized for Prompt Corrective Action (PCA) purposes.³ The FDIC may waive this restriction if the IDI is adequately capitalized; however, the restriction cannot be waived if the institution is undercapitalized.⁴

A “deposit broker,” as defined by section 29 of the FDI Act, includes “any person engaged in the business of placing deposits, or facilitating the placement of deposits, of third parties with insured depository institutions or the business of placing deposits with insured depository institutions for the purpose of selling interests in those deposits to third parties. . . .”⁵

Section 337.6 of the FDIC’s Rules and Regulations implements the brokered deposit restrictions of section 29 of the FDI Act. Under the FDIC’s regulations, a “brokered deposit” is thus defined as “any deposit that is obtained, directly or

indirectly, from or through the mediation or assistance of a deposit broker.”⁶

Neither section 29 nor the FDIC’s brokered deposit regulations prescribe reporting requirements for brokered deposits or reciprocal deposits. Rather, IDIs are required to report deposits in accordance with the instructions to the Consolidated Reports of Condition and Income (Call Report) promulgated by the Federal Financial Institutions Examination Council (FFIEC).⁷ The Call Report instructions describe the reporting requirements for brokered deposits, including reciprocal deposits,⁸ to in part support the FDIC’s calculation of assessments under the risk-based assessment system required by section 7 of the FDI Act. As discussed below, the FFIEC will be issuing supplemental Call Report instructions for the September 30, 2026 reporting period so that institutions may report brokered and reciprocal deposits consistent with the Housing Act.

B. Section 29(i)—Reciprocal Deposit Exception

Consistent with section 29 of the FDI Act, an “agent institution” can except reciprocal deposits received through a deposit placement network from being classified as brokered deposits up to its applicable statutory cap.⁹ Prior to the Housing Act, section 29 defined an agent institution as an IDI that places a covered deposit at other IDIs through a deposit placement network in amounts that are less than or equal to the standard maximum deposit insurance amount, if the placing institution satisfies at least one of three prongs:

- (1) the institution, when most recently examined, was found to have a composite condition of outstanding or good, and is well capitalized;
- (2) the institution has obtained a waiver under section 29(c); or
- (3) the institution does not receive an amount of reciprocal deposits that causes the total amount of reciprocal deposits held by the agent institution to be greater than the average of the total amount of reciprocal deposits held by the agent institution on the last day of the 4 calendar quarters preceding the calendar quarter in which the agent institution was found not to have a

⁶ 12 CFR 337.6(a)(2).

⁷ 12 CFR 304.3(a).

⁸ The FDIC defines reciprocal deposits as “deposits received by an agent institution through a deposit placement network with the same maturity (if any) and in the same aggregate amount as covered deposits placed by the agent institution in other network member banks.” 12 CFR 337.6(e)(2)(v).

⁹ See 12 U.S.C. 1831f. The 2018 rulemaking introduced the terms *special cap* and *general cap* to refer to the statutory caps established by section 202 of EGRRCPA. See 84 FR 1346 (Feb. 4, 2019).

¹ Public Law 115–174, 132 Stat. 1296 (May 24, 2018).

² 84 FR 1346 (Feb. 4, 2019).

³ 12 U.S.C. 1831f(a).

⁴ 12 U.S.C. 1831f(c).

⁵ 12 U.S.C. 1831f(g)(1).

composite condition of outstanding or good or was determined to be not well capitalized.

The FDIC has interpreted “a composite condition of outstanding or good” to constitute an institution that has been assigned a CAMELS¹⁰ composite rating of “1” or “2.”¹¹

The amount of the four-quarter average described in the third prong is referred to as the *special cap*. The maximum amount of reciprocal deposits that can be treated as not being brokered under the exception is referred to as the *general cap*. Prior to the Housing Act, the *general cap* was the lesser of \$5 billion or 20 percent of the total liabilities of the agent institution.

C. Section 902 of the 21st Century ROAD to Housing Act

The Housing Act became effective on July 11, 2026, and made two amendments to the reciprocal deposit exception provisions in section 29. First, the Act changed the amount and calculation method of the *general cap*. Second, the Act amended the first prong of the agent institution definition to replace the requirement that an institution be found to have a composite condition rating of “outstanding or good” with the requirement that an institution was assigned a CAMELS rating of “1,” “2,” or “3” under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system).

As discussed below, this IFR amends the FDIC’s brokered deposit regulations in section 337.6 to implement the statutory text of section 29 as amended by the Housing Act. The IFR also makes corresponding changes to the regulations to facilitate and simplify compliance.

II. Changes To Conform FDIC Brokered Deposit Regulations to Section 902 of the Housing Act

A. General Cap

An agent institution can except reciprocal deposits from being considered brokered deposits up to either its *general cap* or *special cap*, as applicable.¹² The Housing Act increased the maximum potential amount of the *general cap* and uses a tiered calculation based on the total liabilities of the agent institution. Consistent with the Housing Act, the IFR amends the *general cap* in section 337.6(e)(1) to be the sum of:

(1) 50 percent of the portion of the total liabilities of the agent institution that is less than or equal to \$1,000,000,000;

(2) 40 percent of the portion, if any, of the total liabilities of the agent institution that is greater than \$1,000,000,000, but less than or equal to \$10,000,000,000; and

(3) 30 percent of the portion, if any, of the total liabilities of the agent institution that is greater than \$10,000,000,000, but less than or equal to \$96,333,333,333.

Under the *general cap*, as amended by the Housing Act, the maximum amount of reciprocal deposits allowed under the exception for any institution totals \$30 billion, which would be the *general cap* for an institution with \$96.33 billion or more in total liabilities (assuming the institution is not limited to the *special cap*). An institution with less than \$96.33 billion in total liabilities must calculate its *general cap* using the new tiered methodology. As an example for how the FDIC would calculate the amount of reciprocal deposits eligible for the exception, an agent institution with \$25 billion in total liabilities would have a *general cap* equal to $(0.5 * \$1 \text{ billion}) + (0.4 * \$9 \text{ billion}) + (0.3 * \$15 \text{ billion}) = \$8.6 \text{ billion}$.

The FDIC will continue to calculate an institution’s *general cap* based on data reported in its Call Report.

B. Qualifying as an Agent Institution

Consistent with the Housing Act, the IFR amends the first prong of the agent institution definition¹³ to require that, when most recently examined under section 10(d) of the FDI Act, an institution was assigned a CAMELS composite rating of “1,” “2,” or “3” under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system).¹⁴ The second element of the definition is that the institution be well capitalized; this element was not amended by the Housing Act. Thus, under the first prong as amended, an institution must have a CAMELS composite rating of “1,” “2,” or “3” and be well capitalized.

The FDIC recognizes that, although the Housing Act amends the first prong of the agent institution definition to replace the “outstanding or good” rating language, it did not amend the mirroring “outstanding or good” rating language used in the *special cap* prong. Thus, read together, the two provisions indicate that an institution that becomes subject to the *special cap* because it no

longer satisfies the first prong of the agent institution definition may not have its four-quarter average (*i.e.*, its *special cap*) calculated based on the preceding four quarters. Instead, this calculation may rely on quarters that are earlier than the preceding four quarters.¹⁵

Although this could have the effect of an institution’s *special cap* being smaller or larger than the average of the most recent four quarters prior to the institution ceasing to meet the first prong of the agent institution definition, an agent institution that becomes subject to the *special cap* may continue to hold reciprocal deposits previously received in an amount that is greater than the *special cap*;¹⁶ therefore, institutions will not be disqualified from being considered an agent institution as a result of the timing disparity between the *special cap* calculation and its application.

III. Clarifications Regarding Reciprocal Deposits Framework and Reporting

The FDIC recognizes that section 902 of the Housing Act may result in increased holdings of reciprocal deposits by IDIs, including by institutions that previously did not utilize reciprocal deposits. To facilitate compliance with the FDIC’s regulations concerning reciprocal deposits, and to assist institutions that may be reviewing and relying upon those regulations for the first time, the FDIC is clarifying certain aspects of the reciprocal deposits framework.

A. Receipt of Nonmaturity Reciprocal Deposits

An agent institution that becomes subject to the *special cap* can continue to hold the reciprocal deposits that it received prior to becoming subject to the *special cap*; however, if an institution “receives” reciprocal deposits in excess of its *special cap*, it is no longer an agent institution, and all of its reciprocal deposits must be reported as brokered deposits.¹⁷

¹⁵ For example, if an institution is downgraded from a “2” to a “3” in 2026, then downgraded to a “4” in 2030, the *special cap* will be based on its reciprocal deposit holdings in 2025 to 2026 (when it was no longer considered “outstanding or good”), not the four quarters preceding the downgrade to a “4.” Thus, with respect to an institution that loses agent institution status due to a ratings downgrade, the *special cap* no longer approximates the status quo that exists immediately prior to an institution no longer meeting the first prong of the agent institution definition.

¹⁶ See 84 FR 1346, 1349 (Feb. 4, 2019).

¹⁷ See *id.* at 1348–49 (explaining the FDIC’s view that the *special cap* limits an agent institution’s receipt of reciprocal deposits, not the maintenance, retention, or holding of reciprocal deposits).

¹⁰ CAMELS refers to Capital adequacy, Asset quality, Management, Earnings, Liquidity, and Sensitivity to market risk.

¹¹ 84 FR 1346, 1347–48 (Feb. 4, 2019).

¹² The application of the caps is detailed in the 2018 final rule. See 84 FR 1346 (Feb. 4, 2019).

¹³ The second and third prongs of the agent institution definition remain unchanged.

¹⁴ The effective date of a CAMELS composite rating is the “date of written notification to the institution by its primary federal regulator or state authority of its supervisory rating.” 12 CFR 327.4(f).

Over the past several years, institutions have sought clarity regarding the “receipt” of nonmaturity reciprocal deposits through a deposit placement network. More specifically, there has been uncertainty as to whether changes in the composition of the reciprocal deposits received through a deposit placement network resulting from actions of the network operator, as opposed to the agent institution placing covered deposits, constitutes “receiving” reciprocal deposits. For example, the identities of the individual depositors for whom the agent institution holds reciprocal deposits may change day by day. Likewise, the amounts of reciprocal deposits attributable to individual depositors may change without an increase in the aggregate amount of reciprocal deposits the agent institution receives from the network.

Section 902 of the Housing Act and this IFR are likely to increase the range of institutions that participate in reciprocal deposit networks and that are subject to the FDIC’s regulations, which only underscores the need to provide clarity in this area. Per section 29 of the FDI Act, an institution satisfies the third prong of the agent institution definition if it places a covered deposit through a deposit placement network at other institutions as long as the agent institution does not receive an amount of reciprocal deposits that causes the total amount of reciprocal deposits held by the agent institution to be greater than its *special cap*. Section 29 defines a “covered deposit” as one submitted for placement through a deposit placement network by an agent institution, and it defines “reciprocal deposits” as deposits received by an agent institution through a deposit placement network with the same maturity (if any) and in the same aggregate amount as covered deposits placed by the agent institution in other network member banks.

The plain meaning of these statutory definitions is that to “receive” reciprocal deposits, an agent institution must also place a covered deposit through a deposit placement network. Only by placing a covered deposit can an agent institution then “receive” an amount of reciprocal deposits that causes the total amount of its reciprocal deposits held by the agent institution to be greater than its *special cap*.¹⁸ Thus, an institution cannot receive

nonmaturity reciprocal deposits if it does not first place additional covered deposits through a deposit placement network.

The statute provides that an institution meets the definition of an agent institution as long as it does not receive an amount of reciprocal deposits above its *special cap*. Thus, to the extent a deposit placement network alters the individual underlying depositors or rebalances the amount on deposit at an institution that holds an amount of reciprocals in excess of its *special cap* at the time it becomes subject to the *special cap* without increasing the aggregate amount of reciprocals, the institution continues to meet the definition of an agent institution. If, however, the agent institution places any covered deposits into the network while holding an amount of reciprocal deposits above its *special cap*, it will have received an amount of reciprocal deposits in excess of its *special cap* and will no longer satisfy the agent institution definition.¹⁹

B. Requalifying as an Agent Institution

As discussed above, the Housing Act amended the definition of agent institution to include institutions that have been assigned a CAMELS rating of “1,” “2,” or “3.” This amendment expands the scope of institutions that can qualify as an agent institution, and certain institutions that did not qualify prior to the Housing Act now meet the definition of agent institution. Qualifying as an agent institution has important implications, such as whether an institution may receive reciprocal deposits (if the institution is not well capitalized and does not have a waiver) and the extent to which reciprocal deposits are reported as brokered deposits. The FDIC is therefore clarifying when an institution qualifies as an agent institution. In general, and as discussed below, an institution should determine whether it qualifies as an agent institution as of the quarter-end without regard for whether the institution was, or was not, an agent institution at any point throughout the quarter.

1. Supervisory Ratings Change

A well capitalized institution qualifies as an agent institution as of the date it receives a CAMELS composite rating of “1,” “2,” or “3” from its primary federal regulator (PFR) because it meets the statutory definition of an agent institution at that time. The

FDIC’s brokered deposit regulations neither control nor determine the effective date of a ratings upgrade. The effective date of a CAMELS composite rating is the date of written notification to the institution by its PFR or state authority of its supervisory rating.²⁰ If an institution has a CAMELS composite rating of “4,” upon an effective composite rating upgrade to a CAMELS “1,” “2,” or “3” from its PFR, the institution immediately becomes an agent institution under the first prong of the definition, if it is well capitalized.

2. Capital Category Change

Similarly, an institution that has a CAMELS composite rating of “1,” “2,” or “3” qualifies as an agent institution on the date it is deemed to be within the well capitalized category. Like rating changes, the FDIC’s brokered deposit regulations do not control or determine the effective date of a capital category change. Rather, the brokered deposit regulations incorporate the implementing regulations for section 38 of the FDI Act promulgated by the Federal banking agencies for determining the date of a capital category change because section 29 also incorporates the section 38 capital standards.²¹ Thus, when determining whether it qualifies as an agent institution, an institution should determine the effective date of its capital category change according to the PCA laws and regulations.

3. Obtaining a Brokered Deposit Waiver

An institution qualifies as an agent institution under the second prong of the agent institution definition on the date it receives written notice from the FDIC that its application for a brokered deposit waiver under section 29(c) has been approved. Likewise, an institution that obtains a waiver while qualifying as an agent institution under the *special cap* prong will no longer be subject to the *special cap* on the date it receives written notice from the FDIC that its application for a brokered deposit waiver has been approved.²²

²⁰ The FDIC uses the date of written notification by an institution’s PFR for purposes of the brokered deposit regulations, consistent with the FDIC’s assessment regulations at 12 CFR 327.4(f).

²¹ 12 CFR 337.6(a)(3); FDIC—12 CFR part 324, subpart H; Board of Governors of the Federal Reserve System—12 CFR part 208; and Office of the Comptroller of the Currency—12 CFR part 6.

²² As a condition of approving a brokered deposit waiver, the FDIC may limit the amount of reciprocal and brokered deposits an institution may accept, hold, renew, etc., and therefore, such an institution may not necessarily be able to rely on the *general cap*.

¹⁸ As explained in the 2018 final rule, renewing or rolling over maturity reciprocal deposits would be considered placement and receipt of reciprocal deposits. See 84 FR 1348–49 (Feb. 4, 2019). Nothing in this IFR is intended to alter the FDIC’s approach to the receipt of reciprocal time deposits.

¹⁹ This can have disruptive and costly effects for an institution because all reciprocal deposits must then be reported as brokered, unless and until the institution again qualifies as an agent institution.

4. Special Cap

An institution that is not well capitalized and does not have a brokered deposit waiver can only receive reciprocal deposits if it qualifies as an agent institution under the *special cap* prong of the definition. Otherwise, section 29 prohibits these institutions from accepting brokered deposits because they are not well capitalized. Thus, the date these institutions qualify as an agent institution also determines what deposit taking activities are permissible. The FDIC is therefore clarifying when an institution requalifies under the *special cap*.

As discussed above, section 29 provides that an institution meets the definition of an agent institution as long as it does not receive an amount of reciprocal deposits above its *special cap*. An institution that places an amount of covered deposits such that the amount received in return causes the amount held to exceed its *special cap* does not qualify as an agent institution. Such an institution will requalify as an agent institution under the *special cap* prong on the date it reduces its reciprocal deposits to an amount that is less than its *special cap*.

C. Call Report Changes

The Housing Act became effective in the third quarter of 2026 and the FFIEC will issue Supplemental Instructions as part of the September 30, 2026 Call Report Instructions for information on reporting brokered and reciprocal deposits under the new law. The FFIEC indicated that it anticipates updating the Call Report instructions to conform to the new law for purposes of reporting in the Call Report by December 31, 2026. No new line items will need to be added to the Call Report, although the FDIC anticipates working through the FFIEC so that RC–O Line 9 for brokered reciprocal deposits will be reported confidentially as part of the instruction updates.

In conjunction with conforming assessment regulation changes made in 2018, the FFIEC updated the Call Report to add Memorandum item 1.g, “Total reciprocal deposits,” to Schedule RC–E.²³ However, this line, if viewed alongside Schedule RC–O, item 9 (“Brokered reciprocal deposits”),²⁴ may reveal non-public supervisory information. The issue arises because an

agent institution that no longer qualifies for the reciprocal deposit exception must report all of its reciprocal deposits as brokered reciprocal deposits on Schedule RC–O, item 9. These deposits previously would have been excepted and not reported as brokered, up to the applicable *general* or *special cap* amount for that institution. This reporting reclassification can cause the amount of brokered reciprocal deposits an institution must report on Schedule RC–O, item 9 to increase significantly over the period of a single quarter while Schedule RC–E, Memorandum item 1.g, the line for total reciprocal deposits, typically does not change to the same degree.

The interplay of these two lines together may indicate that an institution no longer qualifies as an agent institution. Because an institution that is well capitalized will only be disqualified from excepting reciprocal deposits if it does not have a CAMELS composite rating of “1,” “2,” or “3,” an observer may be able to infer an institution’s confidential supervisory rating through changes in the amount of brokered reciprocal deposits reported on Schedule RC–O, item 9. To counter this unintended consequence while still collecting the necessary data for assessment purposes, the FDIC intends to work through the FFIEC to make Schedule RC–O, item 9 confidential when the Call Report instructions are updated to conform to the Housing Act.

IV. Expected Effects

The rule implements section 902 of the Housing Act by making conforming changes to the FDIC’s regulations. Relevant regulations as of June 30, 2026, and financial data as of March 31, 2026, are generally used to estimate outcomes under the IFR and the baseline.²⁵ This section summarizes the analysis performed by the FDIC to estimate those economic impacts. The FDIC notes at the outset that the IFR is implementing Section 902 of the Housing Act, which was effective upon enactment. Therefore, relative to a post-statutory baseline these amendments will have no substantive effect.

As of March 31, 2026, there were 4,278 FDIC-insured institutions. Of these, 1,971 institutions reported having brokered deposits, which totaled \$1.204 trillion. Additionally, a total of 2,089 institutions reported having reciprocal deposits totaling \$462.8 billion. Of these, 331 institutions reported brokered

reciprocal deposits totaling \$91.9 billion.

The principal effect of section 902 of the Housing Act, and of this implementing regulation, will be that a smaller share of reciprocal deposits are classified as brokered deposits. As previously discussed, the IFR would increase the *general cap* applicable to reciprocal deposits for certain institutions. The IFR would increase the *general cap* from the lesser of \$5 billion or 20 percent of total liabilities to a tiered calculation based on total liabilities. Further, the IFR implements the Housing Act’s definition of “outstanding or good” with respect to the *general cap*, thereby expanding the agent institution definition to include institutions assigned a CAMELS composite rating of “3.” These amendments would increase the number of IDIs who can exclude certain volumes of reciprocal deposits from being considered brokered deposits. In turn, these aspects of the IFR may result in an increase in the volume of reciprocal deposits held by IDIs, as well as an increase in the number of institutions holding reciprocal deposits. The FDIC does not have the information necessary to accurately estimate the number of IDIs affected or any such changes in volumes of reciprocal deposits, reported or held, in future periods.

The IFR could indirectly affect deposit insurance assessments for a small number of institutions. The following assessments impact is based on data as of March 31, 2026, with the current assessment regulations.²⁶

For established small institutions, the IFR may decrease their brokered deposit ratio, potentially resulting in a change in the bank’s assessment. The brokered deposit ratio is one of the financial measures used to determine assessment rates for established small institutions.²⁷ The ratio is the difference between brokered deposits and 10 percent of total assets to total assets. Additionally, for institutions that are well capitalized and have a CAMELS composite rating of “1” or “2,” brokered reciprocal deposits are deducted from brokered deposits.²⁸ Established small institutions that are well capitalized and have a CAMELS composite rating of “1” or “2” can already deduct brokered reciprocal deposits from brokered deposits and generally would not be affected by the

²³ See Fed. Fin. Inst. Examination Council, FFIEC 051 Call Report Instruction Book Update (Sept. 2018).

²⁴ The FDIC uses Schedule RC–O, item 9 for assessment purposes because brokered reciprocal deposits are excluded from the brokered deposit ratio for small institutions that are well capitalized and well rated.

²⁵ The FDIC is analyzing expected effects based on March 31, 2026 Call Report data, which is the last available Call Report data prior to the enactment of section 902 of the Housing Act on July 11, 2026.

²⁶ On June 25, 2026, the FDIC Board approved a notice of proposed rulemaking that would amend the FDIC’s assessment regulations. See 91 FR 39794 (Jun. 30, 2026).

²⁷ See 12 CFR 327.16(a)(1).

²⁸ See 12 CFR 327.16(a)(1)(ii)(A).

IFR, for assessment purposes.²⁹ Furthermore, the IFR would not affect the assessment rates of small institutions that do not have reciprocal deposits or whose brokered deposits comprise less than 10 percent of total assets. The FDIC estimates that 16 small FDIC-insured institutions could have a lower assessment due to the effect of the IFR on their brokered deposit ratio, if their reciprocal deposits are excepted from treatment as brokered.

For large and highly complex institutions, the IFR may increase the core deposit ratio, potentially resulting in a reduction in the bank's assessment. The core deposit ratio applies to large and highly complex institutions and is measured as domestic deposits, excluding brokered deposits and uninsured non-brokered time deposits, divided by total liabilities.³⁰ The FDIC estimates that 14 large or highly complex institutions could have a lower assessment due to the effect of the IFR on their core deposit ratio, if their reciprocal deposits are excepted or further excepted from treatment as brokered.

For certain large and highly complex institutions and new small institutions that meet the revised definition of agent institution, the IFR may alter their brokered deposit adjustment, resulting in a change in the bank's assessment. The brokered deposit adjustment applies to all new small institutions in Risk Categories II, III, and IV, and all large and all highly complex institutions, except large and highly complex institutions (including new large and new highly complex institutions) that are well capitalized and have a CAMELS composite rating of 1 or 2.³¹ The brokered deposit adjustment can increase assessments for institutions that have brokered deposits in excess of 10 percent of domestic deposits.³² The FDIC estimates that three FDIC-insured institutions could have a lower assessment due to the effect of the IFR on the brokered deposit adjustment, if their reciprocal deposits are excepted from treatment as brokered.

Based on data as of March 31, 2026, the FDIC estimates that aggregate assessment revenue would be reduced

by an estimated \$45.8 million annually. However, as previously discussed, the IFR is implementing section 902 of the Housing Act, which was effective upon enactment, and thus, relative to a post-statutory baseline, the IFR will have no substantive effect on assessment revenue.

Through the IFR, the FDIC further clarifies certain provisions within and related to section 29 of the FDI Act, such as what constitutes "receipt" of nonmaturity reciprocal deposits, requalifying as an agent institution, effective date of a supervisory ratings or capital category change, effective date for written notice of a brokered deposit waiver, or when an institution requalifies under the *special cap*. These aspects of the IFR should benefit IDIs by enabling them to comply with section 29 of the FDI Act more efficiently.

Institutions may incur small costs to make changes to their systems and procedures for maintaining compliance with section 29 of the FDI Act. However, these changes are likely to be *de minimis*.

V. Administrative Law Matters

The FDIC is issuing the IFR without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).³³ Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an "agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."³⁴

Notice and comment are unnecessary for this rule. The substantive changes made by the interim final rule implement section 902 of the Housing Act, which became effective upon enactment. Notice and comment are unnecessary as the FDIC is required to conform its regulations to avoid legal conflicts.³⁵ Delaying the issuance of amended regulations—or delaying the effective date of those regulations—would prolong the time in which the FDIC's regulations were inconsistent

with the FDI Act, as amended by the Housing Act, causing uncertainty for industry participants. The FDIC has therefore determined that the public notice and participation ordinarily required by the APA before a regulation may take effect would, in this case, be unnecessary and contrary to the public interest and that good cause exists to waive the customary 30-day delayed effective date.

Nevertheless, the FDIC desires to have the benefit of public comment before adopting a permanent final rule and thus invites interested parties to submit comments during a 30-day comment period. In adopting a final regulation, the FDIC will revise the IFR if appropriate in light of the comments received.

A. Paperwork Reduction Act

This IFR has been reviewed for compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). In accordance with the PRA, the FDIC may not conduct or sponsor, and an organization is not required to respond to, an information collection unless the information collection displays a currently valid Office of Management and Budget (OMB) control number. The FDIC has reviewed this IFR and determined that it does not create any information collection or revise any existing collection of information. Accordingly, no PRA submissions to OMB will be made with respect to this rule.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the FDIC has determined for good cause that notice and opportunity for public comment prior to the rule's effective date is contrary to the public interest and therefore is not issuing a notice of proposed rulemaking. Accordingly, the FDIC has concluded that the RFA's requirements relating to initial and final regulatory flexibility analyses do not apply. Nevertheless, the FDIC is interested in receiving feedback on ways that it could reduce any potential burden of the IFR on small entities.

²⁹ The core deposit ratio is measured as domestic deposits, excluding brokered deposits and uninsured non-brokered time deposits, divided by total liabilities. Reciprocal deposits that are brokered reciprocal deposits will continue to be excluded from the ratio. See 12 CFR 327.16(b) and 12 CFR part 327, Appendix B to Subpart A.

³⁰ See 12 CFR 327.16(b) and Appendix B to Subpart A.

³¹ See 12 CFR 327.16(e)(3).

³² *Id.*

³³ 5 U.S.C. 553.

³⁴ 5 U.S.C. 553(b)(B).

³⁵ See *Gray Panthers Advoc. Comm. v. Sullivan*, 936 F.2d 1284, 1291–92 (D.C. Cir. 1991) (citations omitted) (public comment is unnecessary if the regulation "merely reiterates the statutory language"); *Metzenbaum v. FERC*, 675 F.2d 1282, 1291 (D.C. Cir. 1982) (notice and comment was unnecessary for nondiscretionary act); *accord Lake Carriers' Ass'n v. EPA*, 652 F.3d 1, 10 n.10 (D.C. Cir. 2011) (collecting cases).

C. Riegle Community Development and Regulatory Improvement Act

The Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA),³⁶ generally provides that new regulations or amendments to regulations prescribed by a Federal banking agency that impose additional reporting, disclosure, or other new requirements on insured depository institutions shall take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, unless the agency determines, for good cause published with the rule, that the rule should become effective before such time.³⁷ Pursuant to section 553(d)(1) of the APA, a rule may become effective without waiting for the delayed effective date to elapse where the rule grants an exemption or relieves a restriction.³⁸ For the reasons discussed above, and because the IFR relaxes certain aspects of the FDIC's restrictions on reciprocal deposits, the FDIC has determined that good cause exists for the IFR to become effective immediately upon publication in the **Federal Register**.

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act³⁹ requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 2000. The FDIC invites your comments on how to make this rule easier to understand, including the following:

- Has the FDIC organized the material to suit your needs? If not, how could the rule be more clearly stated?
- Are the requirements in the rule clearly stated? If not, how could the rule be more clearly stated?
- Does the rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? If so, what changes to the format would make the rule easier to understand?
- What else could the FDIC do to make the rule easier to understand?

E. Executive Orders 12866, 13563, and 14192

Executive Order 12866 directs agencies to assess the costs and benefits

of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule was drafted and reviewed in accordance with Executive Order 12866. Within OMB, the Office of Information and Regulatory Affairs (OIRA) has determined that this rulemaking is not a "significant regulatory action" under section 3(f) of Executive Order 12866. Accordingly, the draft rule was submitted to OIRA for review. As noted in other sections of the **SUPPLEMENTARY INFORMATION** of this document, the FDIC has assessed the costs and benefits of this rulemaking and has made a reasoned determination that the benefits of this rulemaking justify its costs. Executive Order 14192, titled "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(a) of Executive Order 14192 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 standard, 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. This rule is not expected to be a regulatory action under Executive Order 14192.

VI. Request for Comment

The FDIC invites comments on all aspects of the interim final rule. In particular, the FDIC requests comment on the following:

Question 1: Do the amendments to the FDIC's regulations made by this interim final rule fully and properly implement section 902 of the Housing Act? If not, how could the amendments be improved?

Question 2: Is the FDIC's interpretation of the third prong of the agent institution definition in Section 29 of the FDI Act, as amended by the Housing Act, regarding the timing of the four-quarter average, appropriate? If not, what interpretation should the FDIC adopt and why?

Question 3: Are the clarifications contained in this interim final rule regarding the reciprocal deposit regulations sufficiently clear? If not, how could they be improved?

Question 4: Is the FDIC's interpretation of when a reciprocal deposit is "received" by an agent institution appropriate? If not, what interpretation should the FDIC adopt and why? Would additional clarity be helpful?

Question 5: Are there other aspects of the FDIC's reciprocal deposit regulations that are ambiguous or unclear? If so, what changes, including adopting amended regulations, should the FDIC consider to address such ambiguity?

List of Subjects in 12 CFR Part 337

Banks, Banking, Reporting and recordkeeping requirements, Savings associations, Securities.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation amends 12 CFR part 337 as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

- 1. The authority citation for part 337 continues to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1463, 1464, 1468, 1816, 1818(a), 1818(b), 1819, 1820(d), 1821(f), 1828(j)(2), 1831, 1831f, 1831g, 5412.

- 2. Amend § 337.6 by:

■ a. Revising paragraphs (a)(3)(ii) and (iii), (e)(1) and (2); and

■ b. Adding paragraphs (e)(3) and (4).
The revisions and additions read as follows:

§ 337.6 Brokered deposits.

(a) * * *

(3) * * *

(ii) If the appropriate Federal banking agency reclassifies a well capitalized insured depository institution as adequately capitalized pursuant to section 38 of the Federal Deposit Insurance Act, the institution so reclassified shall be subject to the provisions applicable to such lower capital category under this section and § 337.7, including paragraph (e)(2)(i)(A)(2) of this section.

(iii) An insured depository institution shall be deemed to be within a given capital category for purposes of this section and § 337.7, including paragraph (e)(2)(i)(A)(2) of this section, as of the date the institution is notified of, or is deemed to have notice of, its capital category, under regulations implementing section 38 of the Federal Deposit Insurance Act issued by the appropriate Federal banking agency for that institution.

* * * * *

(e) *Limited exception for reciprocal deposits*—(1) *Limited exception.* The sum of the following amounts of reciprocal deposits of an agent institution shall not be considered to be funds obtained, directly or indirectly, by or through a deposit broker:

³⁶ 12 U.S.C. 4802.

³⁷ 12 U.S.C. 4802(b).

³⁸ 5 U.S.C. 553(d)(1).

³⁹ Public Law 106–102, section 722, 113 Stat. 1338, 1471 (Nov. 12, 1999); 12 U.S.C. 4809.

(i) An amount equal to 50 percent of the portion of the total liabilities of the agent institution that is less than or equal to \$1,000,000,000;

(ii) An amount equal to 40 percent of the portion, if any, of the total liabilities of the agent institution that is greater than \$1,000,000,000, but less than or equal to \$10,000,000,000; and

(iii) An amount equal to 30 percent of the portion, if any, of the total liabilities of the agent institution that is greater than \$10,000,000,000, but less than or equal to \$96,333,333,333.

(2) *Additional definitions that apply to the limited exception for reciprocal deposits*—(i) *Agent institution* means an insured depository institution that places a covered deposit through a deposit placement network at other insured depository institutions in amounts that are less than or equal to the standard maximum deposit insurance amount, specifying the interest rate to be paid for such amounts, if the insured depository institution:

(A)(1) When most recently examined under section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) was assigned a CAMELS rating of 1, 2, or 3 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system); and

(2) Is well capitalized;

(B) Has obtained a waiver pursuant to paragraph (c) of this section; or

(C) Does not receive an amount of reciprocal deposits that causes the total amount of reciprocal deposits held by the agent institution to be greater than the average of the total amount of reciprocal deposits held by the agent institution on the last day of each of the four calendar quarters preceding the calendar quarter in which the agent institution was found not to have a composite condition of outstanding or good or was determined to be not well capitalized.

(ii) *Covered deposit* means a deposit that:

(A) Is submitted for placement through a deposit placement network by an agent institution; and

(B) Does not consist of funds that were obtained for the agent institution, directly or indirectly, by or through a deposit broker before submission for placement through a deposit placement network.

(iii) *Deposit placement network* means a network in which an insured depository institution participates, together with other insured depository institutions, for the processing and receipt of reciprocal deposits.

(iv) *Network member bank* means an insured depository institution that is a member of a deposit placement network.

(v) *Reciprocal deposits* means deposits received by an agent institution through a deposit placement network with the same maturity (if any) and in the same aggregate amount as covered deposits placed by the agent institution in other network member banks.

(3) *Requalifying as an Agent Institution due to a Rating Change or Receipt of Reciprocal Deposits in Excess of 4-Quarter Average*—(i) *Rating change*. The effective date of a CAMELS rating change for purposes of satisfying the agent institution definition under paragraph (e)(2) of this section is the date of written notification to the insured depository institution by its appropriate Federal banking agency of its supervisory rating.

(ii) *Receipt of Reciprocal Deposits in Excess of 4-Quarter Average*. An insured depository institution that does not satisfy the agent institution definition under paragraph (e)(2) of this section because it receives an amount of reciprocal deposits that causes the total amount of reciprocal deposits held to be greater than the amount specified in paragraph (e)(2)(i)(C) of this section is considered to satisfy the definition as of the date the amount of reciprocal deposits held by the insured depository institution is less than the amount specified in paragraph (e)(2)(i)(C) of this section.

(4) *Receipt of nonmaturity reciprocal deposits*. For purposes of this section, an agent institution receives nonmaturity reciprocal deposits through a deposit placement network if the deposit is received from a deposit placement network as a result of the agent institution submitting a new covered deposit for placement through the deposit placement network.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on August 28, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–17865 Filed 8–31–26; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 771

Federal Railroad Administration

49 CFR Part 264

Federal Transit Administration

49 CFR Part 622

[Docket No. FHWA–2025–0007]

RIN 2125–AF80; 2130–AD05; 2132–AB51

National Environmental Policy Act Regulations

ACTION: Final rule.

AGENCY: Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

SUMMARY: FHWA, FRA, and FTA (collectively referred to as the “Agencies”) are finalizing the interim final rule (IFR) published on July 3, 2025, which revised the Agencies’ National Environmental Policy Act (NEPA) of 1969 implementing regulations in light of the removal of the Council on Environmental Quality (CEQ) regulations, the amendments to NEPA included in the section of the Fiscal Responsibility Act (FR Act) of 2023, known as the Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act of 2023, amendments regarding efficient environmental reviews included in the Infrastructure Investment and Jobs Act (IIJA) of 2021, and the Supreme Court decision in *Seven County Infrastructure Coalition*. The Agencies provided a 30-day comment period for the public to review and comment on the IFR. This final rule addresses public comments received and finalizes the IFR with minor technical changes.

DATES: Effective on September 1, 2026.

FOR FURTHER INFORMATION CONTACT: For FHWA: Megan Cogburn, Office of Planning, Environment, and Realty, (202) 893–5850, or via email at Megan.Cogburn@dot.gov; Diane Mobley, Office of the Chief Counsel, (202) 366–1366, or via email at Diane.Mobley@dot.gov; For FRA: Lana Lau, Office of Environmental Program Management, (202) 923–5314, or via email at Lana.Lau@dot.gov; Faris Mohammed, Office of the Chief Counsel, (202) 763–3230, or via email at Faris.Mohammed@dot.gov; For FTA: Megan Blum, Office of

Environmental Policy and Programs, (202) 809–4701, or via email at Megan.Blum@dot.gov; Mark Montgomery, Office of the Chief Counsel, (505) 820–2061, or via email at Mark.Montgomery@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Agencies are finalizing the IFR published on July 3, 2025 (90 FR 29426), which revised their regulations at 23 CFR part 771 (Part 771) implementing NEPA (42 U.S.C. 4321–4347, as amended). The regulations at Part 771 were promulgated in 1974 based upon FHWA's guidelines for implementing NEPA, first issued on November 30, 1970 (*see* 36 FR 23666, 23696; December 11, 1971, and 39 FR 41804; December 2, 1974) and subsequently amended several times. After the CEQ issued NEPA implementing regulations (CEQ regulations) in 1978 (43 FR 55978; November 29, 1978), Part 771 was considered a supplement to the CEQ regulations.

In 2025, Executive Order (E.O.) 14154, *Unleashing American Energy* (90 FR 8353; January 29, 2025), rescinded E.O. 11991, *Relating to Protection and Enhancement of Environmental Quality* (42 FR 26967; May 24, 1977), which directed CEQ to issue regulations implementing NEPA and required Federal agencies to comply with those rules. CEQ's regulations were removed, effective April 11, 2025. *See Removal of National Environmental Policy Act Implementing Regulations* (90 FR 10610; February 25, 2025). CEQ finalized the withdrawal of its regulations by adopting its IFR in a Final Rule issued January 8, 2026 (91 FR 618).

As a result of the foregoing, the Agencies removed cross-references to the removed CEQ regulations in Part 771 through the IFR. The Agencies previously followed the procedures contained in the removed CEQ regulations for any topics not addressed by Part 771. The Part 771 regulations stand on their own.

In addition to removing cross-references to the CEQ regulations, the Agencies revised Part 771 to reflect the amendments to NEPA included in the section of the FR Act of 2023 known as the BUILDER Act of 2023, Public Law 118–5, Div. C, Tit. III, Section 321 (June 3, 2023) (NEPA Amendments), which streamlined the environmental review process for all Federal Agencies. Part 771 also reflects amendments to 23 U.S.C. 139 and 203(e), regarding efficient environmental reviews, and applicable to the Agencies only,

included in the IJJA, Public Law 117–58 (November 15, 2021).

This final rule makes further minor technical changes to Part 771 based on comments received in response to the IFR and following additional consideration by the Agencies regarding necessary changes to the regulations. Technical changes made in response to public comments are discussed in Section II (Comments).

The additional technical changes the Agencies determined were necessary include adding and revising relevant authorities in 23 CFR 771.123(b)(1) to read “23 U.S.C. 139(f), 168, 169, 23 CFR 450.212, 23 CFR 450.318, or 23 CFR 450 Appendix A, as applicable.” The Agencies also updated FHWA and FTA categorical exclusions (CE) found at 23 CFR 771.117(c)(23) and 23 CFR 771.118(c)(13) to incorporate the monetary threshold for projects receiving limited Federal assistance in accordance with Section 11317 of IJJA, which amended Section 1317(1) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), 23 U.S.C. 109 note; Public Law 112–141. Effective in the fiscal year of October 1, 2021, the monetary limits for the CE for projects of limited Federal assistance are defined as (1) Projects receiving less than “\$6,000,000” of Federal funds, or (2) Projects with a total estimated cost less than “\$35,000,000” and Federal funding of less than 15 percent of total estimated project cost. Accordingly, the limited Federal assistance CEs were amended by striking “\$5,000,000” and “\$30,000,000” from clauses 771.117(c)(23)(i) and (ii), and 771.118(c)(13)(i) and (ii), respectively, and inserting “\$6,000,000” and “\$35,000,000.” Finally, the Agencies made nonsubstantive grammatical changes or changes for clarity in 23 CFR 771.101, 23 CFR 771.138, and 23 CFR 771.113.

The Agencies may seek future changes to Part 771 through a deregulatory rulemaking effort to further expedite the environmental review process and reduce additional burdens on regulated parties.

II. Comments

The Agencies received 1,991 comments in the docket in response to the IFR but only 244 unique comments. The Agencies considered the comments and respond to the issues raised by the comments in this final rule. Summaries of and responses to these comments, including minor technical changes to the regulation text, are provided in this section.

Many of the comments proposed various substantive edits and changes to

Part 771. The Agencies appreciate and acknowledge these comments but decline to make the suggested substantive changes at this time because they are outside the scope of this rulemaking effort, which is limited to technical changes. However, such comments will be retained and considered for future rulemaking efforts.

General Comments on the Interim Final Rule

Comment: Several commenters expressed general support for the IFR. These commenters praised the Agencies' effort to clarify the Agencies' NEPA procedures and requirements given the removal of the CEQ regulations, as well as to reflect amendments to NEPA included in the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA.

Response: The Agencies acknowledge and appreciate these supportive comments.

Comment: A number of commenters opposed the IFR changes, broadly noting their concerns over diminishing NEPA's intended purpose, reducing public input, increasing risks to wildlife habitats, and impacting Tribal and treaty rights.

Response: The Agencies are committed to complying with NEPA by analyzing alternatives to a proposed Agency action, ensuring meaningful public participation, and identifying the range of impacts to the environment as a result of the proposed alternatives, in line with statutory requirements. The Agencies made only technical changes to reflect the removal of the CEQ regulations as well as the amendments to NEPA included in the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA. Part 771 retains procedures for public involvement and thorough environmental analysis proportional to project impacts. Respect for Tribal sovereignty and treaty rights will be upheld consistent with applicable law, including NEPA.

Comments on the Agencies' Rationale for Issuing an IFR

Comment: Several commenters disagreed that the Agencies had good cause under 5 U.S.C. 553(b)(B) to waive the Administrative Procedure Act (APA) notice and comment requirements or waive the 30-day delay of the effective date to make the rule effective immediately under 5 U.S.C. 553(d)(3). These comments asserted that the Agencies failed to demonstrate that an emergency or other exceptional circumstances existed or that the application of the APA's notice and comment requirements were

“impractical, unnecessary, or contrary to the public interest.” Several commenters also requested additional time to review and comment on the Part 771 updates.

Response: As stated in the IFR, the technical, non-discretionary nature of the changes and expeditious need to update Part 771 to conform with statutory changes warranted application of the good cause exception to bypass notice and the opportunity for public comment and make the rule effective immediately. The Agencies made only technical changes to reflect the removal of the CEQ regulations, as well as the amendments to NEPA included in the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IIJA. Under the APA, the requirement for prior notice and opportunity for public comment does not apply when the Agency, for good cause, finds that those procedures are “impracticable, unnecessary, or contrary to the public interest,” 5 U.S.C. 553(b)(B). The Agencies determined that notice and opportunity for public comment were unnecessary due to the technical, non-discretionary nature of the changes and the urgent need to update Part 771 to reflect the removal of the CEQ regulations, which the Agencies had previously relied upon when they drafted Part 771. In addition, the Agencies found Part 771 contained elements that were no longer substantively supported and thus notice and opportunity for public comment would have been contrary to the public interest given the number of environmental reviews underway across the Agencies’ programs. In order to remedy the unpredictability and regulatory inconsistency created by the removal of the CEQ regulations and the other statutory changes quickly, the Agencies made only necessary technical changes in this rulemaking effort. By limiting the changes to technical changes, the changes could be implemented immediately, and environmental reviews could continue without delay.

Nevertheless, the Agencies elected to solicit comments out of an abundance of caution and for reasons of good government. The Agencies considered all comments received, including the comments received after the deadline.

Comment: Several commenters opposed the IFR changes based on perceived reliance on the 2020 CEQ regulations, describing those regulations as legally flawed and insufficient in scope. Commenters urged alignment with CEQ’s 2023 final rule, which restored broader environmental review

elements such as cumulative and indirect impact analyses.

Response: The Agencies did not rely on any version of the CEQ regulations. The Agencies made only technical changes to the Agencies’ NEPA procedures to reflect the removal of the CEQ regulations, as well as the amendments to NEPA, the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IIJA. The Agencies will continue to coordinate with the CEQ and other agencies to promote best practices in NEPA reviews.

Comment: Some commenters raised concerns over the Supreme Court’s decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 605 U.S. 168, 145 S. Ct. 1497 (2025) (*Seven County*), and revisions to Part 771 based on the ruling.

Response: On May 29, 2025, the Supreme Court issued its decision in *Seven County*. The Agencies reflected the outcome of the decision in the IFR by noting that NEPA is a “purely procedural statute.” (90 FR 29429; *Seven County*, 145 S. Ct. at 1507, 1511). CEQ has issued guidance, *Implementation of the National Environmental Policy Act* (September 29, 2025), superseding guidance of the same name it had issued on February 19, 2025, that addressed amendments to NEPA and discussed aspects of the *Seven County* decision, including that NEPA is “purely procedural.” This covers the extent the *Seven County* decision was included in the Agencies’ technical changes to Part 771, which were made primarily to reflect the removal of the CEQ regulations, as well as statutory changes from the amendments to NEPA, the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IIJA.

Comments Related to Impacts on the NEPA Process

Comment: Several commenters expressed concern over the technical changes to Part 771 and suggested that these changes would make it more difficult to coordinate compliance with other applicable laws and statutes outside of NEPA.

Response: The Agencies made no substantive changes with respect to the coordination required to comply with other environmental laws or requirements, nor the Agencies’ obligations under other statutory coordination requirements.

Comment: Several commenters pointed to risks of inconsistent NEPA procedures across Federal Agencies and other agency partners complicating multimodal projects, causing delays, or

generating conflicting requirements because of the IFR changes.

Response: Part 771 outlines joint NEPA procedures for Federal railroad, transit, and highway projects and is intended to increase coordination and consistency for multimodal projects and across programs. As applicable, Part 771 continues to require or recommend coordination with Federal Agencies and other agency partners, including those outside of the DOT:

- Sections 771.109(c) and 771.111 discusses coordination with Federal Agencies and facilitation of early communication between agency partners. For environmental impact statements (EIS), a coordination plan is required in section 771.123(b)(2).

- Section 771.141, Reliance and Adoption Efficiencies, outlines the circumstances under which any other Federal Agency may rely on the Agencies’ NEPA documents as if they were their own, thereby reducing delay. Section 771.105(a) declares that all environmental investigations, reviews, and consultations should be coordinated as a single environmental review process and in a single environmental document to the maximum extent practicable.

Comment: Several commenters expressed concern regarding public involvement, with some commenters suggesting that the Agencies made substantive changes to the Agencies’ public involvement procedures and requirements.

Response: The Agencies made no substantive changes to public involvement requirements or procedures. Public involvement remains an essential part of the Agencies’ NEPA process in accordance with 23 CFR 771.105(d), and early coordination and public involvement remain a requirement in 23 CFR 771.111. Project sponsors may, at their discretion, supplement these requirements commensurate with project complexity, controversy, or public interest.

Comment: Several commenters expressed concern over the removal of considerations for environmental justice (EJ) impacts in the environmental review process.

Response: On January 20, 2025, President Trump signed E.O. 14148, *Initial Rescissions of Harmful Executive Orders and Actions*, and E.O. 14154, *Unleashing American Energy*. These E.O.s revoked E.O. 14096, *Revitalizing Our Nation’s Commitment to Environmental Justice for All* (April 21, 2023). On January 21, 2025, President Trump signed E.O. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*. This E.O. revoked

E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994).

The Agencies made technical corrections to Part 771 to reflect the removal of the CEQ regulations, as well as to incorporate amendments to NEPA as part of the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA. Per 23 CFR 771.105(c), the Agencies will evaluate alternatives and make decisions that consider the reasonably foreseeable social, economic, and environmental impacts of the proposed transportation improvement, consistent with applicable law.

Comment: Several commenters expressed concern over the removal of consideration for impacts related to greenhouse gas emissions and climate change in the environmental review process.

Response: On January 20, 2025, President Trump signed E.O. 14148, *Initial Rescissions of Harmful Executive Orders and Actions*, and E.O. 14154, *Unleashing American Energy*. These E.O.s revoked E.O. 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (January 20, 2021) and E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021). Subsequently on January 29, 2025, Secretary Duffy signed a memorandum for Secretarial Officers and Heads of Operating Administrations, *Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender*.

The Agencies made technical corrections to Part 771 to reflect the removal of the CEQ regulations, as well as to incorporate amendments to NEPA as part of the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA. Per 23 CFR 771.105(c), the Agencies will evaluate alternatives and make decisions that consider the reasonably foreseeable social, economic, and environmental impacts of the proposed transportation improvement, consistent with applicable law.

Comment: Several commenters raised concerns over the lack of requirements to analyze cumulative and indirect environmental impacts. Commenters emphasized that such analyses are critical for evaluating climate change impacts, EJ considerations, and protection of cultural and historic resources.

Response: The terms direct, indirect, and cumulative effects were defined in the CEQ regulations, which have been removed. The Agencies made only technical changes to Part 771 to reflect the removal of the CEQ regulations, as

well as to incorporate amendments to NEPA as part of the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA. For consistency with the NEPA statute, which does not use the terms direct, indirect, or cumulative effect, the final rule uses the term “reasonably foreseeable” to refer to the statutory NEPA standard for evaluating the social, economic, and environmental impacts of proposed transportation improvements. The Agencies will evaluate alternatives and make decisions that consider all effects that are reasonably foreseeable, including the social, economic, and environmental impacts of a proposed transportation improvement.

Comment: Several commenters raised concern with the “reasonably foreseeable” standard for assessing environmental impacts and requested that the Agencies define the term for clarity.

Response: For consistency with the NEPA statute, the final rule uses the term “reasonably foreseeable” to refer to the standard for evaluating the social, economic, and environmental impacts of proposed transportation improvements. This term applies across the Federal Government and is being added to Part 771 in this final rule to ensure consistency between the Agencies and other Federal Agencies.

Since publication of the IFR, CEQ has defined the term “reasonably foreseeable” via an appendix to guidance¹ issued on September 29, 2025. The Agencies decline to define “reasonably foreseeable effects” in Part 771 because substantive changes are outside the scope of this rulemaking. However, the Agencies may consider defining this term in a future rulemaking.

Comments Requesting Further Changes and Flexibilities in the NEPA Process

Comment: Some commenters proposed including non-major Federal actions in Part 771 in response to the request for suggestions from the Agencies in the IFR. Additional comments requested that the Agencies define “non-major Federal actions.”

Response: The Agencies appreciate and acknowledge the comments and will reserve and consider them for a future rulemaking. The Agencies decline the proposed substantive changes at this time because they are outside the limited scope of this rulemaking effort. The Agencies made only technical changes to Part 771 to

reflect the removal of the CEQ regulations, FR Act amendments to NEPA, and amendments to 23 U.S.C. 139 and 203(e) included in IJJA. NEPA defines a “major Federal action” by reference to the degree of Federal control and responsibility, 42 U.S.C. 4336e. The Agencies will continue to distinguish major Federal actions and non-major Federal actions consistent with applicable law.

Comment: Several commenters requested the Agencies update their CEs and implement efficiencies more broadly with respect to CE determinations.

Response: The Agencies appreciate and acknowledge comments requesting updated CEs and broader CE efficiencies but decline the suggested changes because they are outside the scope of this rulemaking effort, which is focused on technical changes. The Agencies will reserve and consider the comments regarding CE efficiencies for a future rulemaking but continue to support efficient processing of routine projects that qualify for CEs and will assess potential flexibilities to promote efficiency in the NEPA process.

Comment: Some commenters requested flexibilities in the public involvement process, such as removing the requirement to provide public notice through local newspapers and instead providing alternative means to provide notice.

Response: The Agencies appreciate and acknowledge comments requesting changes to public involvement requirements and procedures but decline to make such changes in this final rule because substantive changes are beyond the scope of this rulemaking effort. The Agencies will reserve and consider the removal of newspaper requirement for a future rulemaking.

Regardless of the newspaper requirement, several sections throughout Part 771 already encourage the use of project websites or other publicly accessible electronic means to make the environmental document available while minimizing hardcopy requests and printing costs.

Comment: Several commenters recommended that DOT set a timeline of less than the one year for CE determinations and implement reporting procedures for delays.

Response: The Agencies recognize the value of timely environmental reviews to promote efficient project delivery. The relevant statutory authorities are silent on timelines for completing CE determinations, and the Agencies decline to set a timeline for CE determinations because substantive changes are outside the scope of this

¹ CEQ's guidance is posted at <https://www.whitehouse.gov/articles/2025/09/ceq-releases-guidance-to-streamline-nepa-reviews/>.

rulemaking effort. In addition, compliance with other statutory requirements may require additional time and documentation but the Agencies will continue to evaluate process improvements.

Comment: Several commenters recommended tracking and reporting milestones such as the time from award notification for discretionary grant program projects to environmental clearance completion to provide transparency to grantees and congressional oversight committees.

Response: The Agencies value transparency and recognize congressional interest in project delivery metrics, and the Agencies will continue to provide tracking information and reports as required by law. This includes providing environmental assessment (EA) and EIS project information on the Permitting Dashboard for Federal Infrastructure Projects, available at <https://www.permits.performance.gov>. However, the Agencies decline to make further changes in this final rule because substantive changes are outside the scope of this rulemaking. The Agencies appreciate and acknowledge the comments and will reserve and consider them for a future rulemaking.

Comment: One commenter requested that the Agencies provide more detail in 23 CFR 771.115(b)–(c) to differentiate between the EA and CE classes of action. The current language in paragraph (b) provides that a CE applies to actions that normally do not have a significant environmental effect and is excluded from the requirement to prepare an EA or EIS. The current language in paragraph (c) provides that an EA applies to actions that do not have reasonably foreseeable significant effects on the quality of the human environment or for which the significance of an environmental impact is unknown. Per the commenter, it is difficult to distinguish between the two classes of actions because the language in 23 CFR 771.115(b)–(c) suggests that both the EA and CE classes of action apply to actions that do not have a “reasonably foreseeable significant effect.”

Response: After careful examination of the language in 23 CFR 771.115(b)–(c), the Agencies agree the language should be revised to distinguish the difference between EAs and CEs as classes of action more clearly. Accordingly, the Agencies are revising the language in 23 CFR 771.115(c) to make clear that an EA applies to “[a]ctions that do not have reasonably foreseeable significant effects on the quality of the human environment but

that cannot be categorically excluded or actions for which the significance of the environmental impact is unknown” to be consistent with NEPA, 42 U.S.C. 4336(b)(2) (emphasis added). For consistency, the language in 23 CFR 771.119(a) has been revised to read, “The applicant must prepare an EA in consultation with the Administration for each action that does not have a reasonably foreseeable significant effect on the quality of the human environment but that cannot be categorically excluded or actions for which if the significance of the environmental impact such effect is unknown, unless the agency finds that the proposed action is a CE and does not clearly require the preparation of an EIS.”

Comment: A commenter proposed removing the certification requirement at 23 CFR 771.138(c)(1) for the Draft Environmental Impact Statement (DEIS). The commenter noted that the certification requirement means that, for a DEIS, the lead agency is required to certify the timeline requirements are met under 23 CFR 771.138 prior to completing the NEPA process through the final EIS or combined final EIS/Record of Decision (ROD).

Response: The Agencies agree with the commenter and have removed the certification requirement for a DEIS in 23 CFR 771.138(c) in the final rule. This change should address any prior confusion by clearly stating that the lead agency must certify the EIS timeline requirement has been met at the completion of the NEPA process. The certification requirement remains with respect to timeline and page limit requirements for final EISs and combined final EIS/RODs.

Comment: Several commenters requested new flexibilities in the re-evaluation process, clarification on when a re-evaluation is needed, and that the timeframe for triggering the written re-evaluation requirement for an EIS be aligned with the 5-year threshold provided in DOT’s NEPA Order.

Response: The Agencies appreciate and acknowledge the comment but decline to make the suggested changes because substantive changes are outside the scope of this rulemaking. In the final rule, the Agencies made only technical changes to Part 771 to reflect the removal of the CEQ regulations, amendments to NEPA in the FR Act, and amendments to 23 U.S.C. 139 and 203(e) included in IJA.

Comment: Several commenters suggested delegating NEPA or related Federal requirements, such as routine consultations under the Endangered Species Act of 1973, as amended, 16

U.S.C. 1531 *et seq.*, to non-Federal entities.

Response: The Agencies appreciate and acknowledge the comments, but decline to make these changes as NEPA and other Federal delegation programs are outside the scope of this rulemaking effort. The Agencies continue to encourage project sponsors to use environmental data and analyses prepared for compliance with State environmental review requirements in preparing the Federal NEPA document when it is relevant and contemporary to avoid duplication of effort and promote efficient environmental reviews. State documents and analyses related to compliance with State environmental requirements may be used to inform the NEPA process to the extent consistent with applicable law.

Comment: Some commenters expressed opposition to CEQ’s rescission of its regulations and other Governmentwide efforts and related policies, and expressed opinions not directly related to IFR and technical changes to Part 771.

Response: Comments related to NEPA implementation outside the context of Part 771, or actions taken by other Federal Agencies or entities, are outside the scope of this rulemaking effort.

III. Regulatory Analysis and Notices

Legal Authority for This Rulemaking

This final rule is published under the authority of the Secretary of Transportation delegated to the Agencies pursuant to 49 CFR 1.81, 1.85, 1.89, and 1.91. Authority for these regulations is as follows: 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 106, 109, 128, 138, 139, 203, 315, 326, and 327; 49 U.S.C. 303 and 24201; 49 U.S.C. 5323(c) and 5323(q); 49 CFR 1.81, 1.85, 1.89, and 1.91; Pub. L. 109–59, 119 Stat. 1144, Sections 6002 and 6010; Pub. L. 112–141, 126 Stat. 405, Sections 1315, 1316, 1317, 1318, and 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1304 and 1432.

The Agencies considered all comments received before the close of business on the comment closing date indicated above, as well as the comments received after the deadline. The comments are available for examination in the docket (FHWA–2025–0007) at www.regulations.gov.

Executive Order 12866, Executive Order 14192, and DOT Regulatory Policies and Procedures

This rule is a nonsignificant regulatory action under E.O. 12866, *Regulatory Planning and Review* (58 FR 51735 (October 4, 1993)). Therefore, the

Office of Management and Budget (OMB) has not reviewed this rule. E.O. 12866 further directs Agencies to assess all costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select regulatory approaches that maximize net benefits.

Implementation guidance for E.O. 14192, *Unleashing Prosperity Through Deregulation*, issued by the OMB (Memorandum M–25–20, March 26, 2025), defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.” This final rule is considered an E.O. 14192 deregulatory action. The Agencies expect minor cost savings because this final rule would enable projects to move more expeditiously through the Federal environmental review process. It would reduce the preparation of extraneous environmental documentation and analysis not needed for compliance with NEPA while still ensuring that projects are built in an environmentally responsible manner and consistent with Federal law. These cost savings cannot be quantifiable. The Agencies do not have specific data to assess the economic impact of this final rule because such data does not exist and would be difficult to develop.

Regulatory Flexibility Act and Executive Order 13272, Proper Consideration of Small Entities in Agency Rulemaking

The Regulatory Flexibility Act, as amended, 5 U.S.C. 601 *et seq.*, requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment. As discussed previously, the Agencies have determined that prior notice and opportunity for public comment is unnecessary under the APA. Because a notice of proposed rulemaking is not required for this action pursuant to 5 U.S.C. 553, or any other law, no regulatory flexibility analysis has been prepared for this final rule. See 5 U.S.C. 601(2), 603(a).

Environmental Analysis

NEPA does not require any Federal Agency to conduct NEPA analysis for the development of Agency procedures that implement NEPA. In addition, the promulgation of this final rule is categorically excluded from the requirement to prepare an impact statement by 23 CFR 771.116(c)(15), 771.117(c)(20), and 771.118(c)(4) and, therefore, the Agencies have determined that no environmental analysis is needed. The Agencies do not anticipate any adverse environmental impacts from this final rule, and no unusual

circumstances are present under 23 CFR 771.117(b).

Executive Order 13132, Federalism

The Agencies have analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132, *Federalism*, which requires Agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. The Agencies have determined that this action does not preempt any State law or State regulation or affect the States’ ability to discharge traditional State governmental functions.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The Agencies have analyzed this final rule according to the principles and criteria in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, and DOT Order 5301.1, *Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes*. The Agencies have determined that this action will neither significantly nor uniquely affect Tribal communities or Indian Tribal governments. In addition, this action does not impose compliance costs on Tribal governments and does not preempt Tribal law.

Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act, 2 U.S.C. 1531, requires Agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments in the aggregate of \$100 million or more (in 1996 dollars) in any given year, agencies must prepare, among other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate. This final rule applies to Federal Agencies and would not result in expenditures of \$100 million or more for State, Tribal, and local governments, in the aggregate, or the private sector in any one year. This action also does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of 2 U.S.C. 1531–1538.

Paperwork Reduction Act (PRA)

Under the PRA, 44 U.S.C. 3501, *et seq.*, Federal agencies must obtain approval from OMB for each collection

of information they conduct, sponsor, or require through regulations. This action does not impose any new information collection burden that would require additional review or approval by OMB for the purposes of the PRA.

Executive Order 13211 (Energy Effects)

The Agencies have analyzed this action under E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The Agencies have determined that this is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects

23 CFR Part 771

Environmental impact statements; Grant programs—transportation; Highways and roads; Historical preservation; Public lands; Railroads; Recreation and recreation areas; Reporting and recordkeeping requirements.

49 CFR Part 264

Environmental impact statements; Railroads.

49 CFR Part 622

Environmental impact statements; Mass transportation.

Issued in Washington, DC, under the authority delegated in 49 CFR 1.81(a)(5), 1.85, 1.89, and 1.91.

Sean McMaster,
Administrator, Federal Highway Administration.

David A. Fink,
Administrator, Federal Railroad Administration.

Matthew B. Cahill,
Acting Deputy Administrator, Federal Transit Administration.

In consideration of the foregoing, the Agencies revise 23 CFR part 771, and 49 CFR part 264, and part 622, subpart A to read as follows:

Title 23—Highways

- 1. Revise part 771 to read as follows:

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Sec.

- 771.101 Purpose.
- 771.103 [Reserved]
- 771.105 Policy.
- 771.107 Definitions.
- 771.109 Applicability and responsibilities.
- 771.111 Early coordination, public involvement, and project development.
- 771.113 Timing of Administration activities when NEPA applies.
- 771.115 Classes of actions.
- 771.116 FRA categorical exclusions.
- 771.117 FHWA categorical exclusions.
- 771.118 FTA categorical exclusions.
- 771.119 Environmental assessments.
- 771.121 Findings of no significant impact.
- 771.123 Draft environmental impact statements.
- 771.124 Final environmental impact statement/record of decision document.
- 771.125 Final environmental impact statements.
- 771.127 Record of decision.
- 771.129 Re-evaluations.
- 771.130 Supplemental environmental impact statements.
- 771.131 Emergency action procedures.
- 771.133 Compliance with other requirements.
- 771.137 International actions.
- 771.138 Timelines, Page Limits, and Certifications.
- 771.139 Limitations on actions.
- 771.141 Reliance and Adoption Efficiencies.

Authority: 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 106, 109, 128, 138, 139, 203(e), 315, 326, and 327; 49 U.S.C. 303 and 24201; 49 U.S.C. 5323(c) and 5323(q); 49 CFR 1.81, 1.85, 1.89, and 1.91; Pub. L. 109–59, 119 Stat. 1144, Sections 6002 and 6010; Pub. L. 112–141, 126 Stat. 405, Sections 1315, 1316, 1317, 1318, and 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1304 and 1432.

§ 771.101 Purpose.

This part prescribes the policies and procedures of the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), and the Federal Transit Administration (FTA) for implementing the National Environmental Policy Act of 1969, as amended (NEPA). Together these regulations set forth all FHWA, FRA, FTA, and U.S. Department of Transportation (DOT) requirements under NEPA for the processing of highway, public transportation, and railroad actions. This part also sets forth procedures to comply with 23 U.S.C. 109(h), 128, 138, 139, 203(e), 326, and 327; 49 U.S.C. 303, 24201, 5323(c) and 5323(q); Public Law 112–141, 126 Stat. 405, section 1301 as applicable; and Public Law 114–94, 129 Stat. 1312, section 1304.

§ 771.103 [Reserved]**§ 771.105 Policy.**

It is the policy of the Administration that:

(a) To the maximum extent practicable and consistent with Federal law, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in a single environmental document required by this part.

(b) Programmatic approaches be developed for compliance with environmental requirements (including the requirements found at 23 U.S.C. 139(b)(3)), coordination among agencies and/or the public, or to otherwise enhance and accelerate project development.

(c) Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of the reasonably foreseeable social, economic, and environmental impacts of the proposed transportation improvement; and of national, State, and local environmental protection goals.

(d) Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.

(e) Measures necessary to mitigate adverse impacts be incorporated into the action. Measures necessary to mitigate adverse impacts are eligible for Federal funding when the Administration determines that:

(1) The impacts for which the mitigation is proposed actually result from the Administration action; and

(2) The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute other than NEPA, executive order, or Administration regulation or policy.

(f) Costs incurred by the applicant for the preparation of environmental documents requested by the Administration be eligible for Federal assistance.

(g) No person, because of handicap, age, race, color, sex, or national origin, be excluded from participating in, or denied the benefits of, or be subject to discrimination under any Administration program or procedural

activity required by or developed pursuant to this part.

§ 771.107 Definitions.

The definitions contained in 42 U.S.C. 4336e and in titles 23 and 49 of the United States Code are applicable. In addition, the following definitions apply to this part.

Action. A highway, transit, or railroad project proposed for U.S. DOT funding. It also can include activities such as joint and multiple use permits, changes in access control, or rulemakings, which may or may not involve a commitment of Federal funds.

Administration. FHWA, FRA, or FTA, whichever is the designated Federal lead agency for the proposed action. A reference herein to the Administration means FHWA, FRA, or FTA, or a State when the State is functioning as FHWA, FRA, or FTA in carrying out responsibilities delegated or assigned to the State in accordance with 23 U.S.C. 326 or 327, or other applicable law. A reference herein to FHWA, FRA, or FTA means the State when the State is functioning as FHWA, FRA, or FTA respectively in carrying out responsibilities delegated or assigned to the State in accordance with 23 U.S.C. 326 or 327, or other applicable law. Nothing in this definition alters the scope of any delegation or assignment made by FHWA, FRA, or FTA.

Administration action. FHWA, FRA, or FTA approval of the applicant's request for Federal funds for construction. It also can include approval of activities, such as joint and multiple use permits, changes in access control, rulemakings, etc., that may or may not involve a commitment of Federal funds.

Applicant. Any Federal, State, local, or federally recognized Indian Tribal governmental unit that requests funding approval or other action by the Administration and that the Administration works with to conduct environmental studies and prepare environmental review documents. When another Federal agency, or the Administration itself, is implementing the action, then the lead agencies (as defined in this section) may assume the responsibilities of the applicant in this part. If there is no applicant, then the Federal lead agency will assume the responsibilities of the applicant in this part. The applicant may also be the project sponsor.

Cooperating agency. Any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal and has

been designated as a cooperating agency by the lead agency.

Environmental document. An environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

Environmental studies. The investigations of potential reasonably foreseeable environmental impacts to determine the environmental process to be followed and to assist in the preparation of the environmental document.

Finding of no significant impact (FONSI). Means a final determination by the Administration that the proposed action does not require the issuance of an environmental impact statement.

Lead agency(ies). The Administration and, if applicable, any other agency designated to serve as a joint lead agency with the Administration under 23 U.S.C. 139(c)(3) or 42 U.S.C. 4336a(1)(B).

Major Federal action. An action that the Administration determines is subject to substantial Federal control and responsibility.

Major project. A project subject to the requirements of 23 U.S.C. 139 that (1) requires multiple (two, or more) authorizations, reviews, or studies under a Federal law other than NEPA; (2) for which the lead agency has determined an EIS is required (or for which the lead agency has determined an EA is required and where the project sponsor requests that the project be treated as a major project); and (3) for which the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

Participating agency. A Federal, State, local, or federally recognized Indian Tribal governmental unit with an interest in the proposed project and has accepted an invitation to be a participating agency or, in the case of a Federal agency, has not declined the invitation in accordance with 23 U.S.C. 139(d)(3).

Programmatic approaches. An approach that reduces the need for project-by-project reviews, eliminates repetitive discussion of the same issue, or focuses on the actual issues ripe for analyses at each level of review, consistent with NEPA and other applicable law.

Project sponsor. The Federal, State, local, or federally recognized Indian Tribal governmental unit, or other entity, including any private or public-private entity that seeks Federal funding or an Administration action for a project. Where it is not the applicant, the project sponsor may conduct some

of the activities on the applicant's behalf.

Section 4(f). Refers to 49 U.S.C. 303 and 23 U.S.C. 138 (as implemented by 23 CFR part 774).

Special expertise. Statutory responsibility, agency mission, or related program experience.

§ 771.109 Applicability and responsibilities.

(a)(1) The provisions of this part only apply to major Federal actions. Steps taken by the applicant that do not require Federal approvals, such as preparation of a regional transportation plan, are not subject to this part.

(2) The Administration has determined the following additional actions are not major Federal actions subject to NEPA:

(i) Extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside the jurisdiction of the United States.

(ii) [Reserved].

(3) This part does not apply to or alter final agency action the Administration made prior to July 3.

(4) Environmental documents accepted or prepared after July 3, 2025 must be developed in accordance with this part.

(b)(1) The project sponsor, in cooperation with the Administration, is responsible for implementing those mitigation measures stated as commitments in the environmental documents prepared pursuant to this part unless the Administration approves of their deletion or modification in writing. FHWA will ensure that this is accomplished as part of its stewardship and oversight responsibilities. FRA and FTA will ensure implementation of committed mitigation measures through incorporation by reference in the grant agreement, followed by reviews of designs and construction inspections.

(2) When entering into Federal-aid project agreements pursuant to 23 U.S.C. 106, FHWA must ensure the State highway agency constructs the project in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental review documents.

(c) The following roles and responsibilities apply during the environmental review process:

(1) The Federal lead agencies are responsible for managing the environmental review process and the contents of the appropriate environmental documents.

(2) Any State or local governmental entity applicant that is or is expected to

be a direct recipient of funds under title 23 of the United States Code or 49 U.S.C. ch. 53 for the action, or is or is expected to be a direct recipient of financial assistance for which FRA is responsible (e.g., 49 U.S.C. Subtitle V) must serve as a joint lead agency with the Administration in accordance with 23 U.S.C. 139, and may prepare environmental review documents if the Administration furnishes guidance, and independently evaluates the environmental documents.

(3) The Administration may invite other Federal, State, local, or federally recognized Indian Tribal governmental units to serve as joint lead agencies in accordance with 42 U.S.C. 4336(a)(1)(B). If the applicant is serving as a joint lead agency under 23 U.S.C. 139(c)(3), then the Administration and the applicant will decide jointly which other agencies to invite to serve as joint lead agencies.

(4) When the applicant seeks an Administration action other than the approval of funds, the Administration will determine the role of the applicant in accordance with this part and 23 U.S.C. 139.

(5) Regardless of its role under paragraphs (c)(2) through (c)(4) of this section, a public agency that has statewide jurisdiction (for example, a State highway agency or a State department of transportation) or a local unit of government acting through a statewide agency, that meets the requirements of 42 U.S.C. 4332(G), may prepare the environmental documents with the Administration furnishing guidance, participating in the preparation, and independently evaluating the document. All FHWA applicants qualify under this paragraph.

(6) A participating agency must provide input during the times specified in the coordination plan under 23 U.S.C. 139(g) and within the agency's special expertise or jurisdiction. Participating agencies provide comments and concurrence on the schedule within the coordination plan. For projects not subject to 23 U.S.C. 139, participating agencies will participate in the environmental review process consistent with 42 U.S.C. 4336a, as appropriate.

(d) When entering into Federal-aid project agreements pursuant to 23 U.S.C. 106, the State highway agency must ensure the project is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless the State requests and receives written FHWA approval to modify or delete such mitigation features.

(e) When FRA is the lead agency, the project sponsor is a private entity, and there is no applicant acting as a joint-lead agency, FRA may provide written authorization to the project sponsor to prepare the environmental document under FRA supervision. FRA's written authorization will establish the project sponsor's and FRA's respective responsibilities in preparing the environmental document.

§ 771.111 Early coordination, public involvement, and project development.

(a)(1) Early coordination with appropriate agencies and the public aids in determining the type of environmental documents an action requires, the scope of the document, the level of analysis, and related environmental requirements. These activities contribute to reducing or eliminating delay, duplicative processes, and conflict, including by incorporating planning outcomes that have been reviewed by agencies and Indian Tribal partners in project development.

(2)(i) The information and results produced by or in support of the transportation planning process may be incorporated into environmental review documents in accordance with 23 U.S.C. 139(f), 168, 169, 23 CFR 450.212, 23 CFR 450.318, or 23 CFR 450 Appendix A, as applicable.

(ii) The planning process described in paragraph (a)(2)(i) of this section may include mitigation actions consistent with a programmatic mitigation plan developed pursuant to 23 U.S.C. 169 or from a programmatic mitigation plan developed outside of that framework.

(iii) The purpose and need, alternatives development and screening, and other relevant analyses, studies, and work products developed pursuant to 49 U.S.C. 25101 or other Administration-approved planning efforts, may be incorporated into the NEPA process as appropriate.

(3) Applicants intending to apply for funds or request Administration action should notify the Administration at the time a project concept is identified. When requested, the Administration will advise the applicant, insofar as possible, of the probable class of action (see § 771.115) and related environmental laws and requirements and of the need for specific studies and findings that would normally be developed during the environmental review process. A lead agency, in consultation with participating agencies, must develop an environmental checklist, as appropriate, to assist in resource and agency identification.

(b)(1) The Administration will identify the probable class of action as soon as sufficient information is available to identify the reasonably foreseeable impacts of the action.

(2) For projects to be evaluated with an EIS, the Administration must respond in writing to a project sponsor's formal project notification within 45 days of receipt.

(c) When the FHWA, FRA, or FTA are jointly involved in the development of an action, or when the FHWA, FRA, or FTA act as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis. A project sponsor may request the Secretary to designate the lead Federal agency when project elements fall within the expertise of multiple DOT agencies.

(d) During early coordination, the lead agencies may invite other agencies with an interest in the action to participate. The lead agencies must, however, invite such agencies if the action is subject to the project development procedures in 23 U.S.C. 139 within 45 days from publication of the notice of intent. Any such agencies with special expertise concerning the action may also be invited to become cooperating agencies. Any such agencies with jurisdiction by law concerning the action must be invited to become cooperating agencies.

(e) Other States and Federal land management entities that may be significantly affected by the action or by any of the alternatives must be notified early and their views solicited by the applicant in cooperation with the Administration. The Administration will provide direction to the applicant on how to approach any significant unresolved issues as early as possible during the environmental review process.

(f) Any action evaluated under NEPA as a categorical exclusion (CE), environmental assessment (EA), or environmental impact statement (EIS) must:

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

(2) Have independent utility or independent significance, *i.e.*, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and

(3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

(g) For major transportation actions, the tiering (a form of programmatic environmental documentation) of EISs or EAs may be appropriate. The first tier EIS or EA would focus on broad issues

such as general location, mode choice, and areawide air quality and land use implications of the major alternatives. The second tier would address site-specific details on a project's reasonably foreseeable impacts, costs, and mitigation measures.

(h) For the Federal-aid highway program:

(1) Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 139.

(2) State public involvement/public hearing procedures must provide for:

(i) Coordination of public involvement activities and public hearings with the entire NEPA process;

(ii) Early and continuing opportunities during project development for the public to be involved in the identification of reasonably foreseeable social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions;

(iii) One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines a public hearing is in the public interest;

(iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice must also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations;

(v) Explanation at the public hearing of the following information, as appropriate:

(A) The project's purpose, need, and consistency with the goals and objectives of any local urban planning,

(B) The project's alternatives and major design features,

(C) The reasonably foreseeable social, economic, environmental, and other impacts of the project,

(D) The relocation assistance program and the right-of-way acquisition process, and

(E) The State highway agency's procedures for receiving both oral and written statements from the public;

(vi) Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public, both submitted at the public hearing or during an announced period after the public hearing;

(vii) An opportunity for public involvement in defining the purpose and need and the reasonable range of alternatives, for any action subject to the project development procedures in 23 U.S.C. 139; and

(viii) Public notice and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, in accordance with 23 CFR 774.5(b)(2)(i).

(i) Applicants for FRA programs or the FTA capital assistance program:

(1) Achieve public participation on proposed actions through activities that engage the public, including public hearings, town meetings, and charrettes, and seek input from the public through scoping for the environmental review process. Project milestones may be announced to the public using electronic or paper media (*e.g.*, newsletters, note cards, or emails). For actions requiring an EIS, an early opportunity for public involvement in defining the purpose and need for the action and the range of alternatives must be provided, and a public hearing will be held during the circulation period of the draft EIS.

(2) May participate in early scoping as long as enough project information is known so the public and other agencies can participate effectively. Early scoping constitutes initiation of NEPA scoping while local planning efforts to aid in establishing the purpose and need and in evaluating alternatives and impacts are underway. Notice of early scoping must be made to the public and other agencies. If early scoping is the start of the NEPA process, the early scoping notice must include language to that effect. After development of the proposed action at the conclusion of early scoping, FRA or FTA will publish the notice of intent if it is determined at that time the proposed action requires an EIS. The notice of intent will establish a 30-day period for comments on the purpose and need, alternatives, impacts, and relevant information, studies, or analyses with respect to the proposed agency action.

(3) Are encouraged to post and distribute materials related to the environmental review process, including, environmental documents (*e.g.*, EAs and EISs), environmental studies (*e.g.*, technical reports), public

meeting announcements, and meeting minutes, through publicly accessible electronic means, including project websites. Applicants should keep these materials available to the public electronically until the project is constructed and open for operations.

(4) Should post all FONSI, combined final EISs/RODs, and RODs on a project website until the project is constructed and open for operation.

(j) Information on the FHWA environmental process may be obtained from: FHWA Director, Office of Project Development and Environmental Review, Federal Highway Administration, Washington, DC 20590, or www.environment.fhwa.dot.gov. Information on the FRA environmental process may be obtained from: FRA Director, Office of Environmental Program Management, Federal Railroad Administration, Washington, DC 20590, or railroads.dot.gov. Information on the FTA environmental process may be obtained from: FTA Director, Office of Environmental Policy and Programs, Federal Transit Administration, Washington, DC 20590 or www.transit.dot.gov.

§ 771.113 Timing of Administration activities when NEPA applies.

(a) The lead agencies, in cooperation with the applicant and project sponsor, as appropriate, will perform the work necessary to complete the environmental review process. This work includes drafting environmental documents and completing environmental studies, related engineering studies, agency coordination, public involvement, and identification of mitigation measures. Except as otherwise provided in law or in paragraph (d) of this section, final design activities, property acquisition, purchase of construction materials or rolling stock, or project construction must not proceed until the following have been completed:

(1)(i) The Administration has classified the action as a CE;

(ii) The Administration has issued a FONSI; or

(iii) The Administration has issued a combined final EIS/ROD or a final EIS and ROD;

(2) For actions proposed for FHWA funding, the Administration has received and accepted the certifications and any required public hearing transcripts required by 23 U.S.C. 128;

(3) For activities proposed for FHWA funding, the programming requirements of 23 CFR part 450, subpart B, and 23 CFR part 630, subpart A, have been met.

(b) For FHWA actions, completion of the requirements set forth in paragraphs

(a)(1) and (2) of this section is considered acceptance of the general project location and concepts described in the environmental review documents unless otherwise specified by the approving official.

(c) Letters of Intent issued under the authority of 49 U.S.C. 5309(g) are used by FTA to indicate an intention to obligate future funds for multi-year capital transit projects. Letters of Intent will not be issued by FTA until the NEPA process is completed. Letters of Intent issued by FRA under the authority of 49 U.S.C. 24911(g) may be issued prior to completion of the NEPA process.

(d) The prohibition in paragraph (a)(1) of this section do not apply to:

(1) Early acquisition, hardship and protective acquisitions of real property in accordance with 23 CFR part 710, subpart E for FHWA. Exceptions for the acquisitions of real property are addressed in paragraphs (c)(6) and (d)(3) of § 771.118 for FTA.

(2) The early acquisition of right-of-way for future transit use in accordance with 49 U.S.C. 5323(q) and FTA guidance.

(3) A limited exception for rolling stock is provided in 49 U.S.C. 5309(l)(6).

(4) FRA may make exceptions on a case-by-case basis for purchases of railroad components or materials that can be used for other projects or resold.

§ 771.115 Classes of actions.

There are three classes of actions that prescribe the level of documentation required in the NEPA process. In selecting the class of action, the Administration may make use of any reliable data source and is not required to undertake new scientific or technical research unless the new scientific or technical research is essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable. A programmatic approach may be used for any class of action.

(a) *EIS*. Actions that have a reasonably foreseeable significant effect on the quality of the human environment require an EIS. The following are examples of actions that normally require an EIS:

(1) A new controlled access freeway.

(2) A highway project of four or more lanes on a new location.

(3) Construction or extension of a fixed transit facility (*e.g.*, rapid rail, light rail, commuter rail, bus rapid transit) that will not be located primarily within an existing transportation right-of-way.

(4) New construction or extension of a separate roadway for buses or high

occupancy vehicles not located within an existing transportation right-of-way.

(5) New construction or extension of a separate roadway for buses not located primarily within an existing transportation right-of-way.

(6) New construction of major railroad lines or facilities (*e.g.*, terminal passenger stations, freight transfer yards, or railroad equipment maintenance facilities) that will not be located within an existing transportation right-of-way.

(b) *CE*. Actions that normally do not have a significant environmental effect are excluded from the requirement to prepare an EA or EIS. A specific list of CEs normally not requiring NEPA documentation is set forth in § 771.117(c) for FHWA actions or § 771.118(c) for FTA actions. When appropriately documented, additional projects may also qualify as CEs pursuant to § 771.117(d) for FHWA actions or pursuant to § 771.118(d) for FTA actions. FRA's CEs are listed in § 771.116.

(c) *EA*. Actions that do not have reasonably foreseeably significant effects on the quality of the human environment but that cannot be categorically excluded or actions for which the significance of the environmental impact is unknown. All actions that are not EISs or CEs are EAs. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

§ 771.116 FRA categorical exclusions.

(a) CEs are actions that, based on FRA's past experience with similar actions, normally do not involve significant environmental impacts. They are actions that do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise have any significant environmental impacts.

(b) Any action that normally would be classified as a CE but could involve unusual circumstances will require FRA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;

(3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or

(4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

(c) Actions that FRA determines fall within the following categories of FRA CEs and that meet the criteria for CEs in paragraph (a) of this section may be designated as CEs only after FRA approval. FRA may request the applicant or project sponsor submit documentation to demonstrate that the specific conditions or criteria for these CEs are satisfied and significant environmental effects will not result.

(1) Administrative procurements (*e.g.*, for general supplies) and contracts for personal services, and training.

(2) Personnel actions.

(3) Planning or design activities that do not commit to a particular course of action affecting the environment.

(4) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(5) Internal orders, policies, and procedures not required to be published in the **Federal Register** under the Administrative Procedure Act, 5 U.S.C. 552(a)(1).

(6) Rulemakings issued under section 17 of the Noise Control Act of 1972, 42 U.S.C. 4916.

(7) Financial assistance to an applicant where the financial assistance funds an activity already completed, such as refinancing outstanding debt.

(8) Hearings, meetings, or public affairs activities.

(9) Maintenance or repair of existing railroad facilities, where such activities do not change the existing character of the facility, including equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; tunnels; maintenance-of-way and maintenance-of-equipment bases.

(10) Emergency repair or replacement, including reconstruction, restoration, or retrofitting, of an essential rail facility damaged by the occurrence of a natural disaster or catastrophic failure. Such repair or replacement may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the rail facility's original construction.

(11) Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not significantly alter the traffic density characteristics of existing rail service.

(12) Minor rail line additions, including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards or right-of-way, provided such additions are not inconsistent with existing zoning, do not involve acquisition of a significant amount of right-of-way, and do not significantly alter the traffic density characteristics of the existing rail lines or rail facilities.

(13) Acquisition or transfer of real property or existing railroad facilities, including track and bridge structures; electrification, communication, signaling or security facilities; stations; and maintenance of way and maintenance of equipment bases or the right to use such real property and railroad facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties or facilities.

(14) Research, development, or demonstration activities on existing railroad lines or facilities, such as advances in signal communication or train control systems, equipment, or track, provided such activities do not require the acquisition of a significant amount of right-of-way and do not significantly alter the traffic density characteristics of the existing rail line or facility.

(15) Promulgation of rules, the issuance of policy statements, the waiver or modification of existing regulatory requirements, or discretionary approvals that do not result in significantly increased emissions of air or water pollutants or noise.

(16) Alterations to existing facilities, locomotives, stations, and rail cars in order to make them accessible for the elderly and persons with disabilities, such as modifying doorways, adding or modifying lifts, constructing access ramps and railings, modifying restrooms, and constructing accessible platforms.

(17) The rehabilitation, reconstruction or replacement of bridges, the rehabilitation or maintenance of the rail elements of docks or piers for the purposes of intermodal transfers, and the construction of bridges, culverts, or grade separation projects are predominantly within existing right-of-way and that do not involve extensive in-water construction activities, such as

projects replacing bridge components including stringers, caps, piles, or decks, the construction of roadway overpasses to replace at-grade crossings, construction or reconstruction of approaches or embankments to bridges, or construction or replacement of short span bridges.

(18) Acquisition (including purchase or lease), rehabilitation, transfer, or maintenance of vehicles or equipment, including locomotives, passenger coaches, freight cars, trainsets, and construction, maintenance or inspection equipment, that does not significantly alter the traffic density characteristics of an existing rail line.

(19) Installation, repair and replacement of equipment and small structures designed to promote transportation safety, security, accessibility, communication or operational efficiency that take place predominantly within the existing right-of-way and do not result in a major change in traffic density on the existing rail line or facility, such as the installation, repair or replacement of surface treatments or pavement markings, small passenger shelters, passenger amenities, benches, signage, sidewalks or trails, equipment enclosures, and fencing, railroad warning devices, train control systems, signalization, electric traction equipment and structures, electronics, photonics, and communications systems and equipment, equipment mounts, towers and structures, information processing equipment, and security equipment, including surveillance and detection cameras.

(20) Environmental restoration, remediation, pollution prevention, and mitigation activities conducted in conformance with applicable laws, regulations and permit requirements, including activities such as noise mitigation, landscaping, natural resource management activities, replacement or improvement to storm water oil/water separators, installation of pollution containment systems, slope stabilization, and contaminated soil removal or remediation activities.

(21) Assembly or construction of facilities or stations that are consistent with existing land use and zoning requirements, do not result in a major change in traffic density on existing rail or highway facilities, and result in approximately less than ten acres of surface disturbance, such as storage and maintenance facilities, freight or passenger loading and unloading facilities or stations, parking facilities, passenger platforms, canopies, shelters, pedestrian overpasses or underpasses, paving, or landscaping.

(22) Track and track structure maintenance and improvements when carried out predominantly within the existing right-of-way that do not cause a substantial increase in rail traffic beyond existing or historic levels, such as stabilizing embankments, installing or reinstalling track, re-grading, replacing rail, ties, slabs and ballast, installing, maintaining, or restoring drainage ditches, cleaning ballast, constructing minor curve realignments, improving or replacing interlockings, and the installation or maintenance of ancillary equipment.

(d) Any action qualifying as a CE under § 771.117 or § 771.118 may be approved by FRA when the applicable requirements of those sections have been met. FRA may consult with FHWA or FTA to ensure the CE is applicable to the proposed action.

§ 771.117 FHWA categorical exclusions.

(a) CEs are actions that, based on FHWA's past experience with similar actions, normally do not involve significant environmental impacts. They are actions that: Do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise have any significant environmental impacts.

(b) Any action that normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

(1) Significant environmental impacts;

(2) Substantial controversy on environmental grounds;

(3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or

(4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

(c) The following actions meet the criteria for CEs in paragraph (a) of this section and normally do not require any further NEPA approvals by the FHWA:

(1) Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so social, economic, and

environmental effects can be assessed; and Federal-aid system revisions establishing classes of highways on the Federal-aid highway system.

(2) Approval of utility installations along or across a transportation facility.

(3) Construction of bicycle and pedestrian lanes, paths, and facilities.

(4) Activities included in the State's highway safety plan under 23 U.S.C. 402.

(5) Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action not otherwise subject to FHWA review under NEPA.

(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

(7) Landscaping.

(8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

(9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 23 U.S.C. 125; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(10) Acquisition of scenic easements.

(11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.

(12) Improvements to existing rest areas and truck weigh stations.

(13) Ridesharing activities.

(14) Bus and rail car rehabilitation.

(15) Alterations to facilities or vehicles in order to make them

accessible for elderly and handicapped persons.

(16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

(17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.

(18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.

(19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

(20) Promulgation of rules, regulations, and directives.

(21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

(22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.

(23) Federally funded projects:

(i) Receiving less than \$6,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer

Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.transit.dot.gov) of Federal funds; or

(ii) With a total estimated cost of not more than \$35,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

(24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

(29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) not requiring a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.

(30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result

in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

(d) Additional actions that meet the criteria for a CE in paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1)–(3) [Reserved]

(4) Transportation corridor fringe parking facilities.

(5) Construction of new truck weigh stations or rest areas.

(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

(7) Approvals for changes in access control.

(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.

(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community.

(12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including

shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.

(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

(1) An acquisition of more than a minor amount of right-of-way or would result in any residential or non-residential displacements;

(2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;

(3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;

(4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;

(5) Changes in access control;

(6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions facilitating open space use (e.g., recreational trails, bicycle and pedestrian paths); or

construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

(f) Where a pattern emerges of granting CE status for a particular type of action, the FHWA will initiate rulemaking proposing to add this type of action to the list of categorical exclusions in paragraph (c) or (d) of this section, as appropriate.

(g) FHWA may enter into programmatic agreements with a State to allow a State DOT to make a NEPA CE certification or determination and approval on FHWA's behalf, for CEs specifically listed in paragraphs (c) and (d) of this section and are identified in the programmatic agreement. Such agreements must be subject to the following conditions:

(1) The agreement must set forth the State DOT's responsibilities for making CE determinations, documenting the determinations, and achieving acceptable quality control and quality assurance;

(2) The agreement may not have a term of more than five years, but may be renewed;

(3) The agreement must provide for FHWA's monitoring of the State DOT's compliance with the terms of the agreement and for the State DOT's execution of any needed corrective action. FHWA must take into account the State DOT's performance when considering renewal of the programmatic CE agreement; and

(4) The agreement must include stipulations for amendment, termination, and public availability of the agreement once it has been executed.

(h) Any action qualifying as a CE under § 771.116 or § 771.118 may be approved by FHWA when the applicable requirements of those sections have been met. FHWA may consult with FRA or FTA to ensure the CE is applicable to the proposed action.

§ 771.118 FTA categorical exclusions.

(a) CEs are actions that, based on FTA's past experience with similar actions, do not involve significant environmental impacts. They are actions that: Do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not

otherwise have any significant environmental impacts.

(b) Any action that normally would be classified as a CE but could involve unusual circumstances will require FTA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

(1) Significant environmental impacts;

(2) Substantial controversy on environmental grounds;

(3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or

(4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

(c) Actions that FTA determines fall within the following categories of FTA CEs and that meet the criteria for CEs in paragraph (a) of this section normally do not require any further NEPA approvals by FTA.

(1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: Utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: A multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: Noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

(4) Planning and administrative activities not involving or leading directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation

safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: The deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

(6) Acquisition or transfer of an interest in real property not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: Acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects making use of the acquired or transferred property.

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, not resulting in a change in functional use of the facilities, such as: Equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

(8) Maintenance, rehabilitation, and reconstruction of facilities occupying substantially the same geographic footprint and not resulting in a change in functional use, such as: Improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: Buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: Police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 49 U.S.C. 5324; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(12) Projects, as defined in 23 U.S.C. 101, taking place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.

(13) Federally funded projects:

(i) Receiving less than \$6,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.transit.dot.gov) of Federal funds; or

(ii) With a total estimated cost of not more than \$35,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.transit.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(d) Additional actions that meet the criteria for a CE in paragraph (a) of this section may be designated as CEs only after FTA approval. The applicant must submit documentation demonstrating the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including

shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate development of the land would preclude future transportation use and such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, is completed.

(5) [Reserved]

(6) Facility modernization through construction or replacement of existing components.

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.

(e) Any action qualifying as a CE under § 771.116 or § 771.117 may be approved by FTA when the applicable requirements of those sections are met. FTA may consult with FHWA or FRA to ensure the CE is applicable to the proposed action.

(f) Where a pattern emerges of granting CE status for a particular type of action, FTA will initiate rulemaking proposing to add this type of action to the appropriate list of categorical exclusions in this section.

§ 771.119 Environmental assessments.

(a)(1) The applicant must prepare an EA in consultation with the Administration for each action that does not have a reasonably foreseeable significant effect on the quality of the

human environment but that cannot be categorically excluded or actions for which the significance of the environmental impact is unknown, unless the agency finds that the proposed action is a CE and does not clearly require the preparation of an EIS.

(2) For FTA, the contractor's scope of work for the preparation of the EA should not be finalized until the early coordination activities or scoping process found in paragraph (b) of this section is completed (including FTA approval, in consultation with the applicant, of the scope of the EA content).

(b) For actions that require an EA, the applicant, in consultation with the Administration, must, at the earliest appropriate time, begin consultation with interested agencies and others to advise them of the scope of the project, including project's purpose and need, and alternatives to achieve the following objectives: Determine which aspects of the proposed action have potential for reasonably foreseeable social, economic, or environmental impacts; identify alternatives and measures that might mitigate adverse environmental impacts; and identify other environmental review and consultation requirements that should be performed concurrently with the EA. The applicant must accomplish this through early coordination activities or through a scoping process. The applicant must summarize the public involvement process and include the results of agency coordination in the EA.

(c) The Administration must approve the EA before it is made available to the public as an Administration document.

(d) The applicant does not need to circulate the EA for comment, but the document must be made available for public inspection at the applicant's office and at the appropriate Administration field offices or, for FRA at Headquarters, for 30 days and in accordance with paragraphs (e) and (f) of this section. The applicant must send the notice of availability of the EA, which briefly describes the action and its impacts, to the affected units of Federal, Tribal, State and local government. The applicant must also send notice to the State intergovernmental review contacts established under Executive Order 12372. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the EA available.

(e) When a public hearing is held as part of the environmental review process for an action, the EA must be available at the public hearing and for

a minimum of 15 days in advance of the public hearing. The applicant must publish a notice of the public hearing in local newspapers announcing the availability of the EA and where it may be obtained or reviewed. Any comments must be submitted in writing to the applicant or the Administration during the 30-day availability period of the EA unless the Administration determines, for good cause, a different period is warranted. Public hearing requirements are as described in § 771.111.

(f) When a public hearing is not held, the applicant must place a notice in a newspaper(s) similar to a public hearing notice and at a similar stage of development of the action, advising the public of the availability of the EA and where information concerning the action may be obtained. The notice must invite comments from all interested parties. Any comments must be submitted in writing to the applicant or the Administration during the 30-day availability period of the EA unless the Administration determines, for good cause, a different period is warranted.

(g) If no significant impacts are identified, the applicant must furnish the Administration a copy of the revised EA, as appropriate; the public hearing transcript, where applicable; copies of any comments received and responses thereto; and recommend a FONSI. The EA should also document compliance, to the extent possible, with all applicable environmental laws and executive orders, or provide reasonable assurance that their requirements can be met.

(h) When the FHWA expects to issue a FONSI for an action described in § 771.115(a), copies of the EA must be made available for public review (including the affected units of government) for a minimum of 30 days before the FHWA makes its final decision. This public availability must be announced by a notice similar to a public hearing notice.

(i) If, at any point in the EA process, the Administration determines the action is likely to have a significant impact on the environment, the preparation of an EIS will be required, unless the Administration imposes mitigation measures or modifies the action to avoid the significant effects.

(j) If the Administration decides to apply 23 U.S.C. 139 to an action involving an EA, then the EA must be prepared in accordance with the applicable provisions of that statute.

§ 771.121 Findings of no significant impact.

(a) The Administration will review the EA, comments submitted on the EA

(in writing or at a public hearing or meeting), and other supporting documentation, as appropriate. If the Administration agrees with the applicant's recommendations pursuant to § 771.119(g), the Administration will issue a written FONSI incorporating by reference the EA and any other appropriate supporting documentation.

(b) After the Administration issues a FONSI, a notice of availability of the FONSI must be sent by the applicant to the affected units of Federal, State, and local government, and the document must be available from the applicant and the Administration upon request by the public. Notice must also be sent to the State intergovernmental review contacts established under Executive Order 12372. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the FONSI available.

§ 771.123 Draft environmental impact statements.

(a) A draft EIS must be prepared when the Administration determines that the action is likely to cause significant impacts on the quality of the human environment. When the applicant, after consultation with any project sponsor that is not the applicant, has notified the Administration in accordance with 23 U.S.C. 139(e), and the decision has been made by the Administration to prepare an EIS, the Administration will issue a notice of intent for publication in the **Federal Register**. Applicants are encouraged to announce the intent to prepare an EIS by appropriate means at the State or local level.

(b)(1) Prior to the notice of intent, the lead agencies, in cooperation with the applicant (if not a lead agency), will begin a scoping process that may take into account any planning work already accomplished, in accordance with 23 U.S.C. 139(f), 168, 169, 23 CFR 450.212, 23 CFR 450.318, or 23 CFR 450 Appendix A, as applicable. The scoping process will be used to identify the purpose and need, the range of alternatives and reasonably foreseeable impacts, and the significant issues to be addressed in the EIS. Scoping is normally achieved through public and agency involvement procedures required by § 771.111. If a scoping meeting is to be held, it should be announced in the Administration's notice of intent and by appropriate means at the State or local level.

(2) For projects subject to 23 U.S.C. 139, the lead agencies must establish a coordination plan, including a schedule,

within 90 days of notice of intent publication.

(c) The draft EIS must be prepared by the lead agencies, in cooperation with the applicant (if not a lead agency) or prepared by the project sponsor in accordance with § 771.109(e). The draft EIS must evaluate a reasonable range of alternatives to the action and document the reasons why other alternatives, which may have been considered, were eliminated from detailed study. The range of alternatives considered for further study must be used for all Federal environmental reviews and permit processes, to the maximum extent practicable and consistent with Federal law, unless the lead and participating agencies agree to modify the alternatives in order to address significant new information and circumstances or to fulfill NEPA responsibilities in a timely manner, in accordance with 23 U.S.C. 139(f)(4)(B). The draft EIS must also summarize the studies, reviews, consultations, and coordination required by environmental laws or executive orders to the extent appropriate at this stage in the environmental process.

(d) Any of the lead agencies or the applicant may select a consultant to assist in the preparation of an EIS in accordance with applicable contracting procedures. For FTA, the contractor's scope of work for the preparation of the EIS will not be finalized until the early coordination activities or scoping process found in paragraph (b) of this section is completed (including FTA approval, in consultation with the applicant, of the scope of the EIS content).

(e) The draft EIS should identify the preferred alternative to the extent practicable. If the draft EIS does not identify the preferred alternative, the Administration should provide agencies and the public with an opportunity after issuance of the draft EIS to review the reasonably foreseeable impacts of the preferred alternative.

(f) At the discretion of the lead agency, the preferred alternative (or portion thereof) for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or compliance with other legal requirements, including permitting. The development of such higher level of detail must not prevent the lead agency from making an impartial decision as to whether to accept another alternative being considered in the environmental review process.

(g) The Administration, when satisfied that the draft EIS complies

with NEPA requirements, will approve the draft EIS for circulation by signing and dating the cover sheet. The cover sheet should include a notice that after circulation of the draft EIS and consideration of the comments received, the Administration will issue a combined final EIS/ROD document unless statutory criteria or practicability considerations preclude issuance of the combined document.

(h) A lead, joint lead, or cooperating agency must be responsible for publication and distribution of the EIS. Normally, copies will be furnished free of charge. However, with Administration concurrence, the party requesting the draft EIS may be charged a fee not more than the actual cost of reproducing the copy or may be directed to the nearest location where the statement may be reviewed. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the draft EIS available.

(i) The applicant, on behalf of the Administration, must circulate the draft EIS for comment. The draft EIS must be made available to the public and transmitted to agencies for comment no later than the time the document is filed with the Environmental Protection Agency. The draft EIS must be transmitted to:

(1) Public officials, interest groups, and members of the public known to have an interest in the proposed action or the draft EIS;

(2) Cooperating and participating agencies. The draft EIS must also be transmitted directly to appropriate State and local agencies, and to the State intergovernmental review contacts established under Executive Order 12372; and

(3) States and Federal land management entities that may be significantly affected by the proposed action or any of the alternatives. These transmittals must be accompanied by a request that such State or entity advise the Administration in writing of any disagreement with the evaluation of impacts in the statement. The Administration will furnish the comments received to the applicant along with a written assessment of any disagreements for incorporation into the final EIS.

(j) When a public hearing on the draft EIS is held (if required by § 771.111), the draft EIS must be available at the public hearing and for a minimum of 15 days in advance of the public hearing. The availability of the draft EIS must be mentioned, and public comments requested, in any public hearing notice

and at any public hearing presentation. If a public hearing on an action proposed for FHWA funding is not held, a notice must be made similar to a public hearing notice advising where the draft EIS is available for review, how copies may be obtained, and where the comments should be sent.

(k) The **Federal Register** public availability notice must establish a period of not fewer than 45 days nor more than 60 days for the return of comments on the draft EIS unless a different period is established in accordance with 23 U.S.C. 139(g)(2)(A). The notice and the draft EIS transmittal letter must identify where comments are to be sent.

§ 771.124 Final environmental impact statement/record of decision document.

(a)(1) After circulation of a draft EIS and consideration of comments received, the lead agency, in cooperation with the applicant (if not a lead agency), must combine the final EIS and ROD, to the maximum extent practicable, unless:

(i) The final EIS makes substantial changes to the proposed action relevant to environmental or safety concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns that bear on the proposed action or the reasonably foreseeable impacts of the proposed action.

(2) When the combined final EIS/ROD is a single document, it must include the content of a final EIS presented in § 771.125 and present the basis for the decision, summarize any mitigation measures that will be incorporated in the project, and document any required Section 4(f) approval in accordance with part 774 of this chapter.

(3) If the comments on the draft EIS are minor and confined to factual corrections or explanations that do not warrant additional agency response, an errata sheet may be attached to the draft statement pursuant to 23 U.S.C. 139(n)(1), which together must then become the combined final EIS/ROD.

(4) A combined final EIS/ROD will be reviewed for legal sufficiency prior to issuance by the Administration.

(5) The Administration must indicate approval of the combined final EIS/ROD by signing the document. The provision on Administration's Headquarters prior concurrence in § 771.125(c) applies to the combined final EIS/ROD.

(b) The **Federal Register** public availability notice published by EPA will not establish a waiting period or a period of time for the return of comments on a combined final EIS/ROD. When filed with EPA, the

combined final EIS/ROD must be available at the applicant's offices and at appropriate Administration offices. A copy should also be made available at institutions such as local government offices, libraries, and schools, as appropriate. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the combined final EIS/ROD available.

§ 771.125 Final environmental impact statements.

(a)(1) After circulation of a draft EIS and consideration of comments received, a final EIS must be prepared by the lead agencies, in cooperation with the applicant (if not a lead agency). The final EIS must identify the preferred alternative and evaluate all reasonable alternatives considered. It must also discuss substantive comments received on the draft EIS and responses thereto, summarize public involvement, and describe the mitigation measures to be incorporated into the proposed action. Mitigation measures presented as commitments in the final EIS will be incorporated into the project as specified in paragraphs (b) and (d) of § 771.109. The final EIS should also document compliance, to the extent possible, with all applicable environmental laws and executive orders, or provide reasonable assurance their requirements can be met.

(2) Every reasonable effort must be made to resolve interagency disagreements on actions before processing the final EIS. If significant issues remain unresolved, the final EIS must identify those issues and the consultations and other efforts made to resolve them.

(b) The final EIS will be reviewed for legal sufficiency prior to Administration approval.

(c) The Administration will indicate approval of the EIS for an action by signing and dating the cover page. Final EISs prepared for actions in the following categories will be submitted to the Administration's Headquarters for prior concurrence:

(1) Any action for which the Administration determines that the final EIS should be reviewed at the Headquarters office. This would typically occur when the Headquarters office determines:

(i) Additional coordination with other Federal, State or local governmental agencies is needed;

(ii) The social, economic, or environmental impacts of the action may need to be more fully explored;

(iii) The impacts of the proposed action are unusually great; (iv) major issues remain unresolved; or

(iv) The action involves national policy issues.

(2) Any action to which a Federal, State, or local government agency has indicated opposition on environmental grounds (which has not been resolved to the written satisfaction of the objecting agency).

(d) Approval of the final EIS is not an Administration action as defined in § 771.107 and does not commit the Administration to approve any future request for financial assistance to fund the preferred alternative.

(e) The initial publication of the final EIS must be in sufficient quantity to meet the request for copies reasonably expected from agencies, organizations, and individuals. Normally, copies will be furnished free of charge. However, with Administration concurrence, the party requesting the final EIS may be charged a fee not more than the actual cost of reproducing the copy or may be directed to the nearest location where the statement may be reviewed.

(f) The final EIS must be transmitted to any persons, organizations, or agencies that made substantive comments on the draft EIS or requested a copy, no later than the time the document is filed with EPA. In the case of lengthy documents, the agency may provide alternative circulation processes. The applicant must also publish a notice of availability in local newspapers and make the final EIS available through the mechanism established pursuant to DOT Order 4600.13, which implements Executive Order 12372. When filed with EPA, the final EIS must be available for public review at the applicant's offices and at appropriate Administration offices. A copy should also be made available for public review at institutions such as local government offices, libraries, and schools, as appropriate. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the final EIS available.

(g) The final EIS may take the form of an errata sheet pursuant to 23 U.S.C. 139(n)(1).

§ 771.127 Record of decision.

(a) When the final EIS is not combined with the ROD, the Administration will complete and sign a ROD no sooner than 30 days after publication of the final EIS notice in the **Federal Register** or 90 days after publication of a notice for the draft EIS, whichever is later. The ROD will

present the basis for the decision, summarize any mitigation measures to be incorporated in the project, and document any required Section 4(f) approval in accordance with part 774 of this chapter. To minimize hardcopy requests and printing costs, the Administration encourages the use of project websites or other publicly accessible electronic means to make the ROD available.

(b) If the Administration subsequently wishes to approve an alternative not identified as the preferred alternative but fully evaluated in the draft EIS, combined FEIS/ROD, or final EIS, or proposes to make substantial changes to the mitigation measures or findings discussed in the ROD, a revised or amended ROD must be subject to review by those Administration offices that reviewed the final EIS under § 771.124(a) or § 771.125(c). To the extent practicable, the approved revised or amended ROD must be provided to all persons, organizations, and agencies that received a copy of the final EIS.

§ 771.129 Re-evaluations.

The Administration must determine, prior to granting any new approval related to an action or amending any previously approved aspect of an action, including mitigation commitments, whether an approved environmental document remains valid as described in this section.

(a) The applicant must prepare a written evaluation of the draft EIS, in cooperation with the Administration, if an acceptable final EIS is not submitted to the Administration within three years from the date of the draft EIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the draft EIS or a new draft EIS is needed.

(b) The applicant must prepare a written evaluation of the final EIS before the Administration may grant further approvals if major steps to advance the action (*e.g.*, authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the final EIS, final EIS supplement, or the last major Administration approval or grant.

(c) After the Administration issues a combined final EIS/ROD, ROD, FONSI, or CE designation, the applicant must consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested Administration action. These consultations will be documented when

determined necessary by the Administration.

(d) For tiered EAs or EISs, if the second tier occurs 5 or more years after the first tier document, the applicant in consultation with the Administration, must re-evaluate the analysis and any underlying assumptions of the first tier EIS or EA to ensure reliance on the analysis remains valid.

§ 771.130 Supplemental environmental impact statements.

(a) A draft EIS, final EIS, or supplemental EIS may be supplemented at any time. An EIS must be supplemented whenever the Administration determines:

(1) Changes to the proposed action would result in significant environmental impacts not evaluated in the EIS; or

(2) New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

(b) However, a supplemental EIS will not be necessary where:

(1) The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the EIS without causing other reasonably foreseeable environmental impacts that are significant and were not evaluated in the EIS; or

(2) The Administration decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD must be prepared and circulated in accordance with § 771.127(b).

(c) Where the Administration is uncertain of the significance of the new impacts, the applicant will develop appropriate environmental studies or, if the Administration deems appropriate, an EA to assess the reasonably foreseeable impacts of the changes, new information, or new circumstances. If, based upon the studies, the Administration determines that a supplemental EIS is not necessary, the Administration must so indicate in the project file.

(d) A supplement is to be developed using the same process and format (*i.e.*, draft EIS, final EIS, and ROD) as an original EIS, except scoping is not required.

(e) In some cases, an EA or supplemental EIS may be required to address issues of limited scope, such as the extent of proposed mitigation or the evaluation of location or design

variations for a limited portion of the overall project. Where this is the case, the preparation of a supplemental document must not necessarily:

(1) Prevent the granting of new approvals;

(2) Require the withdrawal of previous approvals; or

(3) Require the suspension of project activities, for any activity not directly affected by the supplement. If the changes in question are of such magnitude to require a reassessment of the entire action, or more than a limited portion of the overall action, the Administration must suspend any activities that would have an adverse environmental impact or limit the choice of reasonable alternatives, until the supplemental document is completed.

§ 771.131 Emergency action procedures.

Responses to some emergencies and disasters are categorically excluded under § 771.117 for FHWA, § 771.118 for FTA, or § 771.116 for FRA. Otherwise, requests for deviations from the procedures in this part because of emergency circumstances must be referred to the Administration's Headquarters for evaluation and decision after consultation with the CEQ.

§ 771.133 Compliance with other requirements.

(a) The combined final EIS/ROD, final EIS or FONSI should document compliance with requirements of all applicable environmental laws, executive orders, and other related requirements. If full compliance is not possible by the time the combined final EIS/ROD, final EIS or FONSI is prepared, the combined final EIS/ROD, final EIS or FONSI should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements will be met. Approval of the environmental document constitutes adoption of any Administration findings and determinations that are contained therein. FHWA's approval of an environmental document constitutes its finding of compliance with the report requirements of 23 U.S.C. 128.

(b) In consultation with the Administration and subject to Administration approval, an applicant may develop a programmatic approach for compliance with the requirements of any law, regulation, or executive order applicable to the project development process.

§ 771.137 International actions.

(a) If the Administration determines a major Federal action is proposed, the requirements of this part apply to:

(1) Administration actions significantly affecting the environment of a foreign nation not participating in the action or not otherwise involved in the action.

(2) Administration actions outside the U.S., its territories, and possessions that significantly affect natural resources of global importance designated for protection by the President or by international agreement.

(b) If communication with a foreign government concerning environmental studies or documentation is anticipated, the Administration must coordinate such communication with the Department of State through the Office of the Secretary of Transportation.

§ 771.138 Timelines, Page Limits, and Certifications

(a)(1) *Timelines for completion of EISs.* (i) The Administration must complete the EIS no later than 2 years from publication of the notice of intent to the signature date of the ROD or combined final EIS/ROD (as applicable).

(ii) For EISs that are major projects, the Administration must, to the maximum extent practicable, complete the EIS within a schedule consistent with an agency average of not more than 2 years from publication of the notice of intent to the signature date of the ROD or combined final EIS/ROD.

(2) Timelines for completion of EAs.

(i) The Administration must complete the EA no later than 1 year from the date the Administration determined the class of action to the signature date of the EA. If a notice of intent is published for an EA, then the start date shall be the publication date.

(ii) For EAs that are major projects, the Administration must, to the maximum extent practicable, complete the EA within a schedule consistent with an agency average of not more than two years from the date the Administration determined the EA was required to the signature date of the FONSI. If a notice of intent is published for an EA, then the start date shall be the publication date.

(3) The Administration, in consultation with the applicant, may extend the timelines described in paragraphs (a)(1)(i) and (a)(2)(i) to provide only so much additional time as necessary to complete the EIS or EA, as applicable.

(b) *Page Limits.* (1) EIS—

(i) The text of an EIS must not exceed 200 pages, not including citations or appendices, to the maximum extent

practicable, unless the Administration establishes a new page limit;

(ii) When a project does not follow the 23 U.S.C. 139 process, the EIS must not exceed 150 pages, not including citations or appendices. An EIS for a proposed action of extraordinary complexity must not exceed 300 pages, not including any citations or appendices.

(2) The text of an EA must not exceed 75 pages, not including any citations or appendices.

(c) *Certifications.* (1) The lead agency(ies) signature on the EA, final EIS, or combined final EIS/ROD (as applicable) will certify that the Administration has considered the factors mandated by this part; that the EA, final EIS, or combined final EIS/ROD (as applicable), reflects the Administration's expert judgment and documents the most important considerations required by the statute and within the applicable timeline and page limits; and that any considerations addressed briefly or left unaddressed were, in the Administration's judgment, comparatively unimportant.

§ 771.139 Limitations on actions.

Notices announcing decisions by the Administration or by other Federal agencies on a transportation project may be published in the **Federal Register** indicating such decisions are final within the meaning of 23 U.S.C. 139(I). Claims arising under Federal law seeking judicial review of any such decisions are time barred unless filed within 150 days after the date of publication of the limitations on claims notice by FHWA or FTA. Claims arising under Federal law seeking judicial review of any such decisions are time barred unless filed within two years after the date of publication of the limitations on claims notice by FRA. These time periods do not lengthen any shorter time period for seeking judicial review that otherwise is established by the Federal law under which judicial review is allowed. This provision does not create any right of judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

§ 771.141 Reliance and Adoption Efficiencies

(a) When a single environmental document is not prepared for a proposed major Federal action, an agency may rely upon an existing environmental document, or element thereof, to document compliance with NEPA as follows:

(1) Any Federal agency may rely upon an environmental document prepared in

accordance with 23 U.S.C. 139 to the same extent such Federal agency could adopt or use a document prepared by another Federal agency.

(2) The Administration may rely upon an existing environmental document not prepared in accordance with 23 U.S.C. 139 if the Administration determines that the proposed action is substantially the same as the action covered in the existing environmental document and that the environmental issues were adequately identified and addressed.

(3) The Administration may rely upon an existing categorical exclusion decision by another Federal agency if the Administration determines that a proposed major Federal action is substantially the same as the action that another Federal agency determined is categorically excluded from NEPA.

(4) A Federal land management agency may rely upon an existing environmental document or categorical exclusion decision prepared by FHWA for a project addressing substantially the same major Federal action proposed for approval by the Federal land management agency.

(b) Adoption of Categorical Exclusions under 42 U.S.C. 4336c:

(1) FHWA, FRA, or FTA may establish a new categorical exclusion by adopting a category of action listed as a categorical exclusion in another agency's NEPA procedures.

(2) A State functioning as FHWA, FRA, or FTA in carrying out responsibilities delegated or assigned to the State in accordance with 23 U.S.C. 326 or 327 may not establish a new categorical exclusion through adoption.

(3) To establish the new categorical exclusion, the Administration will:

(i) identify the categorical exclusion listed in another agency's NEPA procedures that covers a category of proposed actions or related actions;

(ii) consult with the agency that established this categorical exclusion to ensure that the proposed adoption of the categorical exclusion to a category of Administration actions is appropriate; and

(iii) Provide public notification that the Administration plans to use the categorical exclusion for its proposed actions by documenting its adoption.

(4) The Administration may begin to apply the newly adopted categorical exclusion to proposed major Federal actions upon completion of sub-paragraphs (b)(3)(i)–(iii).

Title 49—Transportation**PART 264—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

- 2. Revise the authority citation for part 264 to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303 and 24201; 23 U.S.C. 139, 327, 330; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Section 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1309, 1432, 11502, and 11503.

- 3. Revise part 622, Subpart A to read as follows:

PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**Subpart A—Environmental Procedures**

Authority: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303, 5323(c), and 5323(q); 23 U.S.C. 139, 326, 327, and 330; Pub. L. 109–59, 119 Stat. 1144, Sections 6002 and 6010; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Sections 1315, 1316, 1317, and 1318; and Pub. L. 114–94, Section 1309.

§ 622.101 Cross-reference to procedures.

The procedures for complying with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related statutes, regulations, and Executive Orders are set forth in 23 CFR part 771, including compliance with FTA's environmental review statute located at 49 U.S.C. 5323(c). The procedures for complying with 49 U.S.C. 303, commonly known as "Section 4(f)," are set forth in 23 CFR part 774. The procedures for complying with the Surface Transportation Project Delivery Program application requirements and termination are set forth in 23 CFR part 773. The procedures for participating and complying with the program for eliminating duplication of environmental reviews are set forth in 23 CFR part 778.

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DEPARTMENT OF JUSTICE**28 CFR Part 27**

[Docket No. 164; AG Order No. 7114–2026]

Technical Amendments to the Regulations Providing Whistleblower Protection for Federal Bureau of Investigation Employees

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes technical amendments to relevant portions of 28

CFR part 27, the Department of Justice (Department) regulations on the protection of whistleblowers in the Federal Bureau of Investigation (FBI), so that the provisions conform with organizational changes brought about by a restructuring of the Justice Management Division (JMD).

DATES: Effective September 1, 2026.

FOR FURTHER INFORMATION CONTACT: John E. Thompson, Deputy General Counsel, Justice Management Division; email: *John.E.Thompson@usdoj.gov*.

SUPPLEMENTARY INFORMATION: This rule makes technical amendments to certain provisions in 28 CFR part 27 to reflect that "the Office of Attorney Recruitment and Management" has been renamed "the Office of Adjudication, Recruitment, and Management" (OARM) as part of a reorganization of JMD, which included the formal realignment of OARM to JMD.

Regulatory Analysis

In developing this rule, the Department considered numerous statutes and executive orders applicable to rulemaking. The Department's analysis of the applicability of those statutes and executive orders to this rule is summarized below.

A. Administrative Procedures Act

This rule relates to matters of agency personnel, organization, and procedure, and, pursuant to 5 U.S.C. 553(a)(2), it is exempt from the requirements of notice and comment and a 30-day delay in the effective date.

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

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This rule makes technical amendments to portions of the existing regulations that provide whistleblower protection for FBI employees and applicants to conform with organizational changes within JMD. The changes do not materially affect the number of claims or the time, cost, or resources required to address them.

Accordingly, this rule does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866. The Office of Management and Budget has not reviewed this rule under these Orders.

Further, as this rule relates to agency organization, management, or

personnel, it is fully exempt from the numerical 10-for-1 and cost offset requirements of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–12, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601.

The Attorney General certifies under 5 U.S.C. 605(b) that this rule does not have a significant economic impact on a substantial number of small entities. The rule makes technical amendments to the portions of the regulations governing the Department's internal process for addressing allegations of retaliation for protected whistleblowing by FBI employees and applicants. It has no application to small entities as defined above.

D. Paperwork Reduction Act

This final rule does not call for a new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–20.

E. Executive Order 13132 (Federalism)

A rule has federalism implications under Executive Order 13132 if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. E.O. 13132, sec. 1(a). The Department has analyzed this rule under that Order and determined that this rule does not have federalism implications.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–38, requires Federal agencies to determine whether a rule, if promulgated, will result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million (adjusted for inflation) or more in any one year. 2 U.S.C. 1532(a). This rule does not require or result in expenditures by any of the above-named entities.

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

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

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

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

I. Congressional Review Act

The reporting requirements of the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996), 5 U.S.C. 801–08, do not apply to this rule. This rule relates primarily to agency management, personnel, and organization. 5 U.S.C. 804(3)(B). The rule makes technical amendments to 28 CFR part 27, as necessary to conform to recent Department organizational changes. This action is accordingly not a “rule” as that term is used by the Congressional Review Act, *see* 5 U.S.C. 804(3), and the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 27

Government employees, Justice Department, Organization and functions (Government agencies), Whistleblowing.

Authority and Issuance

For the reasons stated above, the Department of Justice amends 28 CFR part 27 as follows:

PART 27—WHISTLEBLOWER PROTECTION FOR FEDERAL BUREAU OF INVESTIGATION EMPLOYEES

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 5 U.S.C. 301, 3151; 28 U.S.C. 509, 510, 515–519; 5 U.S.C. 2303; President’s Memorandum to the Attorney General, Delegation of Responsibilities Concerning FBI Employees Under the Civil Service Reform Act of 1978, 3 CFR p. 284 (1997); Presidential Policy Directive 19, “Protecting Whistleblowers with Access to Classified Information” (October 10, 2012).

■ 2. Amend § 27.4 by revising the section heading and paragraph (a) to read as follows:

§ 27.4 Corrective action and other relief; Director, Office of Adjudication, Recruitment and Management.

(a) If, in connection with any investigation, the Conducting Office determines that there are reasonable grounds to believe that a reprisal has been or will be taken, the Conducting Office shall report this conclusion,

together with any findings and recommendations for corrective action, to the Director of the Office of Adjudication, Recruitment, and Management (the Director). If the Conducting Office’s report to the Director includes a recommendation for corrective action, the Director shall provide an opportunity for comments on the report by the FBI and the Complainant. The Director, upon receipt of the Conducting Office’s report, shall proceed in accordance with paragraphs (e) and (f) of this section. A determination by the Conducting Office that there are reasonable grounds to believe that a reprisal has been or will be taken shall not be cited or referred to in any proceeding under these regulations, without the Complainant’s consent.

* * * * *

Todd Blanche,
Attorney General.

[FR Doc. 2026–17815 Filed 8–31–26; 8:45 am]

BILLING CODE 4410–AR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT–041–FOR; Docket No. OSM–2023–0002; S1D1S SS08011000 SX064A000 266S180110; S2D2S SS08011000 SX064A000 26XS501520]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; correction.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) published a document in the **Federal Register** on August 21, 2026, not approving, with one exception, an amendment to the Montana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM made an error in the document by adding an entry to 30 CFR 926.12 at paragraph (c), a paragraph that already existed. This document corrects the final regulation.

DATES: The correction is effective as of September 21, 2026.

FOR FURTHER INFORMATION CONTACT: Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION: This is a summary of errata from OSM’s final rule published August 21, 2026 (91 FR 54218), FR Doc. 2026–17055 on page 54223, columns 2–3. In our August 21, 2026, final rule, OSM amended 30 CFR 926.12 (State program provisions and amendments not approved) to add our decision regarding State Program Amendment MT–041–FOR (Docket No. OSM–2023–0002) at paragraph (c). Paragraph (c) already existed and contained OSM’s decision regarding State Program Amendment MT–042–FOR (Docket No. OSM–2023–0007). *See* 90 FR 3673, 3687 (January 15, 2025).

OSM is now correcting 30 CFR 926.12 by changing the designation of paragraph (c) to paragraph (d) to contain the entry that OSM published in the August 21, 2026, **Federal Register** (91 FR 54218).

Correction

In FR Doc 2026–17055, which published August 21, 2026, at 91 FR 54218, on page 54223 in the second column correct amendatory instruction 2 and accompanying regulatory text to read as follows:

■ 2. Amend § 926.12 by adding paragraph (d) to read as follows:

§ 926.12 State program provisions and amendments not approved.

* * * * *

(d) The following portions of the program amendment by letter dated February 16, 2023, Administrative Record No. MT–041–01, which proposed changes to the Montana approved program as a result of the Montana Legislature’s 2023 passage of a Senate Bill (SB 328) are not approved:

(1) Montana’s proposed definition of “affected drainage basin” in MCA § 82–4–203(3).

(2) Montana’s proposed definition recodifications in the MCA § 82–4–203(4)(a)—Alluvial Valley Floor, MCA § 82–4–203(5)—Approximate Original Contour, MCA § 82–4–203(6)—Aquifer, MCA § 82–4–203(7)—Area of Land Affected, MCA § 82–4–203(8)—Bench, MCA § 82–4–203(9)—Board, MCA § 82–4–203(10)—Coal Conservation Plan, MCA § 82–4–203(11)—Coal Preparation, MCA § 82–4–203(12)—Coal Preparation Plant, MCA § 82–4–203(13)—Contour Strip Mining, MCA § 82–4–203(14)—Cropland, MCA § 82–4–203(15)—Degree, MCA § 82–4–203(16)—Department, MCA § 82–4–203(17)—Developed Water Resources, MCA § 82–4–203(18)—Ephemeral Drainageway, MCA § 82–4–203(19)—Failure to Conserve Coal, MCA § 82–4–203(20)—Fill Bench, MCA § 82–4–203(21)—Fish and Wildlife Habitat, MCA § 82–4–

203(22)—Forestry, MCA § 82–4–203(23)—Grazing Land, MCA § 82–4–203(24)—Higher or Better Uses, MCA § 82–4–203(25)—Hydrologic Balance, MCA § 82–4–203(26)—Imminent Danger to the Health and Safety of the Public, MCA § 82–4–203(27)—Industrial or Commercial, 82–4–203(28)—In situ Coal Gasification, MCA § 82–4–203(29)—Intermittent Stream, MCA § 82–4–203(30)—Land Use, MCA § 82–4–203(31)—Marketable Coal, MCA § 82–4–203(32)—Material Damage, MCA § 82–4–203(33)—Method of Operation, MCA § 82–4–203(34)—Mineable Coal, MCA § 82–4–203(35)—Mineral, MCA § 82–4–203(36)—Operation, MCA § 82–4–203(37)—Operator, MCA § 82–4–203(38)—Overburden, MCA § 82–4–203(39)—Pastureland, MCA § 82–4–203(40)—Perennial Stream, MCA § 82–4–203(41)—Person, MCA § 82–4–203(42)—Prime Farmland, MCA § 82–4–203(43)—Prospecting, MCA § 82–4–203(44)—Reclamation, MCA § 82–4–203(45)—Recovery Fluid, MCA § 82–4–203(46)—Recreation, MCA § 82–4–203(47)—Reference Area, MCA § 82–4–203(48)—Remining, MCA § 82–4–203(49)—Residential, MCA § 82–4–203(50)—Restore or Restoration, MCA § 82–4–203(51)—Strip Mining, MCA § 82–4–203(52)—Subsidence, MCA § 82–4–203(53)—Surface Owner, MCA § 82–4–203(54)—Topsoil, MCA § 82–4–203(55)—Underground Mining, MCA § 82–4–203(56)—Unwarranted Failure to Comply, MCA § 82–4–203(57)—Waiver, MCA § 82–4–203(58)—Wildlife Habitat Enhancement Feature, MCA § 82–4–203(59)—Written Consent.

(3) Montana's proposal to strike the words "if it is satisfied" from MCA § 82–4–232(6)(k).

(4) Montana's proposed changes to MCA at §§ 82–4–232(6)(k)(ii) and 82–4–232(6)(k)(iii).

(5) Montana's addition of subpart "C" language in MCA § 82–4–232(6)(k)(iv), which could allow for final bond release to occur in the phased bond release process normally reserved for reclamation activities associated with phase II bond release.

(6) Montana's proposed changes in the MCA § 82–4–232(6)(k)(v), which would remove the period specified for operator responsibility.

Marcelo Calle,

Acting Regional Director, Unified Regions, 5, 7–11.

[FR Doc. 2026–17821 Filed 8–31–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1028]

RIN 1625–AA00

Safety Zone; Fort Myers Beach, FL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on Fort Myers Beach. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with high-speed boat racing. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector St. Petersburg, or their designated representative.

DATES: This rule is effective from September 11, 2026, through September 13, 2026.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG–2026–1028.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Lieutenant Ryan McNaughton, Sector St. Petersburg Prevention Department, U.S. Coast Guard; telephone 813–918–7270, email ryan.a.mcnaughton@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that the Roar Offshore high-speed boat race will be occurring on the waters of Fort Myers Beach, FL. The Captain of the Port (COTP) St. Petersburg has determined that potential hazards associated with high-speed vessels are a safety concern for anyone within the designated safety zone.

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

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event too late in the planning process and we must establish this safety zone by September 11, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes a safety zone from September 11 through September 13, 2026. The safety zone will cover all navigable waters in Fort Myers Beach within the following points: Point 1 at 26°26'27" N, 081°55'55" W, thence to Point 2 at 26°25'33" N, 081°56'34" W, thence to Point 3 at 26°26'38" N, 081°58'40" W thence to Point 4 at 26°27'25" N, 081°58'8" W; thence returning to Point 1. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman

and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T07-1028 to read as follows:

§ 165.T07-1028 Safety Zone; Fort Myers Beach, FL.

(a) *Location.* The following area is a safety zone: All waters of Fort Myers Beach from surface to bottom, encompassed by a line connecting the following points beginning at 26°26'27" N, 081°55'55" W, thence to Point 2 at 26°25'33" N, 081°56'34" W, thence to Point 3 at 26°26'38" N, 081°58'40" W thence to Point 4 at 26°27'25" N, 081°58'8" W and along the shoreline back to the beginning point. These coordinates are based on the World Geodetic System (WGS 84).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at (866) 881-1392. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 8 a.m. to 6 p.m.

on September 11 through September 13, 2026.

Courtney A. Sergeant,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.

[FR Doc. 2026-17874 Filed 8-31-26; 8:45 am]

BILLING CODE 9110-04-P

POSTAL SERVICE

39 CFR Part 111

Free Matter for the Blind and Other Physically Handicapped Persons

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to clarify the applicability of the Hazmat Handling Fee, and to require a parcel barcode, on parcels mailed as Free Matter for the Blind and Other Physically Handicapped Persons (Free Matter).

DATES: *Effective date:* October 4, 2026.

FOR FURTHER INFORMATION CONTACT: Steven Mills at (202) 268-7433 or Garry Rodriguez at (202) 268-7281.

SUPPLEMENTARY INFORMATION: On July 12, 2026, the Postal Service introduced two new fees, the Hazmat Handling Fee for packages containing hazardous materials to cover the additional costs of transporting these items and the Hazmat Noncompliance Fee that will be applied when we detect a package that contains hazardous materials and that the customer did not appropriately declare and label.

The Postal Service is clarifying that pieces mailed under the standards for Free Matter will not be subject to the Hazmat Handling Fee. However, pieces mailed by commercial mailers under the standards for Free Matter are subject to the Hazmat Noncompliance Fee.

In addition, the Postal Service is adding to the standards governing Free Matter a requirement that all parcels bear an Intelligent Mail® package barcode (IMpb®) and an Intelligent Mail matrix barcode (IMmb™). The requirement to include the barcodes will benefit mailers and the Postal Service. It will provide customers the ability to track their packages and it will give the Postal Service better visibility in processing these packages to achieve the expected expeditious handling and delivery of the mailpiece.

The barcode will require mailers to use specific HAZMAT Service Type Codes (STC). This requirement will improve processing and transportation

safety, also beneficial to achieving the expected expeditious handling and delivery of the mailpiece.

Commercial mailers of mailpieces not meeting the requirement for using a unique IMpb and IMmb, as outlined in the DMM and Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Payment Systems*, will be subject to the Package Quality Noncompliance Fee provided in the Notice 123–Price List.

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, the Postal Service amends *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations as follows (see 39 CFR 111.1):

PART 111—[AMENDED]

- 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

- 2. Revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

700 Special Standards

703 Nonprofit USPS Marketing Mail and Other Unique Eligibility

* * * * *

5.0 Free Matter for the Blind and Other Physically Handicapped Persons

5.1 Basic Information

5.1.1 General

[Revise the first sentence of 5.1.1 to read as follows:]

Subject to the standards below, matter may be entered free of postage and is not subject to the Hazmat Handling Fee if mailed by or for the use of blind or other persons who cannot read or use

conventionally printed materials due to a physical handicap. * * *

* * * * *

5.4 Preparation

5.4.1 Basic Standards

All matter mailed under this standard:

* * * * *

[Revise the text of 5.4.1 by adding a new item d to read as follows:]

d. Parcels mailed under this standard (outbound and returns) must bear an Intelligent Mail package barcode (IMpb) and an Intelligent Mail matrix barcode (IMmb) prepared under 204.2.0. Commercial mailers of mailpieces not meeting the requirements for using a unique IMpb and IMmb, as outlined in 204.2.1.6 and Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Payment Systems*, will be subject to the Package Quality Noncompliance Fee (See Notice 123–Price List.). For details see PostalPro at <https://postalpro.usps.com>.

* * * * *

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–17884 Filed 8–31–26; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[FMC–2026–0331]

RIN 3072–AD00

Charge Complaint Procedures

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission (FMC or Commission) is issuing this rule to bring awareness that as an alternative to following the Commission’s Interim Procedure for Charge Complaints, Charge Complaints may be filed with the Commission following traditional complaint processes involving either an Administrative Law Judge or Small Claims Officer. In accordance with the statute, when a person files a Charge Complaint as a traditional complaint, the Administrative Law Judge or Small Claims Officer must treat the complaint as such, including by requiring the common carrier to bear the burden of establishing the reasonableness of any demurrage or detention charges pursuant to the Commission’s Interpretive Rule on Unjust and Unreasonable Practices With Respect to Demurrage and Detention.

DATES: This rule is effective September 1, 2026.

FOR FURTHER INFORMATION CONTACT:

David Eng, Secretary; Phone: (202) 523–5725; Email: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

On June 16, 2022, the Ocean Shipping Reform Act of 2022 (OSRA 2022) (Pub. L. 117–146) was enacted. Section 10 of the Act, “Charge complaints,” codified at 46 U.S.C. 41310, states that a person may submit to the Commission “information concerning complaints about charges assessed by a common carrier.” The statute directs the Commission, upon such a submission, to “promptly investigate the charge” and order refunds and penalties for charges that do not comply with 46 U.S.C. 41104(a) and 41102. Charge Complaints under 46 U.S.C. 41310 may be submitted regarding a broad range of noncompliant charges assessed by a common carrier. While complaints about the reasonableness of a demurrage or detention charge tend to be the most common, other carrier fees or charges which are not in compliance with 46 U.S.C. 41104(a) and 41102 may be submitted for investigation. During the investigation, the carrier has an opportunity to submit information related to the charge in question, 46 U.S.C. 41310(b)(1). Whereas a complainant typically bears the burden of establishing violations in adjudicatory hearing proceedings under 46 U.S.C. 41301, OSRA 2022 provides that the respondent carrier “bear[s] the burden of establishing the reasonableness of any demurrage or detention charges pursuant to [46 CFR] 545.5” when a Charge Complaint is involved. 46 U.S.C. 41310(b)(2). Section 41310 of the United States Code is self-implementing and became applicable and enforceable on June 16, 2022, when OSRA 2022 was signed into law.

Because the Charge Complaint provisions are self-executing, the Commission adopted an Interim Procedure for Charge Complaints (“Interim Procedure”) to address the new type of complaint.¹ The Interim Procedure is a streamlined procedure designed for faster resolution of Charge Complaint claims without significant participation by the filer. Under the Interim Procedure, a person submits a Charge Complaint and supporting information to the Commission by email

¹ The Commission’s Interim Procedure is available on the Commission’s website at <https://www.fmc.gov/ocean-shipping-reform-act-of-2022-implementation/guidance-on-charge-complaint-interim-procedure/> (last accessed Aug. 5, 2026).

to chargecomplaints@fmc.gov. Commission staff acknowledge the submission and, if necessary, contact the filer to obtain clarification or missing information. When the Commission receives sufficient information, it promptly investigates the complaint by contacting the common carrier and asking the carrier to respond/justify the charge or fee being investigated. Upon completion of the investigation, Commission staff notify both parties.

If the investigation supports a finding that the common carrier's charge or fee is not in compliance with statutes or Commission rules, the parties are informed that the matter will be referred to the Commission's Bureau of Enforcement, Investigations, and Compliance (BEIC). For matters where the investigation supports a finding of a violation, BEIC will recommend that the Commission institute Show Cause proceedings under 46 CFR 502.91 to formally adjudicate the Charge Complaint. Upon approval of FMC staff's recommendation, the Commission will issue an Order to Show Cause naming the specific common carrier and describing the actions alleged to violate 46 U.S.C. 41104(a), 41102, or both, and directing that common carrier to "show cause" why it should not be ordered to refund the fees or charges paid or waive such fees. The common carrier is provided the opportunity to "show cause" why the common carrier's actions should not be found to constitute a violation of 46 U.S.C. 41104(a) or 41102. The common carrier may submit an affidavit(s) of fact, memoranda of law, and any documentary evidence in support of its position. The Order to Show Cause defines what procedures apply. Charge Complaint-related Show Cause proceedings are conducted on a fast-track basis to provide an early determination concerning the shipper's entitlement to a refund. Procedures not consistent with achieving an expedited decision on refunds or waivers, such as discovery or oral argument, are waived for the refund proceeding. Additional procedures, however, may be requested if desired. If the Commission orders a refund by the common carrier, a separate civil penalty proceeding may also be initiated and referred to the Commission's Office of Administrative Law Judges for consideration of penalties under 46 U.S.C. 41107 and 41109. This is an entirely separate proceeding handled under the Commission's more detailed rules of practice and procedure.

The Commission's statement that the Interim Procedure "cannot be combined

with formal proceedings under 46 CFR 502.61, or small claims proceedings—formal or informal, under 46 CFR 502.301–502.321" has been interpreted by some individuals as meaning that the Interim Procedure is the only route for bringing Charge Complaints.² That is not the case. The Commission's Interim Procedure is merely one way for the Commission to meet its statutory obligation to "investigate" Charge Complaints. An "investigation" under 46 U.S.C. 41310 can also be satisfied through the same processes that satisfies the "investigation" of complaints under 46 U.S.C. 41301(c).³ The Commission's FAQs on Charge Complaints clearly explain, for example, that a person who has submitted a Charge Complaint under the Interim Procedure can still file a subsequent formal or small claims complaint with the Commission even where the initial investigation does not support a finding of a violation.⁴ Likewise, the Commission's "Industry Advisory—Interim Procedures for Submitting 'Charge Complaints' Under 46 U.S.C. 41310" issued on July 14, 2022, stated that a filer may choose to "pursue and control their own legal case, including with the assistance of their own attorney if desired, . . . under . . . Part 502 of the Commission's regulations."⁵

The Interim Procedure's prohibition on "combined claims" was implemented to recognize two limitations. First, a Charge Complaint cannot simultaneously be investigated by both an Administrative Law Judge (ALJ)/Small Claims Officer (SCO) and by agency staff under the Interim Procedure. Second, if choosing to file under the Interim Procedure, the filer cannot include claims other than Charge Complaints. This is because the Interim Procedure implemented under the authority of 46 U.S.C. 41310 only

addressed Charge Complaints. As such, the Interim Procedure cannot address non-Charge Complaint claims. Thus, allowing filers to also include non-Charge Complaint claims when proceeding under the Interim Procedure would negate the goal of the new process, which is to allow for a streamlined and shortened timeframe to resolve Charge Complaint claims.

A filing that meets the requirement of 46 U.S.C. 41310(a) on its own or combined with other claims, in a private party formal or small claims complaint, is a Charge Complaint regardless of whether the filer submits it to the Commission under the Interim Procedure or files under Subparts E (§§ 502.61–502.75) or S (§§ 502.301–502.305) of the Commission's Part 502 rules. The Commission's July 2022 Industry Advisory incorrectly stated that Charge Complaints filed as a formal or small claims complaint could be filed under 46 U.S.C. 41301(a). A claim that meets the requirements of 46 U.S.C. 41310(a) is a Charge Complaint and *must* be resolved under the terms of 46 U.S.C. 41310, including the required burden shifting for demurrage or detention charges, regardless of whether the claim is submitted to the Commission under the Interim Procedure or under traditional complaint processes. So long as the submission includes the applicable bills of lading numbers and invoices, and alleges violations of 46 U.S.C. 41104(a), 46 U.S.C. 41102 (or both), 46 U.S.C. 41310 directs the Commission to consider such a submission as a Charge Complaint. If a Charge Complaint filed under traditional complaint process contains a mix of complaints under 46 U.S.C. 41301 and 41310, those portion(s) which concern charges assessed by a common carrier, provided that the submission includes the applicable bills of lading numbers and invoices, and alleges violation(s) of 46 U.S.C. 41104(a), 46 U.S.C. 41102, or both, must, by operation of law be considered by the Commission a "Charge Complaint" under 46 U.S.C. 41310. The remainder of the submission will continue to fall under 46 U.S.C. 41301.

The Commission is issuing this rule to highlight these existing statutory requirements.

II. Discussion of Rule

The Commission clarifies that a Charge Complaint must be treated consistent with 46 U.S.C. 41310 and further clarifies that a Charge Complaint may be investigated via a filer by: (1) filing it through the Interim Procedure, (2) filing a private party formal

² Ocean Shipping Reform Act of 2022 Implementation, Frequently Asked Questions, FAQ 1 (<https://www.fmc.gov/ocean-shipping-reform-act-of-2022-implementation/> (last accessed Aug. 5, 2026)).

³ The Commission's procedures for 46 U.S.C. 41301 complaints are flexible. See e.g., *Fed. Mar. Comm'n v. S.C. State Ports Auth.*, 535 U.S. 743, 775, 122 S. Ct. 1864, 1882, 152 L. Ed. 2d 962 (2002) (Justice Breyer with Justice Stevens, Justice Souter, and Justice Ginsburg, dissenting) ("Interestingly enough, it does not say that the Commission must determine the merits of the complaint through agency adjudication, see § 1710(g) (1994 ed., Supp. V). . . .").

⁴ Charge Complaint FAQ 6, <https://www.fmc.gov/ocean-shipping-reform-act-of-2022-implementation/guidance-on-charge-complaint-interim-procedure/#frequently-asked-questions> (last accessed Aug. 12, 2026).

⁵ <https://www.fmc.gov/articles/industry-advisory-interim-procedures-for-submitting-charge-complaints-under-46-u-s-c-%c2%a7-41310/> (last accessed Aug. 12, 2026).

complaint under § 502.62, or (3) filing a small claims complaint under § 502.304. A filer pursuing a traditional complaint process for a Charge Complaint must adhere to all procedural requirements set forth in 46 CFR part 502, including for the format and content of their complaint. Filers are encouraged to clearly identify claims as “Charge Complaints” in their submission. However, in accordance with law, so long as the complaint concerns charges assessed by a common carrier, alleges a violation of 46 U.S.C. 41104(a) and/or 46 U.S.C. 41102, and includes the applicable bill of lading numbers and invoices, it is a Charge Complaint and it will be resolved in accordance with 46 U.S.C. 41310. This includes application of the burden shifting requirement for demurrage or detention charges under 46 U.S.C. 41310(b)(2). The Commission is amending 46 CFR 502.62(a)(3)(v) and adding a new 502.301(b) to alert readers to this fact.

For small claims complaints, both parties must consent to the determination of a Charge Complaint under informal adjudication procedures for the claim to be decided under subpart S. If both parties do not consent, the Charge Complaint will be decided under the procedures of subpart T. The potential application of civil penalties does not affect the \$50,000 limit for small claims. Civil penalties are not part of the claim total—they may not be requested by claimants and are payable, if assessed, to the U.S. Treasury’s General Fund. Paragraph (c) of section 502.301, as revised, (previous § 502.301(b)) reflects this. Paragraph 502.62(a)(4)(iv) has also been revised to reflect civil penalty application to Charge Complaints filed as formal complaints.

Section 41301 complaints must be filed within three years after the claim accrues in order to obtain reparations, 46 U.S.C. 41301(a). Section 41310 of title 46 of the United States Code, however, does not contain a statute of limitations for Charge Complaints. A Charge Complaint may be filed for any covered violations that occurred on or after the enactment of OSRA 2022 (June 16, 2022). OSRA 2022 does not apply retroactively. The absence of a statute of limitations in section 41310 is reflected in the Commission’s amendments to §§ 502.62(a)(4)(iii) and 502.302(a).

The Commission’s Interim Procedure for Charge Complaints continues to provide important benefits to filers as an alternative to independently pursuing a traditional claim. First, it allows the Commission to assist filers by requesting missing information that might be necessary to perfect a

complaint. That level of assistance is not available if a filer proceeds directly with a Charge Complaint under traditional procedures. Second, those filers using the Interim Procedure do not currently pay any fees.⁶ Complainants seeking resolution of a Charge Complaint through the Commission’s traditional claims processes are required to pay the filing fee, currently \$387 for Subpart E and \$176 for Subpart S. Finally, because formal action arising out of a Charge Complaint investigation is brought by BEIC against the common carrier, the complaining party is not expected to testify or provide additional information in the Order to Show Cause proceeding before the Commission.

For these reasons, the Commission’s current Interim Procedure for Charge Complaints remains in effect. A person who wants to file a Charge Complaint has the option to proceed under either the Interim Procedure for Charge Complaints or under the Commission’s traditional complaint processes. The processes may not run simultaneously, however, and filers are prohibited from filing a duplicate claim that has been decided on the merits.

III. Rulemaking Analyses

A. Administrative Law Matters

These changes to the Code of Federal Regulations are informational only and are intended to draw attention to the application of 46 U.S.C. 41310, a self-implementing statute, within the existing hearing procedures of 46 CFR part 502. They are not intended to have the force and effect of law, or to implement, interpret, or prescribe law or policy. The rule does not change substantive standards or affect the rights or obligations of non-agency parties. In accordance with the Administrative Procedure Act (APA), the Commission therefore finds that good cause exists that public comment is impracticable and unnecessary, 5 U.S.C. 553(b)(B). For these same reasons, the Commission finds that there is good cause to establish an effective date less than 30 days after publication of this amendment, 5 U.S.C. 553(d)(3). This rule is effective upon publication in the **Federal Register**.

⁶ The Commission is investigating the appropriateness of fees for Charge Complaints submitted under the Interim Procedure under requirements of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 9701 and Office of Management and Budget Circular A–25, *User Charges*. Currently, however, there is no fee. If the Commission believe that imposing a fee is warranted, that will be done through the Administrative Procedure Act’s rulemaking procedures and published in the **Federal Register**.

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply when notice and comment is not required by the APA or other law. *See* 5 U.S.C. 601(2). The Commission is therefore not required to complete a regulatory flexibility analysis for this action. Additionally, the provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA) are not applicable, *see* 5 U.S.C. 804(3)(C). SBREFA’s definition of the term “rule” does not include “any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties”.

Because this action is not intended to have the force and effect of law, or to implement, interpret, or prescribe law or policy, it is exempt from Executive Order 142192 and Office and Management Review under Executive Order 12866.

B. Congressional Review Act

This action is not a “rule” for purposes of the Congressional Review Act because it is a rule of agency organization, procedure or practice that does not substantially affect the rights and obligation of non-agency parties.

C. Paperwork Reduction Act

This amendment does not contain any new or modified collection of information requirements as defined by the Paperwork Reduction Act of 1995. *See* 5 CFR 1320.3(c).

D. National Environmental Policy Act

The National Environmental Policy Act (NEPA) is not applicable to this action. NEPA only applies to major federal actions. The terms “major” and “federal action” each have independent force. This is not a major federal action because it does not impact the legal rights or obligations of non-agency parties. Alternatively, this rule is categorically excluded under 46 CFR 504.4(a)(4) as promulgation of procedural rules pursuant to 46 CFR part 502.

E. Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in E.O. 12988, “Civil Justice Reform,” (61 FR 4729, Feb. 7, 1996) to minimize litigation, eliminate ambiguity, and reduce burden.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Federal Maritime Commission amends 46 CFR part 502 as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

- 1. Revise the authority citation for part 502 to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–584, 591–596; 18 U.S.C. 207; 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41310, 44101–44106, 46105; 5 CFR part 2635.

- 2. Amend § 502.62 by revising paragraphs (a)(3)(v) and (a)(4)(iii) and (iv) to read as follows:

§ 502.62 Private party complaints for formal adjudication.

- (a) * * *
(3) * * *

(v) Shipping Act violation must be alleged. If the complaint fails to indicate the sections of the Act alleged to have been violated or clearly to state facts which support the allegations, the Commission may, on its own initiative, require the complaint to be amended to supply such further particulars as it deems necessary. If a complaint concerns charges assessed by a common carrier, includes the applicable bills of lading numbers and invoices, and alleges violation(s) of 46 U.S.C. 41104(a), 46 U.S.C. 41102, or both, the complaint or, if other violations are alleged, those portions of the complaint concerning charges assessed by a common carrier meeting these requirements, shall be considered a Charge Complaint under 46 U.S.C. 41310.

- (4) * * *

(iii) A complaint seeking reparations under 46 U.S.C. 41301(a) must be filed within three years after the claim accrues. Notification to the Commission that such a complaint may or will be filed for the recovery of reparation will not constitute a filing within the applicable statutory period. There is no statute of limitations for a Charge Complaint; however, the disputed charge or fee must have been assessed after the Ocean Shipping Reform Act of 2022 (OSRA 2022) (Pub. L. 117–146) was enacted and became effective on June 16, 2022.

(iv) Civil penalties must not be requested in private party complaint proceedings. Civil penalties will not be awarded in a 46 U.S.C. 41301 complaint. In the event of a finding in a 46 U.S.C. 41310 Charge Complaint that a charge does not comply with 46

U.S.C. 41104(a) or 46 U.S.C. 41102 after submission to the Commission under 46 U.S.C. 41310(a), in accordance with 46 U.S.C. 41310(d), the Commission shall apply a civil penalty under 46 U.S.C. 41107 to the common carrier making such charge.

* * * * *

- 3. Revise § 502.301 to read as follows:

§ 502.301 Statement of policy.

(a) *Complaints.* Section 41301 of title 46 of the United States Code permits any person to file a complaint with the Commission claiming a violation occurring in connection with the foreign commerce of the United States and to seek reparation for any injury caused by that violation.

(b) *Charge complaints.* Section 41310 of title 46 of the United States Code permits any person to submit information concerning complaints about charges assessed by a common carrier, so long as the submission includes the applicable bills of lading numbers and invoices, and alleges violations of 46 U.S.C. 41104(a), 46 U.S.C. 41102, or both. Such complaints may seek a refund of the charges assessed.

(c) *Small claims.* With the consent of both parties, claims filed under this subpart in the amount of \$50,000 or less will be decided by a Small Claims Officer appointed by the Federal Maritime Commission's Chief Administrative Law Judge, without the necessity of formal proceedings under the rules of this part. Civil penalties are paid directly to the General Fund of the U.S. Treasury, are not part of the claim, and do not have any impact of the \$50,000 limit. Authority to issue decisions under this subpart is delegated to the appointed Small Claims Officer.

(d) *Finality.* Determination of claims under this subpart shall be administratively final and conclusive.

- 4. Amend § 502.302 by revising paragraph (a) to read as follows:

§ 502.302 Limitations of actions.

(a) Claims alleging violations of 46 U.S.C. subtitle IV (“the Shipping Act”) must be filed within three years from the time the cause of action accrues to obtain reparations, but claims concerning complaints about charges under 46 U.S.C. 41310 are not subject to the three-year limitation period.

* * * * *

For the Commission.

David Eng,
Secretary.

[FR Doc. 2026–17876 Filed 8–31–26; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

RIN 0348–AB85

Increase of Monetary Thresholds and Other Matters Related to Cost Accounting Standards Program Requirements

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB), Cost Accounting Standards Board (Board), is publishing a final rule to increase the Cost Accounting Standards (CAS) thresholds and agency waiver authority, and issue clarifications on application of the CAS thresholds and exemptions to indefinite delivery contracts (IDCs).

DATES: Effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT: John L. McClung, Manager, Cost Accounting Standards Board (telephone: 202–881–9758; email: OMBCASB@omb.eop.gov).

SUPPLEMENTARY INFORMATION:

I. Background

On March 20, 2026, the Board published a notice of proposed rulemaking (NPRM) (91 FR 13559) to solicit views on the Board's provisional conclusions regarding increases to the CAS thresholds and agency waiver authority, and proposed clarifications on applying the CAS thresholds and exemptions to indefinite delivery contracts (IDCs).

The Board received nine sets of public comments to the NPRM: five from industry associations, two from individual contractors, one from a consulting firm, and one from an individual. Comments strongly supported the Board's proposed actions and the deregulatory nature of the NPRM. Although comments did not provide information to quantify the impact of this final rule, all comments strongly supported the qualitative aspects noted in the NPRM: reduced compliance costs, simplified CAS administration for existing contractors,

and reduced barriers to entry for nontraditional contractors, new entrants, and mid-size entities who no longer qualify for a full exemption from CAS as small businesses. Specific comments and discussion, as applicable, are detailed in the sections below. This final rule reflects input from the public, as well as research conducted by the Board. This final rule is issued by the Board in accordance with the requirements of 41 U.S.C. 1502.

II. Regulatory Thresholds

a. Overview and Conclusion

This final rule raises the thresholds for full CAS coverage and Disclosure Statement requirements from the current \$50 million to \$100 million. This final rule also eliminates the exemption at CAS 9903.202–1(c)(ii) which currently exempts a Disclosure Statement from a segment if during the most recently completed cost accounting period the segment's CAS-covered awards are less than 30 percent of total segment sales for the period and less than \$10 million. As a result of the higher thresholds this exemption is no longer necessary.

Based on public comments this final rule further revises 9903.202–1(b)(2) to more clearly state that a Disclosure Statement is required only for segments or business units that independently meet the applicable thresholds for full CAS coverage. As a result, the Board is also removing CAS 9903.202–1(c) in its entirety as it is no longer necessary with the additional clarity provided in 9903.202–1(b)(2) as suggested by public comments.

Based on public comments this final rule further amends 9903.201–2 (b) to provide a mechanism for determining eligibility for modified coverage for new solicitations and awards for contractors or subcontractors currently subject to full coverage that would not otherwise be subject to full coverage at the new \$100 million threshold. This requires that the contractor or subcontractor has no unresolved CAS noncompliances.

As detailed in the NPRM, the Board's analysis estimated these changes will result in a substantial reduction of burden and lower the barrier to entry with a minimal loss in the total dollars currently subject to full coverage and Disclosure Statement requirements.

b. Summary of Public Comments on Regulatory Thresholds

Comments strongly supported the Board's provisional conclusions in the NPRM to raise the regulatory thresholds and eliminate the exemption at CAS

9903.202–1(c)(ii). Comments raising additional issues are as follows:

Comment: A number of comments requested additional improvements to the proposed language covering Disclosure Statement requirements. While these comments offered varying alternatives, they identified similar opportunities for the Board to further streamline and provide greater clarity on applying the Disclosure Statement requirements for entities with multiple CAS reporting segments. For example, as one comment explained,

The current requirements to aggregate total company CAS covered awards in 9903.202–1(b)(2) and then to separately assess applicability at the business unit (or segment) level in 9903.202–1(c) creates an unnecessary step and causes confusion in determining whether a Disclosure Statement is required for each business unit. In the spirit of streamlining and simplifying regulatory requirements and reducing administrative burden, we recommend eliminating the total company threshold and implementing the threshold at the business unit level to align the threshold to the filing requirement.

The comment recommended revising the current language at 9903.202–1(b)(2) to more clearly state that a Disclosure Statement is required only for segments or business units that independently meet the applicable thresholds for full CAS coverage. With this clarification they further recommended deleting CAS 9903–202–1(c) in its entirety as it is no longer necessary with the recommended changes in section 9903.202–1(b)(2).

Response: The Board concurs this creates an unnecessary step and may cause confusion in determining whether a Disclosure Statement is required for each business unit. The Board has incorporated this recommendation in the final rule as noted above.

Comment: Multiple commenters recommended the Board consider issuing transition guidance related to the application of the new thresholds considering the potential implications for full versus modified CAS coverage. For example, as one commenter theorized; if a contractor is performing a \$50 million contract subject to full CAS coverage under the current thresholds with no other CAS-covered awards and receives a \$40 million CAS-covered award under the new thresholds it would be subject to full coverage. In this scenario, the new award itself is not over \$100 million and taken together with the existing contract the awards are not over \$100 million; however, because the contractor had an award subject to full CAS coverage under the prior thresholds, any new award between \$35 million and \$100 million (not otherwise exempt from

CAS) would be subject to full CAS coverage due to the requirements at 9903.201–2(b)(2).

Comments also contend that to fully realize the deregulatory intent, the Board should ensure a level playing field for “mid-tier” firms. This would allow existing contractors otherwise eligible for modified coverage to receive the same benefit as a new entrant or other entity currently not subject to CAS if they are competing for an award that would qualify for modified CAS coverage. Without a transition mechanism, a number of existing contractors will face a significant competitive disadvantage against new entrants who benefit from the higher \$100 million threshold immediately.

Response: The Board appreciates the concerns raised and generally agrees such a mechanism is desirable and in the spirit of the Board's deregulatory actions. However, the Board believes this needs to be contingent on a contractor currently being in a compliant status. As such, the Board has provided added coverage in 9903.202–1(b) to provide this with the requirement that the contractor or subcontractor has no outstanding CAS noncompliances. In addition, the Board expects contractors will continue to follow their existing practices as they comply with CAS. As such, any current or future cost accounting practice changes related to the transition from full CAS coverage to modified CAS coverage would be considered unilateral and subject to the contract price adjustment requirements.

Comment: Comments generally supported the use of the Unique Entity Identifier (UEI) as a proxy for a covered segment for the purpose of analyzing the potential impact of the regulatory changes contemplated in the NPRM. However, comments raised concerns that there may not always be a one-to-one relationship between a CAS segment and a UEI. These comments urged the Board to clarify it was not changing the CAS definition of a segment.

Response: The NPRM did not propose to change, nor is the final rule changing the definition of a CAS segment contained in CAS regulations. The Board appreciates the concerns raised by the public and will continue to evaluate how changes in other statutory requirements, technology, and the business environment impact CAS program requirements. If the Board determines further changes are necessary to the definitions and application of CAS program requirements they will be made through subsequent rulemaking.

III. Statutory Thresholds

a. Overview and Conclusion

As detailed in the NPRM, OMB developed a legislative proposal to decouple the basic CAS monetary threshold from the Truthful Cost or Pricing Data statute, and raise it to a stated dollar amount of \$35 million. The proposal also eliminated the \$7.5 million trigger contract threshold as it would no longer be necessary with a higher applicability threshold. The proposal was transmitted to Congress in June of 2025 for consideration in the 2026 National Defense Authorization Act (NDAA). As discussed in the NPRM the Board's analysis estimated these changes would reduce the number of CAS-covered business segments by approximately 60 percent, while still maintaining over 90 percent of the current dollars subject to CAS coverage. Section 1806 of the 2026 NDAA fully codified the OMB legislative proposal, and this final rule revises 9903.201–1 CAS applicability to implement these changes.

Based on public comments this final rule also modifies the three statutory CAS exemptions at 9903.201–1(b) to align them with the amendments made by Section 1806(d) of the 2026 NDAA. Section 1806(d) added language to the three statutory CAS exemptions in 41 U.S.C. 1502 to make them applicable to portions of contracts and subcontracts. These changes address contract arrangements that include multiple contract types (*i.e.*, hybrid contracts).

b. Summary of Public Comments

Comments strongly supported OMB's legislative proposal and the Board's provisional conclusions in the NPRM to raise the statutory thresholds as a result of the 2026 NDAA codification of the OMB proposal. A number of comments related to additional provisions of the 2026 NDAA were made as follows:

Comment: Commenters pointed out that the proposed rule did not address other CAS related provisions included in the 2026 NDAA. Specifically changes to the contract price adjustments requirements in 41 U.S.C. 1503, and the Section 1806(d) amendments to the statutory exemptions to accommodate hybrid contract arrangements.

Response: The Board recognizes the importance of the remaining 2026 NDAA provisions. The Board has updated the statutory exemptions included 9903.201–1(b) to align them with the 2026 NDAA revisions to apply those exemptions to portions of contracts and subcontracts (*i.e.*, hybrids). However, attempting to incorporate the complex issues related

to the contract price adjustments requirements in 41 U.S.C. 1503 would require additional notice and comment. As noted in its July 2, 2025 notice of agenda topics, (90 FR 29048) the Board has already begun review of contract price adjustments requirements and has established a separate case which will incorporate the direction provided in the 2026 NDAA.

IV. Agency Head Waiver Authority

a. Overview and Conclusion

CAS 9903.201–5 currently provides the head of an executive agency the authority to waive CAS on their own for contracts valued up to \$15 million without seeking approval from the Board, but they must notify the Board of the waiver. This final rule raises this threshold to \$100 million. This increase implements changes made to 41 U.S.C. 1502(b)(3) by Section 820 of the 2017 NDAA.

b. Summary of Public Comments

Comments strongly supported the Board updating its regulations to accurately reflect the increased waiver authority for the head of an executive agency as a result of the 2017 NDAA change.

V. Application of CAS to Indefinite Delivery Contracts

a. Overview and Conclusion

Indefinite delivery contracts (IDCs) are contracts where work is awarded through the placement of individual task and delivery orders as requirements arise, with a minimum guaranteed order value and a ceiling amount reflecting the maximum total value of orders that can be placed under the contract. They include the Federal Supply Schedule (FSS) program and government-wide acquisition contracts (GWACs). Obligations under the FSSs and GWACs are tracked separately from other task and delivery order contracts in the Federal Procurement Data System (FPDS).

As detailed in the NPRM, analysis of FPDS data indicates the use of IDCs has continued to increase in both size and as a percentage of overall contract obligations. Although there is a statutory preference to award IDCs to multiple contractors, they may also be awarded to a single contractor. The prevalence of obligations on task and delivery orders against IDCs awarded to a single contractor has also increased, reaching \$262 billion in Fiscal Year (FY) 2024. This represented over one-third of all contract obligations in FY2024. Preliminary data for FY 2025 indicated

a similar dispersion of contract obligations.

The Board has concluded that, unlike multiple-award IDCs, the information required to determine CAS exemptions and consistently apply CAS to single-award IDCs is available at the time of award of the single-award IDC. For these reasons, this final rule amends 9903.202–1 to make clear that application of CAS to multiple-award IDCs including all exemptions is determined at the task or delivery order level. For multiple-award IDCs CAS would apply only to those individual task or delivery orders whose values meet the monetary threshold for CAS coverage and do not qualify for another CAS exemption.

This final rule also amends 9903.202–1 to make clear that application of CAS applicability to single-award IDCs is determined at the time of award of the IDC using the ceiling value to assess if the monetary threshold has been met. Based on input from public comments, this final rule adds additional language to clarify that a single-award IDC can be exempt if the entire IDC meets one of the other exemptions in 9903.202–1(b) (*i.e.*, the IDC is awarded to a small business, the IDC only provides for orders of commercial products or commercial services, or the IDC only allows for orders that are firm-fixed-price and the IDC was awarded on the basis of adequate price competition without the submission of certified cost or pricing data).

This final rule is consistent with the criteria the Board identified for evaluating alternatives: it helps each contract party manage risk; it is expected to reduce regulatory burden, and promote competition by minimizing complexity and providing guidance that is clear and straightforward. Having a clear and predictable rule promotes consistency in the application of CAS and avoids friction and disputes. Public comments did not provide any additional alternatives or criteria for the Board to consider.

b. Summary of Public Comments

Comments strongly supported the Board's provisional conclusions in the NPRM to apply CAS exemptions at the task or delivery order level for multiple-award IDCs. However, comments did not support the Board's provisional conclusions in the NPRM to apply CAS exemptions at the IDC level for single-award IDCs. Comments preferred that CAS applicability for all IDCs should be determined at the task or delivery order level as proposed by the Board for multiple-award IDCs. Although the Board was not persuaded by these

comments, it appreciates the breadth and depth of responses. Illustrative examples of concerns raised are discussed in further detail below.

Comment: Some comments argue that the Board's proposed approach of treating single-award IDCs differently than multiple-award IDCs creates inconsistencies. Some further posit the approach is contradictory to the purpose of the CAS exemptions themselves, which are meant to reduce the administrative burden on low-risk acquisitions. Others declared this approach creates inequity in the treatment of single-award and multiple-award IDCs.

Response: The Board does not consider the approach as inconsistent or creating inequities. Single-award and multiple-award IDCs are inherently different. Task or delivery orders awarded under each type of IDC are awarded under different circumstances and present differentiated levels of risk. Single-award IDCs establish a long-term relationship without maintaining competition for task or delivery orders. Single-award IDCs increase the potential for vendor lock-in, further reducing competition and creating risk to the Government. This type of transaction creates higher risk, not lower risk as some comments suggested.

Comment: Some comments theorized the Board's proposed approach of determining CAS applicability differently for single-award IDCs could result in applying CAS to transactions that would otherwise be exempt such as commercial products and commercial services. One comment postulated that the application of CAS at the IDC level could result in the application of CAS to tasks or delivery orders that would be exempt if these same task or delivery orders were issued under a multiple-award IDC or nearly all other contract scenarios. Another comment declared the Board's proposed approach of determining CAS applicability differently for single-award IDCs would result in application of CAS to fixed-price contracts.

Response: The Board appreciates the concerns raised associated with unique hybrid contract arrangements. As noted above, the Board is addressing the application of CAS to hybrid contracts through this rulemaking. In addition, the Board has added additional language to clarify that an entire single-award IDC could be exempt under certain circumstances.

Comment: A number of comments suggested the Board delay issuance of a final rule, and conduct additional data analysis related to single-award IDCs. This point was part of their overall

objection to the Board's proposed approach for single-award IDCs, and concerns that in some cases the cumulative value of task or delivery orders on single-award IDCs may not reach or could fall well below the ceiling value. For example, it would be possible for a \$35 million single-award IDC to receive less than \$35 million in tasks or delivery orders. Similarly, a \$100 million single-award IDC could receive less than \$100 million in tasks or delivery orders.

Response: The Board recognizes the potential exists for cases as those described by comments and has carefully considered the likelihood of these scenarios in both the NPRM and this final rule. These scenarios under single-award IDCs are similar to the risk under definitive contracts that may, in some cases, not have all options exercised. The Board believes the risk, similar to most regulations applying thresholds, is amplified at or near the threshold. However, the Board believes this risk decreases at higher values and is mitigated as a result of the increased thresholds finalized in this rule. The Board's analysis also indicated that most of the entities receiving single-award IDCs would otherwise be subject to CAS based on definitive awards, which further mitigates this risk. The Board appreciates the willingness of the industry associations to engage with their members to collect, aggregate, and provide the Board with actual data. This would be particularly beneficial for subcontracts where currently the government-wide data is limited. Lastly, the Board notes that this final rule does not preclude the Board from conducting further analysis or additional rulemaking in the future as the impact of the threshold increases take effect and additional information becomes available or is provided to the Board.

VI. Expected Impact of the Rule

This final rule is deregulatory, reduces compliance costs, simplifies CAS administration for existing contractors, and reduces barriers to entry for nontraditional contractors, including new mid-size entities who no longer qualify for a full exemption from CAS as small businesses. This final rule increases the basic CAS applicability threshold from the current \$2.5 million to \$35 million, and eliminates the \$7.5 million trigger contract concept. This simplifies the determination of CAS applicability while dramatically lowering barriers to entry on larger value contracts. Larger contract values will attract additional private investment into the federal contracting marketplace and increase competition

as a result of the higher point of entry without the need to establish more sophisticated compliance regimes required to comply with CAS requirements.

This final rule further reduces the CAS regulatory footprint by doubling the thresholds for full CAS coverage and Disclosure Statement requirements from \$50 million to \$100 million. This significantly reduce compliance burden and lowers barriers to entry into the federal marketplace. The Board analyzed FPDS data for the five-year period covering FYs 2020 through 2024 and estimates there have been 773 entities subject to full coverage and Disclosure Statement requirements with aggregate total contract values during the period of \$1.22 trillion. Applying the finalized threshold of \$100 million to the data set estimates a reduction in the number of entities to 564 while maintaining \$1.21 trillion of the dollars. This represents a nearly 30 percent reduction in entities that would be subject to full CAS coverage and Disclosure Statement reporting with a less than one percent loss of the dollars currently subject to these requirements. The higher threshold for full coverage reduces the barriers to entry for nontraditional contractors including contractors that have outgrown their small business size status and no longer qualify for a full exemption from CAS as small businesses as they may be more willing to compete for larger contracts only subject to modified coverage.

This final rule codifies needed clarity on applying the CAS thresholds and exemptions to IDCs. Having a clear rule avoids unnecessary ambiguity, friction and contract disputes. Determining CAS applicability for multiple-award IDCs at the task or delivery order ensure CAS is not overapplied to lower-risk transactions. Similarly, determining CAS applicability for single-award IDCs at the IDC level ensures CAS is not underapplied to higher-risk transactions. This lowers barriers to entry into the federal marketplace as potential offerors now have clarity on whether or not they will be subject to CAS and, if covered, whether full or modified.

The changes addressed in this final rule, both individually and in conjunction with the Board's ongoing broader CAS to GAAP conformance efforts simplifies CAS administration and reduces barriers to entry for nontraditional contractors including new mid-size entities who no longer qualify as small businesses. These actions are expected to increase competition in federal contracting.

VII. Regulatory Flexibility Act

CAS Board rules do not impact small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601–612. Contracts and subcontracts with small business concerns are exempted from all CAS requirements.

VIII. Executive Orders 12866, 13563 and 14192

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action under E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a deregulatory action under E.O. 14192 based on the discussion in the “Expected Impact of the Rule” section.

IX. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96–511, does not apply to this final rule, because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which requires the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR 9903

Government procurement, Cost accounting standards.

Kevin R. Rhodes,

Administrator, Office of Federal Procurement Policy, and Chair, Cost Accounting Standards Board.

For the reasons set forth in the preamble, the Office of Management and Budget is amending Chapter 99 of Title 48 of the Code of Federal Regulations as set forth below:

PART 9903—CONTRACT COVERAGE

■ 1. The authority citation for part 9903 continues to read as follows:

Authority: Pub. L. 111–350, 124 Stat. 3677, 41 U.S.C. 1502.

■ 2. Amend section 9903.201–1 by revising paragraph (b) and adding paragraph (c) to read as follows:

9903.201–1 CAS applicability.

* * * * *

(b) The following categories of contracts and subcontracts are exempt from all CAS requirements:

- (1) Sealed bid contracts.
- (2) Negotiated contracts and subcontracts not in excess of \$35

million. For purposes of this paragraph (b)(2), an order issued by one segment to another segment shall be treated as a subcontract.

(3) Contracts and subcontracts with small businesses.

(4) Contracts and subcontracts with foreign governments or their agents or instrumentalities or, insofar as the requirements of CAS other than 9904.401 and 9904.402 are concerned, any contract or subcontract awarded to a foreign concern.

(5) Contracts and subcontracts (or the portion of a contract or subcontract) in which the price is set by law or regulation.

(6) Contracts and subcontracts (or the portion of a contract or subcontract) for the acquisition of commercial products or commercial services.

(7) Subcontractors under the NATO PHM Ship program to be performed outside the United States by a foreign concern.

(8) Firm-fixed-price contracts or subcontracts (or the portion of a contract or subcontract) awarded on the basis of adequate price competition without submission of certified cost or pricing data.

(c) Application of paragraph (b) exemptions to indefinite delivery contracts shall be determined as follows:

(1) Multiple-award indefinite delivery contracts. The exemptions listed in paragraph (b) shall be determined at the time of award of any individual task or delivery order, and shall use the ceiling value of the individual task or deliver order to determine if the monetary threshold in (b)(2) has been met.

(2) Single-award indefinite delivery contracts. The exemptions listed in paragraph (b) shall be determined at the time of award of the indefinite delivery contract, and shall use the ceiling value of the indefinite delivery contract to determine if the monetary threshold in (b)(2) has been met. An entire single-award indefinite delivery contract is exempt if it only provides for the ordering of commercial products or commercial services, or only provides for ordering on a firm-fixed-price basis and the indefinite delivery contract was awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

■ 3. Amend section 9903.201–2 by:

- a. Removing “\$50 million”, wherever it appears, and adding, in its place, the text “\$100 million”; and
- b. Adding paragraphs (b)(4) and (5).

The additions read as follows

9903.201–2 Types of CAS coverage.

* * * * *

(b) * * *

(4) Contractors or subcontractors subject to full CAS coverage based on the \$50 million threshold in effect prior to *October 1, 2026* may transition the affected contracts or subcontracts to modified coverage at the start of the business unit’s next full cost accounting period beginning on or after *October 1, 2026*, provided the business unit:

(i) Has no unresolved CAS noncompliances; and

(ii) Does not meet the criteria for full CAS coverage using the \$100 million threshold in effect as of *October 1, 2026*.

(5) Contractors or subcontractors eligible for modified coverage based on the criteria in paragraph (b)(4) of this section may use this status for determining and certifying eligibility for modified coverage for new solicitations and awards on or after October 1, 2026.

9903.201–3 [Amended]

■ 4. Section 9903.201–3 is amended by removing “\$50 million”, wherever it appears, and adding, in its place, the text “\$100 million”.

9903.201–4 [Amended]

■ 5. Section 9903.201–4 is amended by removing “\$50 million”, wherever it appears, and adding, in its place, the text “\$100 million”.

9903.201–5 [Amended]

■ 6. Section 9903.201–5 is amended in paragraph (a) by removing “\$15 million”, and adding, in its place, the text “\$100 million”.

9903.202–1 [Amended]

■ 7. Section 9903.202–1 is amended by:

■ a. Removing “\$50 million”, wherever it appears, and adding, in its place, the text “\$100 million”;

■ b. In paragraph (b)(2) removing the text “Any company which, together with its segments,” and adding, in its place, the text “Any business unit or segment,”.

■ c. Removing and reserving paragraph (c).

[FR Doc. 2026–17901 Filed 8–31–26; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET**Office of Federal Procurement Policy****48 CFR Parts 9903 and 9904**

RIN 0348-AB91

Conformance of Cost Accounting Standards to Generally Accepted Accounting Principles for CAS 407 Use of Standard Costs for Direct Material and Direct Labor

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB), Cost Accounting Standards Board (the Board), is publishing a final rule rescinding Cost Accounting Standard (CAS) 407 to conform it with Generally Accepted Accounting Principles (GAAP). One definition is transferred to a different location within chapter 99 of title 48, Code of Federal Regulations. This final rule follows issuance of a Notice of Proposed Rulemaking (NPRM) (91 FR 13562).

DATES: Effective date: October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Nathaniel L. Whayland, Cost Accounting Standards Board Staff (telephone: 202-881-9199; email: OMBCASB@omb.eop.gov).

SUPPLEMENTARY INFORMATION:**I. Background**

On March 20, 2026, the Board published a NPRM to solicit views on the Board's provisional conclusions regarding conformance of CAS 407 to GAAP. See the NPRM for background on the purpose of CAS 407. The NPRM noted that the vast majority of CAS 407 could be rescinded. The Board determined that despite the difference in general focus between CAS and GAAP, there has been significant convergence over the years as GAAP has evolved to address cost measurement and assignment of costs to accounting periods. GAAP now contains codified content in these areas very similar to the requirements contained in CAS 407. In addition, the creation of the Financial Accounting Standards Board (FASB) and the Accounting Standards Codification (ASC) as the recognized financial accounting and reporting standards for GAAP fosters increased uniformity and consistency. The FASB is recognized today by the U.S. Securities and Exchange Commission as

the designated accounting standard setter for public companies. FASB standards are also recognized as authoritative by many other organizations, including State Boards of Accountancy and the American Institute of Certified Public Accountants (AICPA). The Board concluded that these developments have created opportunities to amend or rescind overlapping CAS requirements where GAAP standards under ASC may be applied as a reasonable substitute for CAS to support contract cost and pricing.

The Board concluded that nearly all of the content in CAS 407 has become unnecessary because the Government interests addressed by that content are adequately protected through reliance on GAAP, and existing requirements in other CAS standards. Due to the minimal amount of content identified for retention, the Board concluded that moving the retained requirements to another standard rather than maintaining CAS 407 with minimal content would best achieve the goal of streamlining CAS. This final rule reflects input from the public, as well as research conducted by the Board. This action complies with applicable requirements of 41 U.S.C. 1502 and furthers the Board's performance of its duties under 41 U.S.C. 1501(c), which requires, among other things, that the Board: (1) ensure that the cost accounting standards used by Federal contractors rely, to the maximum extent practicable, on commercial standards and accounting practices and systems; and (2) conform CAS, where practicable, to GAAP.

II. CAS 407—Use of Standard Costs for Direct Material and Direct Labor**A. Overview and Conclusion**

As noted in the NPRM, the Board's comparison of CAS 407 with pertinent GAAP content, other CAS Standards, and the Federal Acquisition Regulation (FAR) revealed significant overlaps and equivalent requirements. These comparable requirements protect the Government's interests and promote the uniformity and consistency that was the basis for promulgating CAS 407 more than 50 years ago, when comparable GAAP coverage did not exist.

The Board has concluded that, for the vast majority of the requirements in CAS 407, with the exception of certain limited requirements (*i.e.*, CAS 407-30(a)(7), CAS 407-40(b), CAS 407-50(a)(4)(i) and (ii), CAS 407-50(d)(1) and (2), CAS 407-50(e), and CAS 407-60(b)), the Government's interests are adequately protected by relying on

disclosed GAAP practices that are consistently followed and subject to notice of changes and cost recovery pursuant to CAS 401. Specifically, all contractors, whether subject to full or modified CAS coverage, are subject to CAS 401 and will continue to be required to consistently follow their disclosed or actual cost accounting practices. In addition, they will continue to be bound by the 9903.201-4 CAS contract clauses requiring disclosure and consistency in cost accounting practices regardless of whether a specific standard exists. These contract clauses implement the statutory requirements for disclosure of 41 U.S.C. 1502(f)(1), and protections from payment of increased costs as a result of changes to contractor's cost accounting practices provided by 41 U.S.C. 1502(f)(2). The limited requirements that are being retained address standard costs and related variances at the production unit level which are not currently covered by GAAP. The Board has concluded to move these requirements to CAS 418—Allocation of direct and indirect costs.

This action is consistent with the Board's guiding principles for conforming CAS to GAAP because it would eliminate CAS content to minimize the burden on contractors while protecting the interests of the Government. Furthermore, rescinding CAS 407 aligns with the guiding principles to rely on coverage in GAAP when it would materially achieve uniformity and consistency in cost accounting without bias or prejudice to either party, rely on other CAS Standards which may protect the Government's interests, and rescind CAS coverage no longer necessary.

As noted in the NPRM the Board did not identify any instance where the rescinding of CAS 407 would result in a change to a contractor's disclosed cost accounting practices for government contracts. With the noted exceptions, the current CAS requirements are nearly identical to GAAP. The Board expects that contractors would continue to follow their existing practices as they are both compliant with CAS and GAAP. As such, having identified no cost accounting practice changes as a result of this final rule any current or future changes related to standard costing of direct material or labor and the treatment of variances would be considered unilateral as defined in 9903.201-6(b)(2). As discussed further in the "Summary of Public Comments" section below, respondents did not identify any instances or issues requiring further consideration by the Board regarding this determination.

B. Summary of Public Comments

The Board received three sets of public comments to the NPRM; two from industry associations and one from a consulting firm. All commentors agreed with the provisional decision to rescind CAS 407 and were supportive of the Board's progress with CAS to GAAP conformance. Specific comments and discussion are detailed below.

Comment: One commentor believes the Board has not gone far enough in conformance because it proposes to retain certain limited requirements around the concept of the production unit. However, the other two commentors concur with the Board's conclusion that GAAP does not address the concept of the production unit and agree with the Board's decision to retain these requirements in CAS 418.

Response: The Board considered all current GAAP requirements and concluded that full adoption of GAAP does not provide adequate protection of the Government's interest. Retaining the requirements for accounting at the production unit level is necessary to ensure homogeneity while still providing contractors flexibility in setting and revising direct material and/or direct labor standards based on individual needs and circumstances. The Board, therefore, has not adopted the suggestion to rescind 407 in its entirety.

Comment: One commentor expressed concern that the Board appears to be expanding the "disclosure and consistency in cost accounting practices" to all GAAP accounting practices. The example given by the commentor was a contractor changing its inventory practices from first-in-first-out (FIFO) to last-in-first-out (LIFO).

Response: As noted in the NPRM, the Board is streamlining CAS 407 where reliance on existing standards and GAAP provides adequate protection of the Government's interests. A change from FIFO to LIFO would need to be disclosed by the contractor as this is a requirement for the Disclosure Statement (CASB DS-1) section 2.2.2. Furthermore, 41 U.S.C. 1502(f)(1) covers the disclosure in writing of all cost accounting practices, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs. The Board is not expanding the disclosure requirement, but simply highlighting that these disclosures are already required under 41 U.S.C. 1502(f)(1).

Comment: One commentor suggested that the elimination of CAS 407 could result in a change to a contractor's disclosed cost accounting practice since

GAAP allows for additional methodologies not prescribed under CAS 407 and believes that these changes should be deemed "required" or "desirable" under CAS 9903.201-6.

Response: While GAAP may allow for additional methodologies, all currently compliant CAS 407 practices are also currently compliant with GAAP and therefore, any current or future changes related to standard costing of direct material or labor and the treatment of variances would be considered unilateral as defined in 9903.201-6(b)(2). The Board, therefore, rejects the suggestion that any change should be deemed required or desirable.

III. Expected Impact of the Rule

This final rule is deregulatory in furtherance of 41 U.S.C. 1501(c), which requires the Board ensure that the Cost Accounting Standards used by contractors rely, to the maximum extent practicable, on commercial standards and accounting practices and systems. In addition, 41 U.S.C. 1501(c) requires the Board to eliminate or conform CAS requirements, where practicable, to GAAP. This final rule eliminates 12 of the 16 individual requirements contained in CAS 407, retaining only the minimal content the Board identified as needed to protect the Government's interest by moving it to another standard. This eliminates the need for a separate CAS standard addressing standard costs for direct material and direct labor. This final rule will result in the removal of almost 2,000 words of unnecessary regulatory text currently in place in this standard. Reliance on a contractor's disclosed GAAP practices for CAS purposes significantly reduces the regulatory footprint associated with CAS and places reliance on commercial accounting practices under GAAP consistent with 41 U.S.C. 1501(c).

These changes, as finalized, are expected to reduce burden for contractors, external auditors, government auditors, and oversight functions by reducing duplicative compliance requirements. These changes individually and in conjunction with the Board's ongoing broader CAS to GAAP conformance efforts and modernization of the CAS programmatic requirements are expected to simplify CAS administration and reduce barriers to entry for non-traditional contractors including new mid-size entities who no longer qualify as small businesses. These actions should increase competition in federal contracting.

IV. Regulatory Flexibility Act

CAS Board rules do not impact small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601-612. Contracts and subcontracts with small business concerns are exempted from all CAS requirements.

V. Executive Orders 12866, 13563, and 14192

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. OMB's Office of Information and Regulatory Affairs (OIRA) has determined that this is a significant regulatory action under section 3(f) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, and OIRA has reviewed this rule under E.O. 12866. This rule is deregulatory action under E.O. 14192 based on the discussion in the "Expected Impact of the Rule" section.

VI. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96-511, does not apply to this final rule because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public that requires the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR 9903 and 9904

Cost accounting standards, Government procurement.

Kevin R. Rhodes,

Administrator, Office of Federal Procurement Policy, and Chair, Cost Accounting Standards Board.

For the reasons set forth in the preamble, the Office of Management and Budget is amending chapter 99 of title 48 of the Code of Federal Regulations as set forth below:

PART 9903—CONTRACT COVERAGE

■ 1. The authority citation for part 9903 continues to read as follows:

Authority: Public Law 111-350, 124 Stat. 3677, 41 U.S.C. 1502.

Subpart 9903.3—CAS Rules and Regulations

■ 2. In § 9903.301(a):

■ a. Revise the definition for "Actual cost";

■ b. Remove the definitions for “Labor cost at standard”, “Labor-rate standard”, “Labor-time standard”, “Material cost at standard”, “Material-price standard” and “Material-quantity standard”;

■ c. Revise the definition for “Production unit”; and

■ d. Remove the definitions for “Standard cost” and “Variance”.

The revisions read as follows:

9903.301 Definitions.

(a) * * *

* * * * *

Actual cost. See 9904.401–30.

* * * * *

Production unit. See 9904–418–30.

* * * * *

PART 9904—COST ACCOUNTING STANDARDS

■ 3. The authority citation for part 9904 continues to read as follows:

Authority: Pub. L. 100–679, 102 Stat. 4056, 41 U.S.C. 422.

Subpart 9904.407 [Removed and Reserved]

■ 4. Remove and reserve subpart 9904.407.

Subpart 9904.418—Allocation of direct and indirect costs

■ 5. In § 9904.418–30, add paragraph (a)(5) to read as follows:

§ 9904.418–30 Definitions.

(a) * * *

(5) *Production unit* means a grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs such that the costs or statistics related to these homogeneous inputs or outputs are appropriate as bases for allocating variances.

* * * * *

■ 6. In § 9904.418–50:

■ a. Revise paragraph (a)(2)(i); and

■ b. Add paragraph (h).

The revision and addition read as follows:

§ 9904.418–50 Techniques for application.

(a) * * *

(2) * * *

(i) Standard costs may be used for estimating, accumulating, and reporting costs of direct material and direct labor only when standard costs and related variances are appropriately accounted for at the level of the production unit and paragraph (h) of this section; or

* * * * *

(h) *Standard costing.* (1) A labor-rate standard may be set to cover a group of

direct labor workers who perform disparate functions only under the conditions in either paragraph (h)(1)(i) or (ii) of this section:

(i) Where that group of workers all work in a single production unit yielding homogeneous outputs (in this case, the same labor-rate standard shall be applied to each worker in that group).

(ii) Where that group of workers, in the performance of their respective functions, forms an integral team (in this case, a labor-rate standard shall be set for each integral team).

(2) A contractor’s established practice with respect to the disposition of variances accumulated by production unit shall be in accordance with paragraph (h)(2)(i) or (ii) of this section:

(i) Variances are allocated to cost objectives (including ending in-process inventory) at least annually. Where a variance related to material is allocated, the allocation shall be on the basis of the material cost at standard, or, where outputs are homogeneous, on the basis of units of output. Similarly, where a variance related to labor is allocated, the allocation shall be on the basis of the labor cost at standard or labor hours at standard or, where outputs are homogeneous, on the basis of units of output; or

(ii) Variances which are immaterial may be included in appropriate indirect cost pools for allocation to applicable cost objectives.

(3) Where variances applicable to covered contracts are allocated by memorandum worksheet adjustments rather than in the books of account, the bases used for adjustment shall be in accordance with those stated in this paragraph (h).

■ 7. In § 9904.418–60, add paragraph (j) to read as follows:

§ 9904.418–60 Illustrations.

* * * * *

(j) Contractor J accumulates, in one account, labor cost at standard for a department in which several categories of direct labor of disparate functions, in different combinations, are used in the manufacture of various dissimilar outputs of the department. Contractor J’s department is not a production unit as defined in 9904.418–30(a)(5) of this Cost Accounting Standard. Modifying its practice so as to comply with the definition of production unit in 9904.418–30(a)(5), it could accumulate the standard costs and variances separately,

(1) For each of the several categories of direct labor; or

(2) For each of several subdepartments, with homogeneous output for each of the subdepartments.

[FR Doc. 2026–17903 Filed 8–31–26; 8:45 am]

BILLING CODE 3110–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2025–0655]

RIN 2126–AC72

Fees for the Unified Carrier Registration Plan and Agreement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations governing the annual Unified Carrier Registration (UCR) Plan and Agreement registration fees that participating States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. On September 18, 2025, the UCR Board recommended a fee increase for the 2027 registration year and subsequent registration years. This recommended increase averages 20 percent over the fee structure adopted for 2025 and retained for 2026, with varying increases ranging between \$9 and \$9,329 per entity, depending on the applicable fee bracket. Although the fees for registration year 2027 are increased, they are less than those in effect during registration years 2019 through 2022. FMCSA adopts the recommended fee increase.

DATES: Effective October 1, 2026.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Riddle, Director, Office of Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, FMCSAMCRS@dot.gov.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

- I. Availability of Rulemaking Documents
- II. Executive Summary
- III. Abbreviations
- IV. Legal Basis for the Rulemaking
- V. Discussion
 - A. Proposed Rule
 - B. Comments and Responses
 - C. Final Rule
- VI. Section-by-Section Analysis
- VII. Regulatory Analyses

- A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures
- B. E.O. 14192 (Unleashing Prosperity Through Deregulation)
- C. Congressional Review Act
- D. Regulatory Flexibility Act (Small Entities)
- E. Assistance for Small Entities
- F. Unfunded Mandates Reform Act of 1995
- G. Paperwork Reduction Act
- H. E.O. 13132 (Federalism)
- I. Privacy
- J. E.O. 13175 (Indian Tribal Governments)
- K. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0655/document> and choose the document to review. To view comments, click this final rule, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

II. Executive Summary

Under 49 U.S.C. 14504a, the UCR Plan and the 41 States participating in the UCR Agreement assess fees to be collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member Board, which is comprised of 14 members appointed from the participating States and the motor carrier industry, as well as the Deputy Administrator of FMCSA, who is a statutory member. Revenues collected are allocated to the participating States and the UCR Plan.

In accordance with 49 U.S.C. 14504a(d)(7) and (f)(1)(E), the Board provides fee adjustment recommendations to the Secretary of Transportation (the Secretary) when revenue collections result in a shortfall or surplus from the amount authorized by statute. Statutory factors the Board considers when making a recommendation to adjust fees include the administrative costs of the UCR Plan and Agreement and whether the revenues generated in the previous year and any surplus or shortage from that or prior years enable the participating States to achieve the revenue levels set by the Board (49 U.S.C. 14504a(d)(7)(A)(i) and (ii)). The

statutory allocation of revenue to participating States remains constant under 49 U.S.C. 14504a(g), even though the actual incoming revenue fluctuates each year based on the number of registered interstate carriers and freight brokers and the size of the carriers’ fleets—factors that can vary based on economic conditions and market demand. If the required payments to the States and the cost of administering the UCR Plan exceed the amount in the depository, the UCR Plan must assess additional fees in subsequent years to recover the shortfall (49 U.S.C. 14504a(f)(1)(E)(i)). If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan’s depository (see 49 U.S.C. 14504a(f)(1)(E)(ii)), and fees for subsequent registration years must be reduced as required by 49 U.S.C. 14504a(h)(4).

These two distinct statutory provisions are recognized in the fee adjustment recommended by the UCR Plan. In this final rule, FMCSA increases the annual registration fees established pursuant to the UCR Agreement by an average of 20 percent, effective for the 2027 registration year and subsequent years.¹

The final rule increases the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Although the increase in fees is a private cost to covered entities, fees are considered transfer payments by the Office of Management and Budget (OMB) Circular A–4, Regulatory Analysis, not costs. The details of the amount of increase to the annual UCR fee for each fee bracket are included in the discussion below in Section VI.

III. Abbreviations

- ANPRM Advance notice of proposed rulemaking
- CE Categorical Exclusion
- CFR Code of Federal Regulations
- DOT Department of Transportation
- E.O. Executive Order
- FMCSA Federal Motor Carrier Safety Administration
- FR Federal Register
- NAICS North American Industry Classification System
- NGPA National Propane Gas Association
- NPRM Notice of proposed rulemaking
- Obelisk Obelisk Tech Systems, Inc.
- OIRA Office of Information and Regulatory Affairs
- OMB Office of Management and Budget

¹ The UCR Plan Board’s recommendation (September 2025 Fee Recommendation) was issued on September 18, 2025, and is available in the docket for this rulemaking.

- OOIDA Owner-Operator Independent Drivers Association
- PIA Privacy Impact Assessment
- PII Personally identifiable information
- PTA Privacy Threshold Assessment
- RFA Regulatory Flexibility Act
- SBA Small Business Administration
- SBREFA Small Business Regulatory Enforcement Fairness Act of 1996
- SBTC Small Business in Transportation Coalition
- Secretary Secretary of Transportation
- UCR Unified Carrier Registration
- UMRA Unfunded Mandates Reform Act
- U.S.C. United States Code

IV. Legal Basis for the Rulemaking

This rulemaking adjusts the annual UCR registration fees, as authorized by 49 U.S.C. 14504a. Section 14504a provides that the revenues collected from the fees should not exceed the maximum annual revenue entitlements distributed to the 41 participating States plus the amount established for administrative costs associated with the UCR Plan and Agreement. In accordance with 49 U.S.C. 14504a(f)(1)(E)(i), the statute provides for the UCR Plan to request an adjustment by the Secretary when the annual revenues are insufficient to provide the revenues to which the participating States are entitled.

In addition, 49 U.S.C. 14504a(h)(4) states that any excess funds from previous registration years held by the UCR Plan in its depository, after distribution to the States and for payment of administrative costs, shall be retained and the fees charged shall be reduced by the Secretary accordingly.

The UCR Plan must also obtain DOT approval to revise the total revenue to be collected, in accordance with 49 U.S.C. 14504a(d)(7). The revenue allocations to the participating States are fixed by statute (49 U.S.C. 14504a(g)).

The Secretary also has broad rulemaking authority in 49 U.S.C. 13301(a) to carry out 49 U.S.C. 14504a, which is part of 49 U.S.C. subtitle IV, part B. Authority to administer these statutory provisions has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(2) and (7).

V. Discussion

A. Proposed Rule

On April 7, 2026, FMCSA published a Notice of Proposed Rulemaking (NPRM) titled “Fees for the Unified Carrier Registration Plan and Agreement” in the **Federal Register** (Docket No. FMCSA–2025–0655, 91 FR 17618). The NPRM proposed amending regulations for the annual registration fees States collect from motor carriers, motor private carriers of property,

brokers, freight forwarders, and leasing companies for the UCR Plan and Agreement for the 2027 registration year and subsequent registration years. This recommended increase averages 20 percent, with varying increases ranging between \$9 and \$9,329 per entity, depending on the applicable fee bracket.

B. Comments and Responses

FMCSA requested public comments concerning the NPRM for 30 days ending May 7, 2026. At the request of the Small Business in Transportation Coalition (SBTC), the comment period was extended until May 26, 2026 (91 FR 23383). By that date, a total of 34 comments were received, 33 of which are in scope for this rulemaking. Three comments were submitted by trade associations, including the National Propane Gas Association (NPGA), the Owner-Operator Independent Drivers Association (OOIDA), and SBTC. Thirty motor carriers and individuals (including anonymous individuals) submitted comments. One comment was withdrawn from the docket for non-compliance with docket comment policy.

1. General Opposition to UCR Registration Fees

Comments: Several commenters opposed UCR registration fees in general, questioned the purpose behind establishing the UCR fees or the current use of UCR fees, or stated they did not know what UCR fees are used for. Some commenters stated that these fees are an unnecessary tax on motor carriers and should not be increased; some commenters also recommended ceasing to collect UCR registration fees entirely. OOIDA stated that the system no longer meets its original objectives and merely generates “slush fund revenue” for States, who may use the revenue as “a non-Federal match for Federal Motor Carrier Safety Assistance Program funding.”

FMCSA Response: The UCR plan and the requirement to assess fees to be collected were established by Congress and are codified in statute (49 U.S.C. 14504a). Neither FMCSA nor the UCR Board have the discretion to cease collecting fees.

By statute, UCR fees are required to be used by participating States for motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR Agreement (49 U.S.C. 14504a(e)(1)(B)). When each of the participating States joined the UCR Agreement, the statute required them to submit to FMCSA a State plan that, among other matters, demonstrates that an amount at least equal to the revenue

derived by the State from the UCR Agreement shall be used for those motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR Agreement (49 U.S.C. 14504a(e)(1)(B)). The statute also gives primacy to the need to set the fees at a level that ensures that each of the participating States receive the revenues to which they are entitled (49 U.S.C. 14504a(f)(1)(E)(i) and (g)(4)). The adjustment in the fees to be paid to the UCR Plan for distribution to the participating States is necessary to accomplish this statutory objective. To ensure that the States are using this funding for its intended purpose, the UCR Board sent a letter to each participating State on May 4, 2026 seeking documentation demonstrating the State’s continued compliance with the requirements of 49 U.S.C. 14504a(e)(1) and (h)(1). States have until August 1, 2026 to provide this documentation.²

FMCSA finds the upward adjustment recommended by the Board is within a reasonable range, in accordance with the provisions of 49 U.S.C. 14504a(e)(1) and (2). This adjustment to the 2027 registration year is expected to cover the projected \$21.79 million shortfall in the statutorily required funding. The actual fees collected in any registration year vary with the population of motor carriers and the number of CMVs they operate. If the overall number of registrants or the number of registrants in each fee bracket decreases, the UCR Plan collects less in fees than anticipated and must subsequently increase fees to cover the shortfall. Conversely, if there is a surge in the number of motor carriers or the number of CMVs they operate, the UCR Plan may collect excess fees and be required to return those to UCR registrants by reducing registration fees in future years. Currently, the UCR Plan has been collecting less than it projected in fees and therefore is facing a shortfall.

Any amount short of the recommended adjustments would impede proper operations of motor carrier safety programs, enforcement, or the administration of the UCR Plan and UCR Agreement. Even after the 2027 fee increase, the fees for registration year 2027 will still be lower than those in effect during registration years 2019 through 2022. This recalibration of fees is reasonable and in accordance with the structure of, and obligations created by, the statute.

² The letter is available in the docket for this rulemaking.

2. Opposition Based on Operational Costs to Business

Comments: Several commenters cited the cost of doing business, including increased fuel, maintenance, insurance, and compliance costs, in opposing the increase. One of these commenters stated that the Agency should focus on stabilizing markets and preventing predatory practices instead of increasing financial burdens on motor carriers, and that the UCR registration fee is harmful to the long-term stability of the industry.

FMCSA Response: FMCSA recognizes that the transportation industry faces numerous economic pressures. However, the UCR Plan was established by Congress to replace the highly complex and fragmented Single State Registration System. By consolidating State-level compliance into a unified program, the UCR Plan significantly reduces administrative red tape and streamlines operations for motor carriers nationwide.

The revenue generated by these fees is required to be dedicated to funding vital State highway safety initiatives, enforcement programs, and the administration of the UCR system itself. FMCSA has reviewed the Board’s proposal and determined that it is necessary to increase fees for the 2027 registration year to cover the States’ statutory entitlements so they can maintain these essential safety operations, as well as to fund the UCR Plan’s reasonable administrative costs.

3. Timing of the Rule in Light of Ongoing Litigation Related to the UCR Plan

Comments: Three commenters, including SBTC, opposed finalizing the rulemaking, citing a pending legal proceeding that challenges the legality of the UCR system. In a separate comment, SBTC included a copy of a petition it submitted to the United States Courts of Appeals for the District of Columbia Circuit, to mandate a stay of the implementation of the ongoing 2027 UCR fee rulemaking. It also expressed the view that implementing the fees during an ongoing legal proceeding is inappropriate and the fees should either not be raised or not be collected at all. It urged FMCSA to deny the fee increase and withdraw the rulemaking until complete data is reviewed and the litigation is resolved. Another commenter did not specifically question the timing of the rule but referred to the substance of the pending litigation.

FMCSA Response: FMCSA is statutorily obligated to adjust UCR fees when the UCR Plan experiences a

shortfall or has collected excess fees, situations driven by either decreases or increases in the overall number of registrants and the number of vehicles each motor carrier maintains in its fleet. When the UCR Board makes a recommendation to adjust fees, the Agency reviews all the information presented by the Board to determine whether a shortfall or excess collection has occurred and whether the recommendation is reasonable. Under 49 U.S.C. 14504a(d)(7)(B), the Secretary “shall set . . . any subsequent adjustment” of the UCR fees after receiving the recommendation and giving notice and opportunity for public comment. Therefore, the Agency is statutorily mandated to proceed with this rulemaking unless directed otherwise by a court of competent jurisdiction. The United States Courts of Appeals for the District of Columbia Circuit denied SBTC’s motion on June 17, 2026, allowing FMCSA to proceed with the rulemaking.³

4. Opposition to the UCR Plan’s Legal, Technological, and Administrative Expenses

Comments: Several commenters objected to certain administrative costs for the UCR Plan. NPGA and two individual commenters objected to the UCR Plan’s accounting for the \$250,000 allocation for legal defense funds as part of the increase, contesting that the trucking industry should not be responsible for covering those costs. NPGA stated that funding for the UCR Plan’s legal fees should be covered by direct appropriations from Congress through DOT. Pink Cheetah Express’s comment also referred to legal defense costs.

SBTC and an individual commenter expressed that FMCSA, not the trucking industry, should bear administrative costs related to operating the UCR’s technical platform.

OOIDA stated that FMCSA should review the UCR Board’s contract and administrative expenses to ensure that registrants are not paying more than necessary to fulfill the UCR’s statutory purposes.

FMCSA Response: When Congress established the UCR Plan, it recognized that the UCR Plan would incur administrative costs that would be funded through registration fees (49 U.S.C. 14504a(d)(7)(A)(i) and (h)(3)(B)). Congress did not then, and has not since, authorized any appropriations for funding UCR programs, including legal fees. FMCSA finds it reasonable and

necessary for the UCR Plan to have sufficient resources to defend itself in litigation. FMCSA also finds it reasonable and necessary for the Plan to maintain a technical platform and to include the cost of the platform in its administrative expenses. The statute authorized such expenditures by the UCR Plan and, conversely, does not give FMCSA authority to absorb the cost of operating such a platform.

The UCR Act expressly authorizes the UCR Board to contract with any person or State agency for administrative functions but does not allow the Board to delegate decision or policy-making responsibilities (49 U.S.C. 14504a(d)(6)). The Board considers and votes on each contract in open meetings. FMCSA’s oversight of these contracts is limited to the participation of the FMCSA Deputy Administrator (or other presidential appointee within DOT) as a statutory board member.

6. Request To Extend the Comment Period

Comments: SBTC submitted a comment to point out that the UCR’s recommendation letter was not accessible in the docket and requested a 30-day comment period extension to provide industry with an opportunity to inspect the supporting documents. An individual commenter echoed SBTC’s concerns.

FMCSA Response: Due to an administrative error, the supporting documents were not placed in the docket when the NPRM published. After SBTC informed the Agency of this fact, FMCSA ensured the supporting documents were displayed in the docket on April 24, 2026. The Agency then issued a notice to extend the comment period by 20 days, which was the exact timeframe this documentation was unavailable (91 FR 23383). By extending the comment period from May 7, 2026 to May 26, 2026, FMCSA ensured that the public had at least 30 days to comment on the NPRM after the supporting documentation was available.

7. Concerns About the UCR Fee Calculation Method for Registration Year 2027

Comments: SBTC and an individual commenter claimed that the method in which the 2027 registration fees were projected by the UCR Plan was inaccurate. They explained the UCR Plan could not have accurately projected revenue since the recommendation letter addressed to the Secretary recommending the fee increase was dated on September 18, 2025 following a UCR Board meeting

held in August 2025. SBTC explained that it rejects the calculation method since the UCR Plan did not allow the year to end to make a more precise determination based on the previous year’s data. Another commenter suggested that, if the data were collected after June 30, 2025, it would prompt a fee decrease. The commenter added that any projected revenue shortfalls should be covered by the UCR Plan’s investment revenue rather than as an additional burden on small businesses.

NPGA also commented that it opposes fee increases in subsequent years. It states that “While FMCSA evaluates cost changes based on shortfalls from prior years, imposing a blanket 20% increase for 2028 and future years without any analysis would be arbitrary and capricious.”

FMCSA Response: The statute requires the Board to recommend fees based on “the revenues generated in the previous year and any surplus or shortage from that or prior years” 49 U.S.C. 14504a(d)(7)(A)(ii). However, the Plan assesses fees for any given “fee year” over a two year period: collections begin on October 1 of the year preceding the fee year to allow for advance registration and close on December 31 of the year following the fee year to allow for late registrations and dispute resolutions. Therefore, it is not possible for the Board to know the precise amount collected in a fee year before it must make a recommendation for an upcoming fee year. If the recommended fees, once adopted, result in excess collections, those are later returned to registrants in the form of reduced fees in future years; if they result in shortages, the UCR Board must seek future fee increases.

The fee calculations provided by the UCR Board include both actual collections through July 31, 2025 and projected collections for the remainder of the 2025 fee year. The Board provided extensive supporting information detailing how it determined projected collections based on trends from previous fee years. FMCSA has previously approved of the Board’s method of calculating the amount of fees collected over the course of a fee year and finds that the current recommendation adheres to that methodology. Although one commenter contended that including collections after June 30, 2025 would prompt a fee decrease, FMCSA notes that the Board’s submission includes actual collections through July 31, 2025, and reasonable projections of collections for the remainder of the fee year. FMCSA finds that any discrepancy between projected and actual collections is likely to be

³ The motion denial is available in the docket for this rulemaking.

minor and to have little overall impact on the Plan's shortfall,⁴ and consequently no material impact on the amount of the fees assessed to registrants.

Regarding NPGA's comment, FMCSA is not authorizing a 20 percent increase each year in perpetuity. Rather, the rule is authorizing a single fee increase that will take place in the 2027 fee year. The fee schedule for 2027 will then remain in effect until it is adjusted by a future rulemaking and consistent with the statutory criteria. The UCR Board will either make a fee adjustment recommendation or notify the Agency that it is not recommending any adjustments, in sufficient time for the Agency to complete any necessary rulemaking process before the next fee year (*i.e.*, prior to October 1, 2028).

8. Small Business Concerns

Comments: An individual expressed concern about the effect of the fee increase on small carriers and suggested that FMCSA explore alternatives such as establishing a phased increase in fees or a relief system for smaller carriers. Pink Cheetah Express, LLC and another individual specifically mentioned the effects on small businesses when discussing general operational costs. OOIDA stated that the current structure is particularly burdensome for single truck operators and small fleet carriers because they are assessed disproportionately higher fees than large motor carriers.

FMCSA Response: FMCSA recognizes that small businesses are affected by this rule. For the smallest motor carriers and small brokers, the increase is \$9 per year; for the next-larger bracket, the increase is \$29 per year. These increases likely represent a small percentage of annual revenue and are not disproportionately higher for small motor carriers than for large ones. The brackets are arranged such that motor carriers at the smaller end of each bracket do pay more, expressed on a per-vehicle basis, than motor carriers at the larger end of each bracket. This is unavoidable, given the statutory directive to have no more than six fee brackets (49 U.S.C. 14504a(f)(1)(C)).⁵

⁴ FMCSA also notes that the shortfall amount could actually increase, rather than decrease, if actual collections are lower than projected collections.

⁵ The Agency considered comments on the bracket structure when the fees were initially established, 72 FR 48585 (Aug. 24, 2007). FMCSA determined that the brackets complied with statutory requirements, and the fact that motor carriers of similar sizes may pay different amounts depending on which bracket they were placed in was an expected result of a fee scale based on

However, the proposal adopted here raises the fee by approximately \$9.41 per vehicle for the smallest motor carriers in each respective bracket (ranging from \$9 to \$9.67). Similarly, the overall per-truck cost of registering in 2027 is similar for the smallest motor carriers in each of the six fee brackets at approximately \$54.11 to \$55.67 per truck, depending on the bracket.

As required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),⁶ FMCSA has considered the effects of the regulatory action approved in this final rule on small businesses and other small entities and to minimize any significant economic impact. The analysis for this consideration is set out below in the Regulatory Analysis in section VII.D. Based on this analysis, FMCSA has concluded and is certifying that this final rule will not have a significant economic impact on a substantial number of small entities, because the fee increase is less than one percent of the revenues or costs of small motor carriers and other small entities.

9. Entities Included in Registration Brackets

Comment: James Lamb, who serves as Executive Director of SBTC, commented that "multi-billion dollar [third-party logistics] freight brokerages" are categorized in the smallest fee bracket and should pay higher fees.

FMCSA Response: By statute, freight brokers pay the fee listed for the smallest fee bracket (49 U.S.C. 14504a(f)(1)(A)(ii)). FMCSA has no authority to require freight brokers or logistics companies to pay the UCR registration fees assessed for other brackets.

10. Comment Urging Larger Increase in Fees

Comment: A commenter stated that the fees are too low and need to be set at a higher rate than the proposed amount for cost recovery.

FMCSA Response: The statute requires that the UCR Plan assess the collection of only the amounts necessary to provide each participating State its annual entitlement and to cover the costs of administering the UCR Plan and Agreement. Therefore, the UCR Board may not recommend fee increases that are calculated to create a surplus. If a surplus occurs, the extra money

applying uniform fees to entities with a range of fleet sizes (*Id.* at 48586).

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

must be returned to the motor carrier industry through reduced fees in future years. The documentation provided by the UCR Board demonstrates that the proposed fee increase is calculated to provide the State entitlements and reasonable administrative expenses without creating a surplus, therefore FMCSA believes the fees should not be higher than proposed.

11. Conformance With Various Federal Statutes and Executive Orders

Comments: Obelisk Tech Systems, Inc. (Obelisk) filed a comment stating that the NPRM failed to comply with numerous statutes and Executive Order (E.O.) 12866 and other E.O.s. It asked FMCSA to withhold final rule action until these alleged defects are cured.

FMCSA Response: FMCSA addresses each point in Obelisk's comment as follows:

A. Independent Offices Appropriations Act (IOAA) User Fee Justification Under 31 U.S.C. 9701 and OMB Circular A–25, User Charges

Obelisk contends FMCSA failed to document IOAA user fee justification under 31 U.S.C. 9701 and OMB Circular A–25. However, the cited statute and Circular do not affect UCR registration fees. This is because the registration fees are not a "charge for a service or thing of value provided by the agency." Rather, these fees are designed to generate revenue for States to use in highway safety programs. Therefore, the UCR registration fees are not the type of fees or charges contemplated by 31 U.S.C. 9701. Although FMCSA is prescribing regulations to set fees, FMCSA is not compelled to ensure they meet the requirements of 49 U.S.C. 9701(b)(1) and (2).

Moreover, Congress specifically authorized and prescribed the method for setting UCR registration fees in 49 U.S.C. 14504a, which was implemented many years after IOAA. When a statute sets out a specific purpose and methodology, this supersedes general requirements that may exist based on an earlier statute.

B. Failure To Document UCR Act Statutory Fee Authority Under 49 U.S.C. 14504a(f)

Obelisk states that FMCSA failed to document the specific fee-setting procedures in 49 U.S.C. 14504a(f). However, section VI of the NPRM specifically describes the reasons for the Board's proposed fee adjustment and the Agency's evaluation of the recommendation.

C. Failure To Conduct Cost-Benefit Analysis Under E.O. 12866, Regulatory Planning and Review, and OMB Circular A–4, Regulatory Analysis

Obelisk states that the NPRM does not document the cost-benefit analysis required for significant rules under E.O. 12866 and OMB Circular A–4. Although the NPRM and this final rule were not designated by OMB as significant, FMCSA has considered the potential costs and benefits of this action, and determined that there are none. FMCSA discusses below the expected impacts, consistent with the requirements of E.O. 12866 and Circular A–4.

D. Failure To Conduct Regulatory Flexibility Analysis Under 5 U.S.C. 603

Obelisk contends that “UCR fees fall heavily on small carriers,” and the NPRM does not contain an adequate regulatory flexibility analysis. However, the NPRM contains the required regulatory flexibility analysis in Section VII.D.

E. Failure To Address SBREFA Section 213 Small Business Outreach Under Public Law 104–121

Obelisk states that agency outreach to small businesses on significant proposed rules is required. This characterization is not aligned with the text of Public Law 104–121, codified in the note to 5 U.S.C. 601, which states that, “Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency, which regulates small entities, it shall be the practice of the agency to answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity.” While this section does not affect the rulemaking, FMCSA answers inquiries by small businesses about UCR fees when received.

F. Failure To Document Analysis Under E.O. 13132, Federalism

Obelisk states that the UCR is a State-administered fee program and federalism analysis is required under E.O. 13132. The NPRM contains a federalism analysis at Section VIII.H.

G. Failure To Document Unfunded Mandates Reform Act (UMRA) Compliance Under 2 U.S.C. 1531–1538

Obelisk contends that UCR fee changes may impose unfunded mandates and that the NPRM does not properly document its analysis of such unfunded mandates. FMCSA disagrees that the registration fees proposed in the

NPRM contain unfunded mandates. UMRA requirements are imposed on proposed rules that “may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year. . . .” (49 U.S.C. 1532(a)). This rule does not impose any costs, and therefore an UMRA assessment is not required.

H. Failure To Document Congressional Review Act Submission Under 5 U.S.C. 801–808

Obelisk states that FMCSA failed to address the Agency’s plan for submitting the final rule to Congress and the Comptroller General. However, agencies are not required to document such a plan when issuing an NPRM; the requirements of the Congressional Review Act are triggered upon issuance of a final rule. FMCSA submits all rules for review under the procedures set out in 5 U.S.C. 801.

I. Failure To Document Centralized Regulatory Review Under E.O. 12866 Section 3(f) and E.O. 14094, Modernizing Regulatory Review

Obelisk contends that the NPRM does not document significant determination, OMB Office of Information and Regulatory Affairs (OIRA) review status, or E.O. 14094 modernized review compliance. However, section VIII.A of the NPRM states that OIRA determined that the NPRM was not a significant regulatory action and did not review it under section 3(f) of E.O. 12866. In addition, E.O. 14148, Initial Rescissions of Harmful Executive Orders and Actions, revoked E.O. 14094.

J. Failure To Provide Reasoned Explanation Under State Farm, Encino, and Loper Bright

Obelisk states, “Post-Loper Bright (2024), agencies bear heightened documentation burden for reasoned explanation. The notice does not adequately document factors considered or alternatives evaluated.” Obelisk does not explain what, specifically, it believes the Agency failed to consider or to document. FMCSA reviewed the Board’s recommendation on UCR registration fee adjustments, as statutorily required, and explained the process and reasoning in the NPRM. The factors that FMCSA considered are adequate.

K. Failure To Address Motor Carrier Safety Impact Under 49 U.S.C. Chapter 311

Obelisk states, “FMCSA’s primary statutory mission is motor carrier safety.

UCR fee changes may affect safety compliance investment by small carriers. The notice does not document the safety impact analysis.” FMCSA disagrees that such analysis is necessary. UCR registration fees are under the Agency’s commercial statutes, found in 49 U.S.C. ch. 145. This authority is separate from the Agency’s safety authority in Chapter 311. The statute governing the UCR Plan and Agreement, including the determination of fees, is 49 U.S.C. 14504a. This statute does not require an analysis of safety impacts.

L. Failure To Document PRA Compliance Under 44 U.S.C. 3501–3521

Obelisk states that, to the extent the rule modifies information collections, it does not document those burdens. As stated in section VIII.G of the NPRM, the proposed rule does not contain any new information collection requirements.

M. Failure To Address Cumulative Regulatory Burden on Small Carriers

Obelisk states that small motor carriers face cumulative Federal regulatory burdens across multiple agencies but the notice does not document this analysis. However, there is no statutory mandate for agencies to conduct this analysis. Moreover, the regulation is not expected to lead to a cost burden since the fees are transfers, as explained below in section VII. A. Any impact to the cumulative regulatory burden for motor carriers is expected to be minor and is the result of transfers rather than regulatory costs.

N. Failure To Document UCR Plan and Agreement Governance Process

Obelisk contends that the NPRM does not document Board consultation, voting record, or State participation in the fee proposal. The docket contains the Board’s letter to the Secretary recommending a fee adjustment, as well as the Board’s methodology in calculating the proposed adjustment. This recommendation complies with the statutory requirements in 49 U.S.C. 14504a.

O. Failure To Comply With E.O. 13272, Proper Consideration of Small Entities in Agency Rulemaking, SBA Office of Advocacy Consultation

Obelisk contends that E.O. 13272 requires consultation with the Small Business Administration Chief Counsel for Advocacy, but the NPRM did not document such consultation. However, this rule does not require consultation as described by Obelisk; rather, it requires the Chief Counsel for Advocacy to be available to advise agencies on

request, and agencies to notify the Chief Counsel for Advocacy of any rules that have a significant economic impact on a substantial number of small entities. As previously discussed, this rule was determined not to have such impact.

12. Comment in General Support of Fee Increase

Comment: One commenter stated that UCR fees directly support State motor carrier safety programs and enforcement activities, and that States would have to raise other regulatory fees if they did not receive this revenue through the UCR Plan. The commenter stated that the current fee is necessary to ensure States receive the required funding.

FMCSA Response: FMCSA agrees with this commenter.

C. Final Rule

FMCSA appreciates the commenters' feedback regarding this rulemaking and has taken all within-scope comments into consideration. For the UCR Plan to secure both the funds for required distribution of statutory entitlements to all participating States and the funds for administration of the UCR Agreement, the UCR Plan must generate sufficient revenue, which can only be accomplished by a fee increase, as permitted, and required, by the UCR statute. The upward adjustment in fees for the 2027 registration year will provide an additional \$21.79 million to meet the overall statutory revenue requirement of \$118 million. The UCR statute provides for the UCR Plan to request an adjustment in the fees, within a reasonable range, by the Secretary when the fees will be insufficient to provide the annual revenue entitlements to which the participating States are entitled (49 U.S.C. 14504a(f)(1)(E)(i)).

FMCSA also notes that the excess collections from past years have now been depleted. Even after the 2025 and 2027 fee increases, the fee levels for the 2027 registration year will still be less than the fees that were in effect from 2019 to 2022. FMCSA has determined that the proposed increase is necessary and reasonable, and finalizes it without modification.

VI. Section-by-Section

FMCSA removes the current 49 CFR 367.30 (Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2023), as that registration year is now closed for all purposes and fee collections are complete. This section is therefore obsolete.

FMCSA redesignates the current section 367.40 (Fees under the Unified

Carrier Registration Plan and Agreement for Registration Year 2024) as section 367.30. FMCSA also revises current section 367.50 (Fees Under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2025 and Each Subsequent Registration Year Thereafter), retitles the section to indicate that this fee schedule expires in the 2026 registration year, and redesignates it as section 367.40. Finally, FMCSA adds a new section 367.50 that establishes new, increased fees applicable beginning in registration year 2027, based on the recommendation submitted by the UCR Plan in its September Fee Recommendation. The fees in new section 367.50 will remain in effect for subsequent registration years after 2027 unless revised by a future rulemaking.

VII. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993) and DOT Rulemaking Procedures (49 CFR part 5, subpart B). OMB determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This rule will increase the registration fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Although the increase in fees is a private cost to covered entities, fees are considered by OMB Circular A–4, Regulatory Analysis, as transfer payments, not costs. Transfer payments are payments from one group to another that do not affect total resources available to society. By definition transfers are not considered in the monetization of societal costs and benefits of rulemakings.

This rule establishes increases in the annual registration fees for the UCR Plan and Agreement. The entities affected by this rule are the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Because the State UCR revenue entitlements will remain unchanged, the participating States will not be impacted by this rule. The primary impact of this rule will be an increase in fees paid by individual motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The increase in fees for the 2027 registration year from the 2025 registration year fees will be an average of 20 percent, ranging

from \$9 to \$9,329 per entity, depending on the number of vehicles owned or operated by the affected entities.

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

E.O. 14192, Unleashing Prosperity Through Deregulation, issued on January 31, 2025 (90 FR 9065), requires that, for every new regulation issued by an agency, at least 10 prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. This final rule is nonsignificant under E.O. 12866 and is expected to have total costs equivalent to zero, and therefore does not qualify as either an E.O. 14192 regulatory or an E.O. 14192 deregulatory action.⁷

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).⁸

D. Regulatory Flexibility Act (Small Entities)

The RFA (5 U.S.C. 601 *et seq.*), as amended by SBREFA,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. 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)). 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.

This rule will directly affect the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Under the standards of the RFA, as amended by SBREFA, the

⁷ 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 (March 26, 2025).

⁸ A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

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

participating States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under section 601(5) of the RFA, both because State government is not included among the various levels of government listed in section 601(5), and because, even if this were the case, no State or the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under section 601(5) of the RFA.

The Small Business Administration's (SBA) size standard for a small entity (13 CFR 121.201) differs by industry code. The entities affected by this rule fall into many different industry codes. In order to determine if this rule will have an impact on a significant number of small entities, FMCSA examined the

2022 Economic Census data for two different North American Industry Classification System (NAICS) industries: Truck Transportation (subsector 484) and Transit and Ground Transportation (subsector 485).

As shown in the table below, the SBA size standards for the national industries under the Truck Transportation and Transit and Ground Transportation subsectors range from \$19.0 million to \$43.0 million in revenue per year. To determine the percentage of firms that have revenue at or below SBA's thresholds within each of the NAICS national industries, FMCSA examined data from the 2022 Economic Census.¹⁰ Boundaries for the revenue categories used in the Economic Census do not exactly coincide with the SBA thresholds. Instead, the SBA threshold generally falls between two different revenue categories. However, FMCSA was able

to make reasonable estimates as to the percentage of small entities within each NAICS code.

The percentages of small entities with annual revenue less than the SBA's threshold ranged from 86.4 percent to 100 percent. Specifically, approximately 86.4 percent of All Other Transit and Ground Passenger Transportation (485999) firms had annual revenue less than the SBA's revenue threshold of \$19.0 million and would be considered small entities. FMCSA estimates 100 percent of firms in the Mixed Mode Transit Systems (485111) national industry had annual revenue less than \$29.0 million and would be considered small entities. The table below shows the complete estimates of the number of small entities within the national industries that may be affected by this rule.

TABLE 3—ESTIMATES OF NUMBER OF SMALL ENTITIES

NAICS code	Description	SBA size standard in millions	Total number of firms	Number of small entities	Percent of all firms
484110	General Freight Trucking, Local	\$34.0	29,383	29,363	99.9
484121	General Freight Trucking, Long Distance, Truckload	34.0	36,043	35,864	99.5
484122	General Freight Trucking, Long Distance, Less Than Truckload ..	43.0	4,895	4,856	99.2
484210	Used Household and Office Goods Moving	34.0	7,217	7,200	99.8
484220	Specialized Freight (except Used Goods) Trucking, Local	34.0	23,787	23,763	99.9
484230	Specialized Freight (except Used Goods) Trucking, Long Dis- tance.	34.0	8,029	7,960	99.1
485111	Mixed Mode Transit Systems	29.0	12	12	100.0
485113	Bus and Other Motor Vehicle Transit Systems	32.5	224	216	96.4
485210	Interurban and Rural Bus Transportation	32.0	372	372	100.0
485320	Limousine Service	19.0	2,978	2,960	99.4
485410	School and Employee Bus Transportation	30.0	2,131	2,118	99.4
485510	Charter Bus Industry	19.0	940	864	91.9
485999	All Other Transit and Ground Passenger Transportation	19.0	1,158	1,000	86.4

Therefore, while FMCSA has determined that this rule will impact a substantial number of small entities, it has also determined that the rule will not have a significant impact on them. The effect of this rule will be to increase the annual registration fee that motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies are currently required to pay. The increase would be 20 percent on average, or \$9 to \$9,329 per entity, depending on the number of vehicles owned or operated by the affected entities. For example, as discussed above, the per-vehicle fee will increase by approximately \$9.41 for the smallest motor carriers in each respective bracket (ranging from \$9 to \$9.67).

Although the RFA does not define a threshold for determining whether a specific regulation results in a significant impact, the SBA, in guidance to government agencies, provides some objective measures of significance that the agencies can consider using. One measure that could be used to illustrate a significant impact is labor costs; specifically, whether the cost of the regulation exceeds one percent of the average annual revenues of small entities in the sector. Given that entities owning between one and two commercial motor vehicles would experience an increase of \$9, a small entity would need to have average annual revenue of less than \$900 to experience an impact greater than 1 percent of average annual revenue. This

is an average annual revenue that is smaller than would be required for a firm to support one employee. The increased fee amount and impact on revenue increase linearly depending on the applicable fee bracket.

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

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking

¹⁰ U.S. Census Bureau, *2022 Economic Census*, Table EC2200SIZEEMPFI—Selected Sectors: Sales, Value of Shipments, or Revenue Size of

Firms for U.S.: 2022, available at: <https://data.census.gov/table?q=EC2200SIZEEMPFI&>

[codeset=naics-484220:484230:485320](#) (accessed Jun. 1, 2026).

initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

UMRA (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Although this final rule will not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule in sections VII. A. and VII. C. of this analysis.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

H. E.O. 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.”

FMCSA has determined that this 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,¹¹ requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII). The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,¹² requires Federal agencies to conduct a Privacy Impact Assessment (PIA) 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 rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking may have on collecting, storing, and sharing PII. The PTA was adjudicated by DOT's Chief Privacy Officer on May 28, 2026.

J. E.O. 13175 (Indian Tribal Governments)

This 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,¹³ Subpart B, Subsection e, paragraph (6)(h). The categorical exclusion (CE) in paragraph (6)(h) covers regulations and actions taken pursuant to regulation implementing procedures to collect fees that will be charged for motor carrier registrations. The requirements in this final rule are covered by this CE.

List of Subjects in 49 CFR Part 367

Brokers, Freight, Freight forwarders, Insurance, Intergovernmental relations, Motor carriers, Surety bonds.

Accordingly, FMCSA amends title 49 CFR, subtitle B, chapter III, part 367 as follows:

PART 367—STANDARDS FOR REGISTRATION WITH STATES

■ 1. The authority citation for part 367 continues to read as follows:

Authority: 49 U.S.C. 13301, 14504a; and 49 CFR 1.87.

§ 367.30 [Removed]

■ 2. Remove § 367.30.

§ 367.40 [Redesignated as § 367.30]

■ 3. Redesignate § 367.40 as § 367.30.

§ 367.50 [Redesignated as § 367.40]

■ 4. Redesignate § 367.50 as § 367.40.

■ 5. Revise newly redesignated § 367.40 to read as follows:

§ 367.40 Fees under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2025 and Ending in 2026.

¹¹ Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 8, 2004).

¹² Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

¹³ Available at <https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts>.

TABLE 1 TO § 367.40—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEARS BEGINNING IN 2025 AND ENDING IN 2026

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	\$46	\$46
B2	3–5	138	.....
B3	6–20	276	.....
B4	21–100	963	.....
B5	101–1,000	4,592	.....
B6	1,001 and above	44,836	.....

■ 6. Add a new § 367.50 to read as follows:

§ 367.50 Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2027 and Subsequent Years

TABLE 1 TO § 367.50—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2027 AND SUBSEQUENT YEARS

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	\$55	\$55
B2	3–5	167	.....
B3	6–20	333	.....
B4	21–100	1,163	.....
B5	101–1,000	5,548	.....
B6	1,001 and above	54,165	.....

Issued under authority delegated in 49 CFR 1.87.

Derek D. Barrs,
Administrator.

[FR Doc. 2026–17893 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0067; RTID 0648–XF989]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 meters (m)) length overall using hook-and-line (HAL) gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2026 total allowable catch (TAC) of Pacific cod allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 1, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management

Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The annual 2026 Pacific cod TAC allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA is 1,387 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the GOA (91 FR 11902, March 11, 2026).

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the annual 2026 Pacific cod TAC allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the

GOA will be or has been reached. Therefore, in accordance with § 679.20(d)(1)(i) and (ii)(B), the Regional Administrator is establishing a directed fishing allowance of 1,187 mt and is setting aside 200 mt as incidental catch to support other groundfish fisheries. The Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA to prevent exceeding this sector's allocation of Pacific cod TAC.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would delay the closure of Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA. NMFS was unable to

publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch by catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA only became available as of August 27, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: August 27, 2026.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2026-17854 Filed 8-28-26; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 91, No. 168

Tuesday, September 1, 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

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket ID OCC–2026–0529]

RIN 1557–AF56

Violations of Laws or Regulations

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to revise the supervisory framework for the issuance of matters requiring attention (MRAs) in response to violations of laws or regulations and for addressing violations for which the OCC does not take an enforcement action or issue an MRA.

DATES: Comments must be received on or before October 1, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Violations of Laws or Regulations” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:* Go to <https://regulations.gov/>. Enter Docket ID “OCC–2026–0529” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. ET, or email regulationshelpdesk@gsa.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400

7th Street SW, Suite 1E–216, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and Docket ID “OCC–2026–0529” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:* Go to <https://regulations.gov/>. Enter Docket ID “OCC–2026–0529” in the Search Box and click “Search.” Click on the “Dockets” tab and then the document’s title. After clicking the document’s title, click the “Browse All Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Comments Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Browse Documents” tab. Click on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen checking the “Supporting & Related Material” checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. ET, or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT:

Eden Gray, Assistant Director, Marjorie Dieter, Special Counsel, Anna Mills, Counsel, Harry Naftalowicz, Attorney, Chief Counsel’s Office, 202–649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf,

hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The OCC is responsible for assuring that institutions¹ under its jurisdiction comply with applicable laws and regulations.² A violation of law or regulation is an act or failure to act that deviates from, or fails to comply with, a statutory or regulatory requirement. If the OCC determines that an institution violated a law or regulation, the OCC communicates the violation to the institution and may require corrective action.³ On October 30, 2025, the OCC and FDIC (collectively, the agencies) proposed to issue a rule to, among other things, revise the supervisory framework for the issuance of MRAs (MRA proposal).⁴ The final rule related to the MRA proposal (MRA final rule) is published elsewhere in this issue of the *Federal Register*.⁵ The MRA proposal would have permitted the OCC to issue an MRA in response to a practice, act, or failure to act, alone or together with one or more other practices, acts, or failures to act, that is an actual violation of a banking or banking-related law or regulation.⁶ The

¹ For purposes of this **SUPPLEMENTARY INFORMATION**, the term “institution” refers to national banks, Federal savings associations, and Federal branches and agencies of foreign banks. See 12 CFR 4.92(a).

² See, e.g., 12 U.S.C. 1(a), 1818(b)(1).

³ Through various statutory examination and reporting authorities, Congress has conferred upon the OCC the authority to exercise visitatorial powers and examination authorities with respect to supervised institutions. *Id.* 481, 1463, 1464, 5412(b)(2)(B). The Supreme Court has indicated support for a broad reading of certain visitatorial powers. The examination and visitatorial powers authorize the OCC to issue MRAs. See, e.g., *Cuomo v. Clearing House Ass’n*, 557 U.S. 519 (2009); *United States v. Gaubert*, 499 U.S. 315 (1991); *United States v. Phila. Nat’l Bank*, 374 U.S. 321 (1963).

⁴ *Unsafe or Unsound Practices, Matters Requiring Attention*, 90 FR 48835 (Oct. 30, 2025).

⁵ See the interagency final rule titled *Unsafe or Unsound Practices, Matters Requiring Attention* published elsewhere in this issue of the *Federal Register*.

⁶ *Unsafe or Unsound Practices, Matters Requiring Attention*, 90 FR at 48849. The MRA proposal addressed and the MRA final rule addresses the issuance of MRAs in response to a practice, act, or failure to act, that is contrary to generally accepted standards of prudent operation and presents certain risks of material harm to the financial condition of the institution (including if the financial condition of the institution has already been materially harmed) or loss to the Deposit Insurance Fund.

OCC solicited comment on various aspects of the MRA proposal, including the scope of the “banking and banking-related” standard and whether violations of laws or regulations must also present a reasonably foreseeable risk of or actual material harm to the financial condition of the institution.

The OCC is issuing this proposed rulemaking that would, if finalized, further refine the standard for the issuance of MRAs for legal violations. As described below, the proposed rule would establish and define two categories of violations of laws or regulations: “substantive violations” and “technical violations.”⁷ The OCC would be permitted to issue an MRA in response to a substantive violation. For technical violations, the proposed rule would provide a mechanism other than MRAs to address these violations. The proposed distinction between substantive violations and technical violations would prioritize examiners’ and institutions’ attention on substantive violations, *i.e.*, those violations that have a greater likelihood to impact the institution or its customers.⁸ The proposal would provide an effective mechanism to ensure that institutions comply with applicable laws and regulations, including substantive and technical violations.

II. Description of the Proposed Rule

To properly focus institution and examiner attention on the violations of law or regulation that are most critical to the prudent operation of a financial institution, the proposed rule would limit the issuance of MRAs addressing banking or banking-related violations of laws or regulations to substantive violations.⁹ The OCC expects that, generally, substantive violations would be limited to violations of banking or banking-related laws, as opposed to laws that are unrelated to banking, like employment laws or zoning laws. The term “substantive violation” would replace the term “actual violation” in the OCC’s MRA standard. This substitution of terms would not permit the OCC to issue an MRA based on mere

speculation that an institution violated a law or regulation or to prevent the potential violation of a law or regulation. Rather, the “substantive violation” qualification in the proposed rule would reserve the issuance of MRAs to violations that meet certain criteria. The OCC would still be required to explain the factual basis underlying the cited violation.

A new paragraph would be added to provide a general definition of a substantive violation. The paragraph would deem a violation of law or regulation to be substantive “if its nature, duration, frequency, or severity could meaningfully impact the institution or its customers.” The general definition of the term “substantive violation” would be followed by five categories to provide more concrete parameters as to what qualifies as a substantive violation.¹⁰ If a violation of law or regulation meets the criteria of any one of these five categories, the violation would support the issuance of an MRA. The violation must meet the criteria of at least one of the five categories to qualify as a substantive violation. The OCC believes that judicious use of MRAs will best position institutions to prevent harm to institutions and their customers, and the proposal would accordingly limit the scope of violations that would support the issuance of an MRA. The proposal would also preserve examiners’ discretion to use less formal supervisory mechanisms to address the violation of a law or regulation, if examiners believe such a mechanism would be effective in ensuring the violation ceases and is appropriately corrected.

Systemic or Patterns of Violations

First, violations that are systemic or constitute a pattern of violations would meet the definition of a substantive violation. Systemic violations of laws or regulations are violations that are widespread or prevalent within an institution or business line. Bank Secrecy Act (BSA) compliance program violations or pillar violations, such as a failure to designate an individual responsible for coordinating and monitoring day-to-day BSA compliance, would generally meet this criterion.¹¹ A pattern of violations refers to repeated or ongoing violations, considering the number of violations and the length of time in which the violations occurred. For example, repeated failures to obtain

an appraisal on properties securing higher-risk mortgages could support a finding of a pattern of violations, depending on the particular facts and circumstances, like the annual number of higher-risk mortgages the institution originates.¹² Likewise, ongoing violations of the reporting requirements set forth in the Office of Foreign Assets Control’s regulations could support a finding of a pattern of violations, depending on the particular facts and circumstances, like the volume of transactions at the institution that trigger the reporting requirements.¹³ Isolated violations generally do not create a reasonable expectation of future violations and would accordingly be excluded from this category of substantive violations.¹⁴

Violations Impacting an Institution’s Financial Condition

Second, a violation would be considered substantive if it has or could reasonably be expected to have a direct, clear, predictable, and more than minimal impact on the institution’s financial condition. Whether the requisite impact could reasonably be expected, for this and other categories of substantive violations, requires more than a remote possibility that the impact will manifest. For example, the OCC expects that an institution’s purchase of low-quality assets from an affiliate, resulting in a violation of Regulation W, would generally meet this part of the definition.¹⁵ Hindsight may be informative, but it is not determinative of whether an impact to the financial condition of the institution could reasonably have been expected to materialize. Accordingly, where an institution has already experienced the requisite impact to its financial condition, the violation would be considered under this second category only if the impact was predictable. For example, if an institution suffered more than minimal deposit outflow after depositors discovered that the institution originated a small quantity of loans in violation of the Flood Disaster Protection Act, such an impact to the financial condition of the institution generally would not be considered predictable, and the violation would not be considered substantive under this second category.

The second category of substantive violations would also require that the violation has a direct and clear impact

⁷ These aspects of the MRA standard are not proposed to be amended by this notice of proposed rulemaking.

⁸ The MRA final rule incorporates aspects of the substantive violation standard as a matter of policy. This proposal would establish a legally binding limit on the OCC’s ability to issue an MRA in response to a violation of a law or regulation.

⁹ This prioritization of substantive violations is consistent with the OCC’s current practices.

¹⁰ The OCC requests comment on whether it should remove the term “banking or banking-related” from the MRA standard set forth in 12 CFR 4.92(c).

¹¹ The MRA final rule grouped substantive violations into four categories. The criteria for a substantive violation would be unchanged by this proposal’s regrouping of substantive violations into five categories.

¹² See 12 CFR 21.21.

¹³ See 15 U.S.C. 1639h.

¹⁴ See 31 CFR part 501 *et seq.*

¹⁵ Nonetheless, an isolated violation of a law or regulation could meet the criteria of other categories of substantive violations.

¹⁶ See 12 CFR part 223.

to the financial condition of the institution.¹⁶ Mere correlations or attenuated connections between a violation of law and impact to the financial condition of an institution would not support the issuance of an MRA. As with all aspects of the OCC's MRA standard, the OCC would use objective facts and sound reasoning to determine whether a violation of law had a direct and clear impact on an institution's financial condition.¹⁷

Lastly, the requisite expected or actual impact under this second category of substantive violations would be a more than minimal impact on the institution's financial condition. The OCC intends for the phrase "more than minimal impact" to include impact that would not be considered "material" under the material harm to the financial condition of the institution prong of the MRA standard.¹⁸ However, de minimis impacts to the financial condition of an institution would not give rise to a substantive violation under this second category. The OCC would consider financial losses or other negative impacts to an institution's capital, asset quality, earnings, liquidity, or sensitivity to market risk as the relevant indicators of impact to an institution's financial condition.¹⁹

Violations Impacting Institution Books and Records

The third category of substantive violations would be violations that have had or could reasonably be expected to have a more than minimal impact on the accuracy of the institution's books and records. As in the second category, a more than minimal impact is less than material but more than de minimis. For example, an inaccurate Consolidated

Report of Condition and Income (Call Report) need not result in a change to an institution's Prompt Corrective Action category for such a violation to be considered a substantive violation under this category.²⁰ At the same time, Call Report inaccuracies are not per se substantive violations; whether the violation is substantive would be assessed by considering the relative and absolute impact of the inaccuracy, as well as other qualitative and quantitative factors the OCC deems appropriate. If an inaccuracy in a Call Report would be considered a "material misstatement or omission" under the Federal Financial Institutions Examination Council (FFIEC) guidance on whether an institution must amend one or more Call Reports, such an inaccuracy would generally be considered a substantive violation.²¹

Violations Requiring Restitution or Impacting Customers

The fourth category of substantive violations would be violations that require more than minimal restitution or could reasonably be expected to have a more than minimal adverse impact to customers. Whether an adverse impact or restitution is "more than minimal" would be determined in terms of the reasonably expected size of the restitution payments, degree of the adverse impact, and number of persons affected by the violation. Accordingly, under the proposal, restitution would be considered "more than minimal" both where a few customers are entitled to a large amount of restitution and where many customers are each entitled to a small amount of restitution.

In the more than minimal restitution subcategory, the term "required" does not refer to the OCC's authority to require restitution or a statutory mandate that restitution be paid. Rather, that term is intended to indicate that restitution is necessary to make the recipients whole. Whereas the more than minimal restitution subcategory focuses on financial harm to persons, the subcategory that covers violations reasonably expected to have a more than minimal adverse impact on customers includes both financial and

nonfinancial impacts.²² For example, if an institution fails to establish or administer an adequate identity theft program in violation of the Fair Credit Reporting Act and its implementing regulations, the violation could have a more than minimal adverse impact on customers regardless of whether any financial impacts actually materialize.²³

Insider Violations

The fifth and final category of substantive violations are violations that involve insider misconduct or self-dealing. The prevention of such abuses is integral to safe and sound banking. Studies have found that insider abuses often contribute to an institution's failure.²⁴ Moreover, insider abuses corrode the public's trust in the banking system.²⁵ Accordingly, such violations would support the issuance of an MRA regardless of the size or prevalence of such violations at an institution. Examples of violations involving insider misconduct would include violations of any law or regulation perpetrated by an insider knowingly or for the benefit of the insider or the insider's associate. Violations of laws or regulations that involve self-dealing include violations of Regulation O²⁶ and, in some instances, section 22(e) of the Federal Reserve Act.²⁷

Tailoring

As with all aspects of the OCC's MRA standard, the OCC would tailor the issuance of MRAs for substantive violations of laws or regulations based on the risks associated with an institution's capital structure, complexity, activities, asset size, and any other financial risk-related factor that the OCC deems appropriate.²⁸ The tailoring provision would not modify institutions' compliance requirements for applicable laws or regulations, or

¹⁶ Included in the requirement that a violation have a "direct" impact on the financial condition of the institution would be that the violation itself, as opposed to the regulatory response to the violation, must create the impact on the institution's financial condition. Accordingly, a civil money penalty assessed in response to a violation of law would not provide the requisite impact to the financial condition of the institution to meet the criteria of this second category of substantive violations.

¹⁷ See 12 CFR 4.92(f). The proposal would redesignate the current paragraph (f) as paragraph (g).

¹⁸ See *id.* § 4.92(c)(1)(ii). Material harm to the financial condition of an institution is an otherwise sufficient basis for the issuance of an MRA. Considering the importance of compliance with applicable laws and regulations, the proposal would decrease the requisite harm to the financial condition of an institution needed for a violation to be deemed substantive and, in turn, support the issuance of an MRA.

¹⁹ See *id.* § 4.92(d). The proposal would redesignate paragraph (d) as paragraph (e), to clarify that the OCC's definition of financial condition also applies to the second category of substantive violations.

²⁰ See 12 U.S.C. 161.

²¹ See generally, Federal Financial Institutions Examination Council, *Instructions for Preparation of Consolidated Reports of Condition and Income: FFIEC 031 and FFIEC 041* at A-1 to A-3 (Dec. 2025). However, the OCC expects that a Call Report inaccuracy would not meet the criteria of the third category of substantive violations unless the inaccuracy would be considered a "material misstatement or omission" under the FFIEC's guidance.

²² For purposes of the proposal, the term "customer" refers to applicants, current customers, and former customers protected by applicable laws or regulations.

²³ See 12 CFR 41.90.

²⁴ See GAO 94-88, *Bank Insider Activities: Insider Problems and Violations Indicate Broader Management Deficiencies* (insider abuses occurred in 175 institutions that failed in 1990 and 1991, 61 percent of all institutions that failed during that period); See also OCC, *Comptroller's Handbook: Insider Activities* at 1 (Nov. 2013) ("Studies of bank failures have found that insider abuse—such as poor-quality loans made and unjustified fees paid to directors and officers—often contributes to the failures.").

²⁵ See OCC, *Comptroller's Handbook: Problem Bank Supervision* at 8 (Sept. 2021).

²⁶ 12 CFR 31.2 (OCC); 12 CFR part 215 (Federal Reserve Board).

²⁷ 12 U.S.C. 376.

²⁸ 12 CFR 4.92(e). The proposal would redesignate the current paragraph (e) as paragraph (f).

permit any institutions to violate the law. Rather, the tailoring provision would enhance the OCC's ability to provide the appropriate supervisory response to each violation, considering all relevant factors. For example, regarding substantive violations that constitute a pattern, the number of violations needed to establish a pattern would be assessed relative to the frequency of an institution's activities that implicate compliance with a particular set of laws or regulations. A higher number of violations would generally be required to establish a pattern at a large institution than at a small institution. At the same time, the error rate threshold to establish a pattern of violations would be lower at a large institution than at a small institution. Additionally, regarding substantive violations that had a more than minimal impact on the financial condition of an institution, the tailoring provision would allow the OCC to undertake a more granular assessment of the impact to the financial condition of a large institution (e.g., the impact to a business line) and a less granular assessment of the impact to the financial condition of a small institution. The granularity of that assessment, among other tailoring factors, could affect whether the OCC would determine that an MRA is the appropriate supervisory mechanism to address that violation.

Technical Violations

The proposal also includes a new paragraph that establishes the OCC's approach to violations for which the OCC does not take an enforcement action or issue a matter requiring attention.²⁹ The OCC would refer to these violations as "technical violations." This new paragraph would replace the OCC's "other violations" paragraph in 12 CFR 4.92.³⁰

The proposed rule would consider a violation of a law or regulation to be technical if the nature, duration, frequency, and severity of the violation could not meaningfully impact the institution and its customers. In other words, if a violation would not meet the criteria for a substantive violation, the OCC would deem the violation a technical violation. The proposed rule would permit the OCC to direct an institution to correct a technical violation, provided that the OCC would not specify the corrective action the institution must take or include other

corrective actions unrelated to the violation. The proposed rule would also clarify that the OCC may direct an institution to take such other actions as are required by law, if any.

To illustrate, if an institution, in violation of Regulation B, fails to provide a notice of incompleteness or notice of taking adverse action on an incomplete application to a credit applicant, the proposal would allow the OCC to require the institution to correct the violation without prescribing how to correct the violation.³¹ However, the OCC would not require the institution to notify the OCC that it has corrected the Regulation B violation or provide to the OCC an action plan to track corrective actions taken by the institution.

Generally, the OCC would document its finding of a technical violation but would not track whether an institution has corrected the violation. The institution would not be required to inform the OCC when the technical violation has been corrected. If one or more technical violations would later meet the criteria of a substantive violation, the OCC would then be permitted to issue an MRA.

Noncompliance With Guidelines

The proposal focuses on violations of laws and regulations. For noncompliance with guidelines set forth in the OCC's Safety and Soundness Standards,³² the OCC believes that existing supervisory mechanisms provide the appropriate degree of examiner and institution focus on addressing such noncompliance.³³ Accordingly, the OCC proposes to explicitly exclude noncompliance with the guidelines set forth in the OCC's Safety and Soundness Standards from the definitions of substantive and technical violations. If noncompliance with the guidelines would later meet the criteria for the issuance of an MRA in response to a practice, act, or failure to act, that is contrary to generally accepted standards of prudent operation and presents certain risks of material harm to the financial condition of the institution, the OCC would then be permitted to issue an MRA. The OCC invites comment on whether there are other illustrative examples of guidelines the OCC should specify as being excluded from the definitions of substantive and technical violations.

III. Request for Comments

The agencies request feedback on all aspects of the proposed rule, including:

Question 1: Are substantive violations of laws or regulations the appropriate scope of violations to support the issuance of an MRA? If so, should the OCC include any other categories of substantive violations of laws or regulations?

Question 2: Should violations of applicable state laws or regulations support the issuance of an MRA?

Question 3: Should the OCC revise the prefatory language to the definition of "substantive violation" to reflect both future impacts and impacts that have already materialized?

Question 4: For the first category of substantive violations, what other factors should the OCC consider when determining whether violations of laws or regulations are systemic or constitute a pattern?

Question 5: Is "more than minimal impact on the institution's financial condition" the appropriate standard for substantive violations that could meaningfully impact the finances of an institution? If not, what standard would be appropriate, and why? Should the OCC use the words "harm to" instead of the words "impact on"? Should a greater degree of harm to the financial condition of an institution be required for a violation of law to be considered substantive under the second category of substantive violations?

Question 6: For the third category of substantive violations, is "more than minimal impact on the accuracy of the institution's books and records" the correct standard? If not, what standard would be appropriate, and why? Should the standards promulgated by the Financial Accounting Standards Board guide the OCC's determination on whether a violation caused a more than minimal impact on the accuracy of an institution's books and records, and if so, how?

Question 7: Is "more than minimal restitution" the appropriate measure for the requisite restitution to find a substantive violation under the fourth category of substantive violations? If not, what standard would be appropriate, and why?

Question 8: Is "more than minimal adverse impact to customers" the appropriate standard to find a substantive violation under the fourth category of substantive violations? If not, what standard would be appropriate, and why? Should substantive violations include a violation that had or could reasonably be expected to have a "more than minimal adverse impact to the public"? If so, are there any limiting principles the OCC should incorporate into a "more than minimal adverse impact to

²⁹ Under this proposal, the OCC could respond to a violation of a law or regulation with the issuance of a technical violation instead of an MRA, even if the violation would meet the criteria of a substantive violation.

³⁰ 12 CFR 4.92(h)

³¹ See 12 CFR 1002.9(c).

³² 12 CFR part 30.

³³ See, e.g., § 30.3.

the public” standard to ensure the OCC applies the standard appropriately? For example, should the OCC require that a violation had or be reasonably expected to have a “direct, clear, and predictable” more than minimal adverse impact to the public?

Question 9: Should the OCC revise its tailoring provision codified at 12 CFR 4.92 to reflect or enhance this proposal? For example, should the OCC clarify the tailoring standard to explicitly state that the “more than minimal impact to the financial condition” standard or its alternative would be tailored to the risk factors of each institution? Should the OCC tailor the issuance of MRAs in response to insider violations?

Question 10: Are there guidelines other than the safety and soundness standards set forth in the appendices to 12 CFR part 30 that have an existing supervisory mechanism to provide the appropriate degree of focus on addressing such noncompliance, and that the OCC should accordingly exclude from the substantive violation and technical violation standards? For example, should the OCC exclude the Interagency Guidelines for Real Estate Lending from the substantive violation and technical violation standards?

Question 11: How, if at all, should the substantive violation or technical violation standards address credit write-ups and other related issues? Should examiners be permitted to require an institution to assign a different credit risk rating to loans? Should examiners be permitted to require an institution to place a loan into nonaccrual status?

Question 12: Is the proposed “technical violations” supervisory mechanism more appropriate than the OCC’s current “other violations” mechanism? Is the technical violations mechanism broader or narrower than the other violations mechanism, and if so, how?

Question 13: Should the OCC remove the term “banking or banking-related” from the OCC’s MRA standard, codified at 12 CFR 4.92(c)? Does the proposed substantive violation standard appropriately define the scope of violations that would support the issuance of an MRA? Would removal of the term “banking or banking-related” better align with the proposed technical violations supervisory mechanism?

Question 14: Should the OCC further clarify the actions the OCC may take in response to a technical violation to specify that the OCC may take any action required by law? Is the proposed clarification that the OCC may direct an institution that commits a technical violation to take such other actions required by law necessary?

IV. Impact Analysis

A. Introduction & Background

The OCC is proposing a rule to revise the supervisory framework for the issuance of MRAs in response to violations of laws or regulations and for addressing violations for which the OCC does not take an enforcement action or issue an MRA. As discussed above, consistent with a policy adopted in the MRA final rule, the proposed rule would establish and define two categories of violations of laws or regulations: “substantive violations” and “technical violations.” The OCC would be permitted to issue an MRA in response to a substantive violation, and the proposed rule would provide a mechanism other than MRAs to address technical violations. The proposed rule would prioritize examiners’ and institutions’ attention on substantive violations, *i.e.*, those violations that have a greater likelihood to impact the institution or its customers.

B. Parties Affected by the Proposed Rule

The OCC currently supervises 986 institutions.³⁴ Because all OCC-supervised institutions were subject to the supervisory and enforcement standards in effect immediately before the OCC proposed this rule, the rule would affect all 986 institutions the OCC supervises.

C. Costs and Benefits

i. Cost Savings From Decreased Regulatory Compliance Burden

The proposed rule would, consistent with the OCC’s policy in the MRA final rule, result in several direct benefits to institutions, namely, cost and time savings. Additionally, the proposed rule does not impose new mandates or costs related thereto on institutions.

Under the proposed rule, the OCC expects that it would cite fewer violations of laws or regulations as substantive, as defined under the proposed rule, resulting in the issuance of fewer MRAs. As a result, institutions would have fewer MRAs to address and remediate. Generally, the OCC expects that the costs and time required to remediate a violation can range from de minimis to significant. Although institutions must address and remediate all violations of laws or regulations, including technical violations, substantive violations cited in an MRA may have more significant remediation costs and burden. For example, in response to an MRA, some institutions

hire external consultants, for which hourly rates can range from between \$300 to \$1,200 an hour for top-tier firms or \$150 to \$300 an hour for lower-tier firms, or financial advisory firms that charge institutions \$250 to \$550 per hour.³⁵ To the extent that there may be less need for consultants, institutions may directly benefit from consultant cost savings.

Institutions may incur other direct costs to successfully address MRAs, including increased hiring and retention of appropriately qualified employees, training for existing employees, time expenditure of employees (which may include time spent addressing MRAs, time by management and the board to review and approve changes made, time spent working with external consultants, time conducting internal audit verification, and time spent in partnership with the OCC in ongoing follow up communications and examinations specific to the issue), updating processes and procedures, and addressing the root cause of the substantive violation that is the basis of the MRA. Although institutions would also incur direct costs associated with addressing and remediating technical violations, the OCC expects these direct costs to be less than those necessary to address substantive violations because examiners would be limited to directing the institution to correct the technical violation and could not specify the corrective action the institution must take or include other corrective actions unrelated to the violation.

While it would be difficult to precisely quantify the overall aggregate annual direct cost savings to institutions, the OCC expects that cost savings would be de minimis. In addition to the direct cost savings described above, institutions could potentially experience several indirect benefits, including clarity regarding, and consistent application of, MRA standards.

ii. Costs and Benefits Relating to the Safety and Soundness of Institutions

The proposed rule imposes no new mandates, and thus no direct costs, on institutions, and has a low probability of

³⁴ Based on data accessed using the Financial Institution Data Retrieval System (FINDRS) on July 29, 2026.

³⁵ See Clancy Fossum, Embark, *What are the Fees & Hourly Rates of Accounting Consulting Firms?* (Nov. 13, 2019), <https://blog.embarkwithus.com/what-are-the-fees-hourly-rates-of-accounting-consulting-firms#:~:text=in%20each%20category,Big%20%20Firms,global%20footprints%2C%20and%20charge%20accordingly.&text=Although%20Big%20%20fees%20in,be%20aware%20of%20before%20proceeding;ConsultingMavericks,AverageConsultingRatesbyIndustry,https://consultingmavericks.com/start/other/average-consulting-rates-by-industry/> (last visited Sept. 26, 2025).

causing indirect costs to institutions. Regarding indirect costs, the narrowed MRA standard for violations of laws or regulations in the proposal could delay the identification of the root cause of technical violations of law or regulations.

This delayed identification could result in higher costs to resolve certain issues or the occurrence of similar violations, although, in the OCC's supervisory experience, most technical violations are not costly to remediate.

Further, the OCC determined it is unlikely that the proposed rule will result in the delayed identification of violations that are likely to significantly impact the institution or its customers, which would be substantive violations. The OCC expects that the proposed rule would benefit safety and soundness as it would prioritize examiners' and institutions' attention on substantive violations, *i.e.*, those violations that have a greater likelihood to impact the institution or its customers.

Therefore, the OCC expects that the proposed rule would benefit safety and soundness and does not expect that the indirect costs of the narrowed MRA standard for violations of laws or regulations in the proposal to be more than de minimis.

V. Regulatory Analyses

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1995³⁶ (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed this proposed rule and determined that it does not create any information collection or revise any existing collection of information. Accordingly, no PRA submissions to OMB will be made with respect to this proposed rule.

B. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act³⁷ (RFA) requires an agency to consider the impact of its proposed rules on small entities. In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis

for such certification in the **Federal Register**. An IRFA must contain: (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule that accomplish its stated objectives.

The OCC currently supervises 986 institutions (commercial banks, trust companies, Federal savings associations, and branches or OCC of foreign banks),³⁸ of which approximately 602 are small entities under the RFA.³⁹

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number, and at present, 30 OCC-supervised small entities would constitute a substantial number. Therefore, since the proposed rule would affect all OCC-supervised institutions, a substantial number of OCC-supervised small entities would be impacted.

This proposed rulemaking imposes no new mandates, and thus no direct costs,

on affected OCC-supervised institutions. Therefore, the Comptroller of the Currency certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).⁴⁰ Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (\$193 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,⁴¹ if a proposed rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal. The UMRA does not apply to regulations that incorporate requirements specifically set forth in law.

This proposed rulemaking imposes no new mandates—and thus no direct costs—on affected OCC-supervised institutions. The OCC, therefore, concludes that the proposed rule would not result in an expenditure of \$193 million or more annually by State, local, and tribal governments, or by the private sector. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of

³⁶ 44 U.S.C. 3501–3521.

³⁷ 5 U.S.C. 601–612.

³⁸ Based on data accessed using the OCC's Financial Institutions Data Retrieval System on July 29, 2026.

³⁹ The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are \$850 million and \$47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used average quarterly assets in December 31, 2025, to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards*.

⁴⁰ 2 U.S.C. 1531 *et seq.*

⁴¹ *Id.* 1532.

the proposed rule that the OCC should consider in determining the effective date and administrative compliance requirements for a final rule.

E. Providing Accountability Through Transparency Act of 2023

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

The Office of the Comptroller of the Currency proposes to revise the supervisory framework for the issuance of matters requiring attention (MRAs) in response to violations of laws or regulations and for addressing violations for which the OCC does not take an enforcement action or issue an MRA.

The proposal and the required summary can be found at <https://www.regulations.gov> by searching for Docket ID OCC-2026-0529 and <https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html>.

F. Executive Orders 12866 and 14192

Executive Order 12866, titled “Regulatory Planning and Review,” as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget to determine whether a proposed rule is a “significant regulatory action” prior to the disclosure of the proposed rule to the public. If OIRA finds the proposed rule to be a “significant regulatory action,” Executive Order 12866 requires the OCC to conduct a cost-benefit analysis of the proposed rule and for OIRA to conduct a review of the proposed rule prior to publication in the **Federal Register**. Executive Order 12866 defines “significant regulatory action” to mean a regulatory action that is likely to (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or

the principles set forth in Executive Order 12866. OIRA has determined that this rulemaking is a “significant regulatory action” for purposes of Executive Order 12866.

Section 3(a) of Executive Order 14192 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 standard, 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. This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

List of Subjects in 12 CFR Part 4

Administrative practice and procedure, Freedom of information, Individuals with disabilities, Minority businesses, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Women.

Authority and Issuance

For the reasons set forth in the preamble, and under the authority of 12 U.S.C. 93a, chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 4—ORGANIZATION AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM, POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 1, 93a, 161, 481, 482, 484(a), 1442, 1462a, 1463, 1464, 1467a, 1817(a), 1818, 1820, 1821, 1831m, 1831p–1, 1831o, 1833e, 1867, 1951 *et seq.*, 2601 *et seq.*, 2801 *et seq.*, 2901 *et seq.*, 3101 *et seq.*, 3102(b), 3401 *et seq.*, 3501(c)(1)(C), 5321, 5412, 5414; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 5318(g)(2), 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

■ 2. Amend § 4.92 by:

- a. In paragraph (c)(2), removing the words “an actual” and adding the words “a substantive” in their place;
- b. Removing paragraph (h);
- c. Redesignating paragraphs (d) through (g) as paragraphs (e) through (h);
- d. Adding a new paragraph (d);

■ e. In newly redesignated paragraph (f)(2) and paragraph (f)(3) introductory text, removing “(e)(1)” and adding in its place “(f)(1)”;

■ f. In newly redesignated paragraph (g), removing “(e)” and adding in its place “(f)”; and

■ g. Adding paragraphs (i) and (j).

The additions read as follows:

§ 4.92 Enforcement and supervisory standards.

* * * * *

(d) *Substantive violation of a law or regulation.* A violation of a law or regulation is substantive if its nature, duration, frequency, or severity could meaningfully impact the institution or its customers. Substantive violations of a law or regulation must:

(1) Be systemic, or constitute a pattern;

(2) Have had or reasonably be expected to have a direct, clear, predictable, and more than minimal impact on the institution’s financial condition;

(3) Have had or reasonably be expected to have a more than minimal impact on the accuracy of the institution’s books and records;

(4) Require more than minimal restitution or reasonably be expected to have a more than minimal adverse impact to customers; or

(5) Involve insider misconduct or self-dealing.

* * * * *

(i) *Clarification regarding technical violations.* (1) Paragraphs (b) through (h) of this section do not apply to technical violations.

(2) A technical violation is a violation of a law or regulation for which the OCC does not take an enforcement action or issue a matter requiring attention.

(3) The OCC may not direct an institution that commits a technical violation to take any action other than to correct the technical violation or such other actions as are required by law.

(j) *Clarification regarding noncompliance with guidelines.* Noncompliance with the guidelines set forth in the appendices to 12 CFR part 30 is not a substantive violation under paragraph (d) of this section or a technical violation under paragraph (i) of this section.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026-17822 Filed 8-31-26; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2026–8790; Project Identifier MCAI–2025–01793–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2025–08–06, which applies to certain Airbus Helicopters Model SA330J helicopters. AD 2025–08–06 requires repetitively inspecting for a gap between the main gearbox (MGB) oil cooling fan assembly rotor blade and the upper section of the guide vane bearing housing, replacing the MGB fan rotor bearings with serviceable bearings if necessary, and at a later compliance time replacing the MGB fan rotor bearing assembly with an improved MGB fan rotor bearing assembly, which constitutes terminating action for the repetitive inspections. Since the FAA issued AD 2025–08–06, the FAA has determined that the compliance time for installing the improved MGB fan rotor bearing assembly should be extended. This proposed AD would continue to require the actions in AD 2025–08–06 and would increase the compliance time for installing the improved MGB fan rotor bearing assembly. This proposed AD would also prohibit installing any MGB fan rotor bearings and any MGB fan rotor bearing assembly, unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by October 16, 2026.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–8790; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

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

FOR FURTHER INFORMATION CONTACT:

George Weir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4045; email: george.a.weir@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA–2026–8790; Project Identifier MCAI–2025–01793–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act

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

Background

The FAA issued AD 2025–08–06, Amendment 39–23019 (90 FR 19255, May 7, 2025) (AD 2025–08–06), for certain Airbus Helicopters Model SA330J helicopters. AD 2025–08–06 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2022–0191, dated September 15, 2022 (EASA AD 2022–0191) to correct an unsafe condition identified as rotor burst of the MGB fan, which could result in damage to the hydraulic lines and flight controls, and loss of control of the helicopter.

AD 2025–08–06 requires repetitively inspecting for a gap between the MGB fan rotor blade and the upper section of the guide vane bearing housing, replacing the MGB fan rotor bearings with serviceable bearings if necessary, and at a later compliance time replacing the MGB fan rotor bearing assembly with an improved assembly, which constitutes terminating action for the repetitive inspections. The FAA issued AD 2025–08–06 to prevent rotor burst of the MGB fan, damage to the hydraulic lines and flight controls, and subsequent loss of control of the helicopter.

Actions Since AD 2025–08–06 Was Issued

Since the FAA issued AD 2025–08–06, EASA superseded EASA AD 2022–0191 and issued EASA AD 2022–0191R1, dated December 9, 2025 (EASA AD 2022–0191R1) (also referred to as the MCAI). The MCAI states that the manufacturer determined that the compliance time for the required modification can be extended due to

industrial constraints linked to the availability of replacement parts.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8790.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2025–08–06, this proposed AD would retain the requirements of AD 2025–08–06. Those requirements are referenced in EASA AD 2022–0191R1, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0191R1, which specifies procedures for repetitively inspecting for play (a gap) between the MGB fan rotor blade and the upper section of the guide vane bearing housing. If there is play that does not meet the minimum requirement, EASA AD 2022–0191R1 requires replacing the affected MGB fan rotor bearings with serviceable bearings (both rear and front). EASA AD 2022–0191R1 also specifies procedures for replacing the MGB fan bearing assembly with an improved assembly, which constitutes terminating action for the repetitive inspections. Additionally, EASA AD 2022–0191R1 prohibits installing any MGB fan rotor bearings unless they are serviceable bearings and also prohibits installing any MGB fan

bearing assembly unless it is an improved MGB fan bearing assembly.

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

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0191R1, as incorporated by reference, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

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

use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0191R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0191R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0191R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0191R1. Material required by EASA AD 2022–0191R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8790 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 3 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect MGB fan bearing assembly	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$510

The FAA estimates the following costs to do any replacements that would be required based on the results of the proposed inspection.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace MGB fan rotor bearings	6 work-hours × \$85 per hour = \$510	Up to \$1,938 (both bearings)	Up to \$2,448.
Modify fan bearing assembly	8 work-hours × \$85 per hour = \$680	Up to \$17,521	Up to \$18,201.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not

have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive 2025–08–06, Amendment 39–23019 (90 FR 19255, May 7, 2025); and
 - b. Adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2026–8790; Project Identifier MCAI–2025–01793–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 16, 2026.

(b) Affected ADs

This AD replaces AD 2025–08–06, Amendment 39–23019 (90 FR 19255, May 7, 2025) (AD 2025–08–06).

(c) Applicability

This AD applies to all Airbus Helicopters Model SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6322, Rotorcraft cooling fan system.

(e) Unsafe Condition

This AD was prompted by the development of a modification for an improved main gearbox (MGB) oil cooling fan assembly rotor bearing assembly and the determination that the compliance time for

installation should be increased. The FAA is issuing this AD to prevent rotor burst of the MGB fan. The unsafe condition, if not addressed, could result in damage to the hydraulic lines and flight controls and loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency (EASA) AD 2022–0191R1, dated December 9, 2025 (EASA AD 2022–0191R1).

(h) Exceptions to EASA AD 2022–0191R1

(1) Where EASA AD 2022–0191R1 refers to August 11, 2020 (the effective date of EASA AD 2020–0171, dated July 28, 2020), this AD requires using June 11, 2025 (the effective date of AD 2025–08–06).

(2) Where EASA AD 2022–0191R1 refers to September 29, 2022 (the effective date of EASA AD 2022–0191, dated September 15, 2022), this AD requires using June 11, 2025 (the effective date of AD 2025–08–06).

(3) Where EASA AD 2022–0191R1 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where EASA AD 2022–0191R1 refers to flight hours (FH), this AD requires using hours time-in-service.

(5) Where the material referenced in EASA AD 2022–0191R1 specifies to send the fan-bearing assembly to an approved D-level maintenance center, this AD does not require that action.

(6) This AD does not adopt the “Remarks” section of EASA AD 2022–0191R1.

(i) No Reporting or Returning of Parts Requirement

Although the material referenced in EASA AD 2022–0191R1 specifies to submit certain information and return parts to the manufacturer, this AD does not require those actions.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact George Weir, Aviation Safety

Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4045; email: george.a.weir@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0191R1, dated December 9, 2025.

(ii) [Reserved]

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

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

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

Issued on August 26, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–17840 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–9967; Airspace Docket No. 26–ANE–5]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace Over New Haven, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D and Class E airspace over New Haven, CT. This action would modify the dimensions of the New Haven, CT Class D airspace to appropriately contain Instrument Flight Rules (IFR) operations at the Tweed/New Haven Airport. This action would also update verbiage in the Class D airspace legal description to comply with current FAA guidance. This action would also update the airport name and

geographic coordinates for Tweed/New Haven airport in both the Class D and Class E5 airspace legal descriptions. This action would also remove the exclusions for adjacent Class E5 airspace from the New Haven, CT Class E5 airspace legal description.

DATES: Comments must be received on or before October 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–9967 and Airspace Docket No. 26–ANE–5 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace in New Haven, CT.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments

received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes to amend 14 CFR part 71 by modifying Class D and Class E airspace over New Haven, CT. A review of the New Haven, CT Class D and Class E airspace revealed a need for a reduction to the lateral dimensions of the Class D airspace due to current IFR operations being sufficiently contained within a smaller surface area. This action would decrease the lateral dimensions of the New Haven, CT Class D airspace from within a 5-mile radius of the Tweed/New Haven Airport to within a 4.7-mile radius of the Tweed/New Haven Airport.

This action would also update the superseded term “Airport/Facility Directory” to “Chart Supplement” in the New Haven, CT Class D airspace legal description. This action would also update the reference to the Tweed/New Haven Airport in both the Class D and Class E5 airspace legal descriptions from “New Haven, Tweed-New Haven Airport, CT” to “Tweed/New Haven Airport, CT.” This action would also update the geographic coordinates of the airport in the Class D and Class E5 airspace legal descriptions from (lat. 41°15'49" N, long. 72°53'12" W) to (lat. 41°15'49" N, long. 72°53'16" W), which is four seconds of longitude. This action would also remove the exclusions for the adjacent Class E5 airspace from the Class E5 airspace legal description to comply with current FAA guidance.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANE CT D New Haven, CT [Amended]

Tweed/New Haven Airport, CT
(Lat. 41°15′49″ N, long. 72°53′16″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.7-mile radius of the Tweed/New Haven Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ANE CT E5 New Haven, CT [Amended]

Tweed/New Haven Airport, CT
(Lat. 41°15′49″ N, long. 72°53′16″ W)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tweed/New Haven Airport.

* * * * *

Issued in College Park, Georgia, on August 28, 2026

Gregory R. Garmon,

Acting Manager, Airspace and Procedures North Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–17867 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB76

Proposal of Special Measure Regarding Banque Misr UAE as a Financial Institution Operating Outside of the United States of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: FinCEN is issuing a notice of proposed rulemaking, pursuant to section 311 of the USA PATRIOT Act, that finds the five United Arab Emirates-based branches of Banque Misr (collectively, Banque Misr UAE) to be of primary money laundering concern and proposes imposing a special measure to: prohibit U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, Banque Misr UAE; require U.S. financial institutions to take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves Banque Misr UAE; and require U.S. financial institutions to apply special due diligence to their foreign correspondent

accounts that are reasonably designed to guard against their use to process transactions involving Banque Misr UAE.

DATES: Written comments on the notice of proposed rulemaking must be submitted on or before October 1, 2026.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- **Federal E-rulemaking Portal:** <https://www.regulations.gov>. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket.

- **Mail:** Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2026–0232 in the submission.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously. Follow the search instructions on <https://www.regulations.gov> to view public comments.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at www.fincen.gov/contact.

SUPPLEMENTARY INFORMATION:

I. Statutory Provisions

Section 311 of the USA PATRIOT Act¹ (section 311), codified at 31 U.S.C. 5318A, grants the Secretary of the Treasury (Secretary) the authority to make a finding that “reasonable grounds exist for concluding” that any of the following “is of primary money laundering concern”:

(i) A jurisdiction outside of the United States;

(ii) One or more financial institutions operating outside of the United States;

(iii) One or more classes of transactions within, or involving, a jurisdiction outside of the United States; or

(iv) One or more types of accounts.²

Upon making such a finding, the Secretary is authorized to require domestic financial institutions and

¹ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56, 115 Stat. 272 (Oct. 26, 2001) (USA PATRIOT Act).

² 31 U.S.C. 5318A(a)(1).

domestic financial agencies—collectively, “covered financial institutions”³—to take certain “special measures.” Specifically, pursuant to section 311, the Secretary may impose one or more of five possible special measures as safeguards to defend the U.S. financial system from money laundering and terrorist financing risks. Through special measures one through four, the Secretary may impose additional recordkeeping, information collection, and reporting requirements on covered financial institutions.⁴ Through special measure five, the Secretary may “prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account” for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves the financial institution operating outside of the United States found to be of primary money laundering concern.⁵

Before making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States (or other jurisdiction, account, or class of transactions) is of primary money laundering concern, the Secretary is required to consult with both the Secretary of State and the Attorney General.⁶ In addition, among the information the Secretary determines to be relevant in making such a finding about a financial institution, the Secretary is required to consider the following potentially relevant institutional factors:

- The extent to which such a financial institution is used to facilitate or promote money laundering in or through a jurisdiction outside the United States, including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction (WMD) or missiles.
- The extent to which such a financial institution is used for legitimate business purposes in the jurisdiction; and
- The extent to which the action being proposed is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of section 311 continue to be

fulfilled, and to guard against international money laundering and other financial crimes.⁷

In selecting one or more special measures, the Secretary “shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find appropriate.”⁸ When imposing special measure five, the Secretary must do so “in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System.”⁹ In addition, the Secretary is required to consider the following factors:

- Whether similar action has been or is being taken by other nations or multilateral groups;
- Whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;
- The extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, class of transactions, or type of account; and
- The effect of the action on United States national security and foreign policy.¹⁰

The authority of the Secretary to administer the Bank Secrecy Act (BSA)¹¹ and its implementing regulations, including the authority under section 311 to make such a finding and to impose special measures, has been delegated to FinCEN.¹²

⁷ 31 U.S.C. 5318A(c)(2)(B)(i)–(iii). In addition, in the case of a finding relating to a particular jurisdiction, section 311 sets out certain “jurisdictional factors” that the Secretary may consider, which are not relevant here. See 31 U.S.C. 5318A(c)(2)(A)(i)–(vii).

⁸ 31 U.S.C. 5318A(a)(4)(A).

⁹ 31 U.S.C. 5318A(b)(5).

¹⁰ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

¹¹ The BSA, as amended, is the popular name for a collection of statutory authorities that FinCEN administers that is codified at 12 U.S.C. 1829b, 1951–1960 and 31 U.S.C. 5311–5314, 5316–5336, and includes other authorities reflected in notes thereto. Regulations implementing the BSA appear at 31 CFR Chapter X.

¹² See Treasury Order 180–01 (Jan. 14, 2020).

II. Summary

Banque Misr UAE consists of five UAE-based branches of the Arab Republic of Egypt (Egypt)-based state-owned commercial bank, Banque Misr.¹³

Based on public and non-public information, FinCEN assesses that Banque Misr UAE serves as a critical access node to the U.S. dollar (USD) for Iranian illicit finance, putting U.S. national security at risk and undermining the integrity of the U.S. financial system. Egypt-based Banque Misr, and its branches and operations in countries other than the UAE, are expressly excluded from the definition of “Banque Misr UAE” for the purposes of this NPRM.

This NPRM sets forth FinCEN’s finding that Banque Misr UAE is a financial institution operating outside of the United States of primary money laundering concern. Accordingly, FinCEN proposes that, under special measure five, covered financial institutions: (1) be prohibited from opening or maintaining a correspondent account for, or on behalf of, Banque Misr UAE; (2) take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves Banque Misr UAE; and (3) apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Banque Misr UAE.

III. Background

The Islamic Republic of Iran (Iran) is subject to comprehensive U.S. sanctions,¹⁴ including a prohibition on opening or maintaining correspondent

¹³ Banque Misr UAE is also wholly owned by the government of Egypt. Egypt-based Banque Misr commenced its operations in the UAE in August 1972 under the name of Banque Du Caire. In July 2007, these UAE branches were fully acquired by Banque Misr, wholly owned by the government of Egypt. CBUAE, *Licensing*, <https://www.centralbank.ae/en/licensing> (last accessed Aug. 6, 2026); see also Banque Misr, *Regional and Foreign Branches*, <https://www.banquemisr.com/en/CONTACT-US/Regional-and-Foreign-Branches> (last accessed Aug. 6, 2026); Banque Misr, *History*, <https://banquemisr.com/Home/ABOUT%20US/History> (last accessed Aug. 6, 2026); Banque Misr United Arab Emirates Branches, *Financial Statements for Year Ended 31 December 2025*, https://www.banquemisr.ae/repository/images/2026/05/Banque-Misr-UAE_FS-31-Dec-2025-1.pdf (last accessed Aug. 10, 2026).

¹⁴ The U.S. maintains comprehensive sanctions on Iran, which prohibit most transactions and activities with Iran by U.S. persons or within the United States, unless exempt or authorized by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC). For more information, see OFAC, “Iran Sanctions,” (last accessed Aug. 10, 2026).

³ For purposes of this proposed rulemaking, the term “covered financial institution” has the same meaning as provided at 31 CFR 1010.605(e)(1); see *infra* Section VI.A.3.

⁴ 31 U.S.C. 5318A(b)(1)–(4).

⁵ 31 U.S.C. 5318A(b)(5).

⁶ 31 U.S.C. 5318A(c)(1).

accounts in the United States for, or on behalf of, Iranian financial institutions pursuant to section 311.¹⁵ To evade sanctions, Iran relies on multi-jurisdictional “shadow banking” networks to sell oil and other commodities abroad, launder the proceeds, fund weapons procurement and support regional terrorist proxies. These shadow banking networks consist of Iran-based exchange houses and front companies that enable sanctioned Iranian entities to access USD and financial system through U.S. correspondent banking accounts. Front companies are predominantly registered in third-country jurisdictions such as the UAE and the Special Administrative Region of Hong Kong (Hong Kong) to obscure beneficial ownership, disguise the origin of funds, and enable movement of proceeds linked to Iranian sanctions evasion and other illicit activity. FinCEN previously identified approximately USD 9 billion of potential Iranian shadow banking activity that occurred through U.S. correspondent accounts in 2024.¹⁶ It is therefore critical to address the role that financial institutions operating outside of the United States play in facilitating Iranian shadow banking networks.

IV. Finding That Banque Misr UAE is a Financial Institution Operating Outside of the United States

As set forth above, section 311 authorizes FinCEN, through delegated authority and in pertinent part, to make a finding “that reasonable grounds exist for concluding” that “[one] or more financial institutions operating outside of the United States” is “of primary money laundering concern.”¹⁷ A prerequisite to such a finding is that the relevant institution is a “financial institution operating outside of the United States.”¹⁸

Banque Misr UAE is a commercial bank in the UAE offering a range of retail and wholesale banking services.¹⁹ A “financial institution” for purposes of section 311 includes “a commercial bank or trust company.”²⁰ Banque Misr UAE is therefore a financial institution within the meaning of section 311. Banque Misr UAE operates under UAE banking regulations and is regulated by the Central Bank of the UAE (CBUAE), the UAE financial supervisor.²¹ Accordingly, FinCEN finds that reasonable grounds exist to conclude that Banque Misr UAE is a financial institution operating outside of the United States.

V. Finding That Banque Misr UAE is of Primary Money Laundering Concern

Pursuant to 31 U.S.C. 5318A(a)(1), FinCEN finds that reasonable grounds exist for concluding that Banque Misr UAE is a financial institution operating outside of the United States of primary money laundering concern. Below is a discussion of the relevant statutory factors FinCEN considered in making this finding.

A. The Extent to Which Banque Misr UAE Is Used To Facilitate or Promote Money Laundering, Including Any Money Laundering Activity by Organized Criminal Groups, International Terrorists, or Entities Involved in the Proliferation of WMD or Missiles

Based on public and non-public information, FinCEN assesses that Banque Misr UAE serves as a significant conduit for Iranian shadow banking. FinCEN analyzed Iranian shadow banking between June 2025 and June 2026, from non-public information made available to FinCEN, and observed Banque Misr UAE to have a concerning high percentage of potential Iranian shadow banking to

assets in the data available and given the size of its assets.

Overall, FinCEN identified 103 potential Iranian shadow banking front companies transacting approximately USD 1.8 billion, using accounts with Banque Misr UAE from January 2024 to June 2026. This includes approximately USD 520 million over the most recent 12-month period. Banque Misr UAE customers involved in this activity include, but are not limited to:

1. *Alpa Trading FZCO*. Alpa Trading FZCO, a UAE-based front company operated by Iranian financial facilitators, knowingly facilitated illicit flows of funds, including for the purchase of products on behalf of Iran’s Ministry of Defense and Armed Forces Logistics (MODAFL) and the Islamic Revolutionary Guard Corps (IRGC), both of which have been designated as Specially Designated Global Terrorists (SDGTs) by OFAC.²² In September 2025, Alpa Trading FZCO was designated as an SDGT pursuant to 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, Ramin Jalalian.²³ Ramin Jalalian, an OFAC-designated Iranian currency exchanger and businessman, worked at the instruction of MODAFL’s supply division, to bypass U.S. and European sanctions on Iran.²⁴ FinCEN’s analysis of public and non-public information identified, between 2024 and 2025, Banque Misr UAE processed over USD 32 million in transactions for Alpa Trading FZCO.

2. *Naba Alzaki Raw Materials Trading LLC*. Naba Alzaki Raw Materials Trading LLC, a UAE-based front company, has been used by Iran-based Mohsen Khandan and Partners General Partnership Company (Khandan Exchange) as part of Iran’s shadow banking network.²⁵ In July 2026, OFAC

¹⁵ See FinCEN, *Imposition of Fifth Special Measure Against the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern*, 84 FR 59302 (Nov. 14, 2019); see also 31 CFR 1010.661.

¹⁶ FinCEN, FIN–2025–A002, *FinCEN Advisory on the Iranian Regime’s Illicit Oil Smuggling Activities, Shadow Banking Networks, and Weapons Procurement Efforts* (June 6, 2025), <https://www.fincen.gov/system/files/FinCEN-Advisory-Illicit-Oil-Smuggling-508.pdf>; FinCEN, *Financial Trend Analysis: Iranian Shadow Banking: Trends in Bank Secrecy Act Data* (Oct. 2025), <https://www.fincen.gov/system/files/2025-10/FTA-Iranian-Shadow-Banking.pdf>; FinCEN, FIN–2026–Alert002, *FinCEN Alert on the Use of Front Companies, Financial Facilitators, and Digital Asset Infrastructure by Iran’s Islamic Revolutionary Guard Corps to Evade Sanctions and Launder Proceeds* (May 11, 2026), <https://www.fincen.gov/system/files/2026-05/FinCEN-Alert-IRGC.pdf>.

¹⁷ 31 U.S.C. 5318A(a)(1).

¹⁸ 31 U.S.C. 5318A(a)(1) authorizes the imposition of special measures on, among others,

“financial institutions operating outside of the United States.” Of the five special measures authorized by the statute, special measure five authorizes “Prohibitions or Conditions on Opening or Maintaining Certain Correspondent or Payable-Through Accounts.” The statute goes on to define the terms “correspondent account” and “payable-through account” with reference to payments made on behalf of a “foreign financial institution”—a term otherwise undefined. For the purposes of this NPRM, and under these facts, FinCEN finds that Banque Misr UAE is both a foreign financial institution and a financial institution outside of the United States.

¹⁹ Banque Misr United Arab Emirates Branches, *Financial Statements for Year Ended 31 December 2025*, https://www.banquemisr.ae/repository/images/2026/05/Banque-Misr-UAE_FS-31-Dec-2025-1.pdf (last accessed Aug. 10, 2026).

²⁰ 31 U.S.C. 5312(a)(2)(B).

²¹ CBUAE, *Licensing*, <https://www.centralbank.ae/en/licensing> (last accessed Aug. 6, 2026).

²² On October 25, 2007, OFAC designated the Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF) pursuant to E.O. 13224 for its support to multiple terrorist organizations. On October 13, 2017, OFAC designated its parent organization, the Islamic Revolutionary Guard Corps (IRGC), pursuant to E.O. 13224 for support to the IRGC–QF.

²³ Department of the Treasury, Press Release, *Treasury Targets Financial Network Supporting Iran’s Military* (Sept. 16, 2025), <https://home.treasury.gov/news/press-releases/sb0248> (last accessed Aug. 12, 2026).

²⁴ U.S. Department of the Treasury, Press Release, *Treasury Targets Shadow Banking Network Moving Billions for Iran’s Military* (June 25, 2024), <https://home.treasury.gov/news/press-releases/jy2431>.

²⁵ Khandan Exchange entered into contracts with OFAC-designated Iranian banks, including Parsian Bank, Export Development Bank, Bank Saderat, Bank Sepah, Sina Bank, Karafarin Bank, Saman Bank, and Tejarat Bank. Khandan Exchange holds over USD 117 million in foreign currency on behalf

designated Naba Alzaki Raw Materials Trading LLC pursuant to E.O. 13902, for operating in the financial sector of the Iranian economy.²⁶ FinCEN's analysis of public and non-public information identified that between March and July 2025, Banque Misr UAE processed over USD 29 million in transactions for Naba Alzaki Raw Materials Trading LLC.

3. *Midas Oil Trading DMCC.* According to press reporting, UAE-based Midas Oil Trading DMCC is a key money laundering entity on behalf of Iranian Supreme Leader Mojtaba Khamenei.²⁷ FinCEN's analysis of public and non-public information identified that in January 2025, Banque Misr UAE processed a transaction for over USD 1 million for Midas Oil Trading DMCC.

B. The Extent to Which Banque Misr UAE Is Used for Legitimate Business Purposes

In making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States is of primary money laundering concern so as to authorize the imposition of special measures, FinCEN may consider the extent to which the financial institution is "used for legitimate business purposes."²⁸

Banque Misr UAE is a commercial bank offering a variety of financial services, including retail and wholesale banking services.²⁹ According to the CBUAE, Banque Misr UAE is one of 63 registered banks in the country.³⁰ Banque Misr UAE has approximately USD 6 billion in assets.³¹ It has three

direct U.S. correspondent relationships through which it accesses the U.S. financial system.

Although FinCEN does not have fulsome insight into the scope of Banque Misr UAE's legitimate activities, for purposes of this action, FinCEN assumes that a portion of Banque Misr UAE's business activities are legitimate. However, FinCEN has identified at least USD 1.8 billion in potential Iranian shadow banking activity through Banque Misr UAE, since 2024. FinCEN assesses that any legitimate activities do not outweigh the risks posed by Banque Misr UAE's facilitation of Iranian shadow banking, and the need to protect U.S. financial institutions from the money laundering risks presented by Banque Misr UAE.

C. The Extent to Which the Action Proposed by FinCEN Would Guard Against International Money Laundering and Other Financial Crimes

In making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States is of primary money laundering concern, thereby authorizing the imposition of special measures, FinCEN may consider the extent to which such action is "sufficient to ensure" that the purpose of BSA "continue[s] to be fulfilled, and to guard against international money laundering and other financial crimes."³² FinCEN anticipates that, by finding that Banque Misr UAE is a financial institution operating outside the United States of primary money laundering concern and imposing special measure five, as proposed here, U.S. financial institutions, their foreign correspondents, and their regulators, may act to mitigate the money laundering risks posed by transactions involving Banque Misr UAE, and, that imposing special measure five would sufficiently safeguard the U.S., and international, financial systems by restricting the ability of Banque Misr UAE to access the U.S. financial system.

VI. Proposed Special Measure

Having found that Banque Misr UAE is a financial institution operating outside of the United States that is of primary money laundering concern, FinCEN proposes imposing a prohibition on covered financial institutions under special measure five. Special measure five authorizes the Secretary to prohibit or impose conditions upon the opening or

maintaining in the United States of a correspondent account or payable-through account, if such account "involves" a financial institution of primary money laundering concern.³³ Banque Misr UAE accesses USD through three direct correspondents account with U.S. financial institutions. Thus, FinCEN has determined that special measure five will most effectively mitigate the risks posed by Banque Misr UAE.

In proposing this special measure, FinCEN considered the factors set forth in section 311, as set forth below,³⁴ as well as the other special measures available under section 311. And, FinCEN consulted with representatives and staff of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration, the Federal Deposit Insurance Corporation, and the Attorney General.³⁵ These consultations involved obtaining interagency views on the imposition of special measure five and the effects that such a prohibition would have on the U.S. domestic and international financial systems.

A. Whether Similar Action Has Been or Is Being Taken by Other Nations or Multilateral Groups Regarding Banque Misr UAE

FinCEN is not aware of any investigation by other nations regarding Banque Misr UAE and no actions have been taken thus far that would protect the U.S. financial system from the money laundering risks presented by Banque Misr UAE.

B. Whether the Imposition of any Particular Special Measure Would Create a Significant Competitive Disadvantage, Including any Undue Cost or Burden Associated With Compliance, for Financial Institutions Organized or Licensed in the United States

While FinCEN assesses that the prohibition proposed in this NPRM would place some cost and burden on covered financial institutions, these burdens are neither undue nor inappropriate in view of the threat posed by the illicit activity facilitated by Banque Misr UAE.

Banque Misr UAE provides correspondent banking services to its customers directly through three

of sanctioned Iranian banks. U.S. Department of the Treasury, Press Release, *Treasury Targets Key Supreme Leader Financier and Iran's Shadow Exchange Houses* (July 10, 2026), <https://home.treasury.gov/news/press-releases/sb0558>.

²⁶ U.S. Department of the Treasury, Press Release, *Treasury Targets Key Supreme Leader Financier and Iran's Shadow Exchange Houses* (July 10, 2026), <https://home.treasury.gov/news/press-releases/sb0558>.

²⁷ The Straits Times, "How the son of Iran's supreme leader built a global property empire" (Mar. 9, 2026), <https://www.straitstimes.com/world/middle-east/how-the-son-of-irans-supreme-leader-built-a-global-property-empire>.

²⁸ 31 U.S.C. 5318A(c)(2)(B)(ii).

²⁹ Banque Misr United Arab Emirates Branches, *Financial Statements for Year Ended 31 December 2025*, https://www.banquemisr.ae/repository/images/2026/05/Banque-Misr-UAE_FS-31-Dec-2025-1.pdf (last accessed Aug. 10, 2026).

³⁰ CBUAE, CB Register as of July 2026, <https://www.centralbank.ae/en/licensing/#!/CBUAE%20Register/> (last accessed Aug. 11, 2026).

³¹ According to Banque Misr's 2025 financial statement, the bank had UAE Dirham (AED) 23,397,322 in assets as of December 31, 2025. The current AED/USD exchange rate is 0.27, equaling an estimated asset size of around USD 6 billion. Banque Misr United Arab Emirates Branches, *Financial Statements for Year Ended 31 December 2025*, <https://www.banquemisr.ae/repository/>

[images/2026/05/Banque-Misr-UAE_FS-31-Dec-2025-1.pdf](https://www.banquemisr.ae/repository/images/2026/05/Banque-Misr-UAE_FS-31-Dec-2025-1.pdf) (last accessed Aug. 10, 2026).

³² 31 U.S.C. 5318A(c)(2)(B)(iii).

³³ 31 U.S.C. 5318A(b)(5).

³⁴ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

³⁵ 31 U.S.C. 5318A(b)(5).

correspondent relationships with U.S. financial institutions. These accounts may be used for foreign exchange and money market transactions. Covered financial institutions and transaction partners have ample opportunity to arrange for alternative payment mechanisms in the absence of correspondent banking relationships with Banque Misr UAE.

Thus, a prohibition on correspondent banking with Banque Misr UAE is expected to impose minimal additional compliance costs for covered financial institutions, which would most commonly involve adding Banque Misr UAE to preexisting sanctions screening and money laundering monitoring tools. FinCEN assesses that given the risks posed by Banque Misr UAE's facilitation of money laundering, the additional burden on covered financial institutions in preventing the opening of correspondent accounts with Banque Misr UAE, as well as conducting due diligence on foreign correspondent account holders and notifying them of the prohibition, will be minimal and not undue.

C. The Extent to Which the Action or the Timing of the Action Would Have a Significant Adverse Systemic Impact on the International Payment, Clearance, and Settlement System, or on Legitimate Business Activities of Banque Misr UAE

FinCEN assesses that imposing the proposed special measure would have minimal impact upon the international payment, clearance, and settlement system. FinCEN assesses that prohibiting Banque Misr UAE's access to U.S. correspondent banking channels would not affect overall cross-border transaction volumes. Further, a prohibition under special measure five would not prevent Banque Misr UAE from conducting legitimate business activities in other foreign currencies, so long as a covered financial institution is not involved.

D. The Effect of the Proposed Action on United States National Security and Foreign Policy

As described above, evidence available to FinCEN demonstrates that Banque Misr UAE serves as a significant conduit for Iranian shadow banking. Imposing special measure five will: (1) close Banque Misr UAE's access to the U.S. financial system; (2) inhibit Banque Misr UAE's ability to act as an illicit finance facilitator; and (3) raise awareness of the methods used by illicit actors to circumvent sanctions and finance terrorism.

E. Consideration of Alternative Special Measures

In assessing the appropriate special measure to impose, FinCEN considered alternatives to a prohibition on the opening or maintaining in the United States of correspondent accounts or payable-through accounts, including the imposition of one or more of the first four special measures or imposing conditions on the opening or maintaining of correspondent accounts under special measure five. Having considered these alternatives, FinCEN assesses that, for the reasons set out below, none of the other special measures available under section 311 or merely imposing conditions under special measures five would appropriately address the risks posed by Banque Misr UAE and the urgent need to prevent it from accessing the U.S. financial system through correspondent banking.

Banque Misr UAE not only presents a significant money laundering risk for Iranian shadow banking. Because of the nature and extent of illicit funds transiting Banque Misr UAE, any special measure intended to mandate additional information collection would likely be ineffective and insufficient to address the risks posed by Banque Misr UAE's continued access to the U.S. financial system. For example, FinCEN considered special measure two, which may require domestic financial institutions to "obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person."³⁶ However, FinCEN determined that this special measure would likely be ineffective since the concerns involving Banque Misr UAE do not involve the opening or maintaining of accounts in the United States by foreign persons. Likewise, FinCEN considered imposing additional reporting obligations under special measures one, three, and four, and determined that such obligations would not be effective. For instance, the provision under special measure one—that "the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer" be collected in records and reports—could be circumvented by the operations of Iranian front companies, wherein the reported identity of the originator serves to obscure the true beneficial owner or originator.³⁷ Moreover, the requirements under special measures three and four

that domestic financial institutions obtain "with respect to each customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States," are also likely to be ineffective for the same reasons.³⁸ Indeed, in respect of all such special measures, FinCEN is already generally aware of the money laundering threats posed by Banque Misr UAE's customer base, which prompted this action, and merely requiring U.S. institutions to collect additional information would impose a disproportionate compliance burden, with no guarantee that the risks presented by Banque Misr UAE would be addressed.

FinCEN similarly assesses that merely imposing conditions under special measure five would be inadequate to address the risks posed by Banque Misr UAE's activities. Special measure five enables FinCEN to impose conditions as an alternative to a prohibition on the opening or maintaining of correspondent accounts.³⁹ Given Banque Misr UAE's facilitation of money laundering, FinCEN determined that imposing any condition would not be an effective measure to safeguard the U.S. financial system. FinCEN assesses that the estimated USD 1.8 billion worth of potential Iranian shadow banking funds laundered through Banque Misr UAE outweighs the value in providing conditioned access to the U.S. financial system for any purportedly legitimate business activity. Conditions on the opening or maintaining of correspondent accounts would likely be inefficient or, given Banque Misr UAE's inadequate AML/CFT controls, insufficient to prevent illicit financial flows through the U.S. financial system.

In sum, FinCEN assesses that any condition or additional recordkeeping or reporting requirement would be an ineffective or inefficient way to safeguard the U.S. financial system from the illicit behavior facilitated by Banque Misr UAE. Such measures would not prevent Banque Misr UAE from accessing the correspondent accounts of U.S. financial institutions, thus leaving the U.S. financial system vulnerable to processing illicit transfers, resulting in significant national security and money laundering risk. In addition, no recordkeeping and/or reporting requirements or conditions would be sufficient to guard against the risks posed by a financial institution that

³⁶ 31 U.S.C. 5318A(b)(2).

³⁷ 31 U.S.C. 5318A(b)(1)(B)(i).

³⁸ 31 U.S.C. 5318A(b)(3)(B); (b)(4)(B).

³⁹ 31 U.S.C. 5318A(b)(5).

processes transactions designed to obscure the transactions' true nature and are ultimately for the benefit of illicit actors. Therefore, FinCEN has determined that a prohibition on opening or maintaining correspondent banking relationships is the only special measure available under section 311 that can adequately protect the U.S. financial system from the illicit finance risk posed by Banque Misr UAE. For these reasons, and after thorough consideration of alternate measures, FinCEN assesses that no measures short of full prohibition on correspondent or payable-through banking access would be sufficient to address the money laundering risks posed by Banque Misr UAE.

VII. Section-by-Section Analysis

The goal of this proposed rule is to combat and deter illicit activity, including illicit activity involving Iranian-affiliated money laundering through Banque Misr UAE, and to prevent Banque Misr UAE from using the U.S. financial system to enable illicit financial activity.

A. 1010.667(a)—Definitions

1. Definition of Banque Misr UAE

The term “Banque Misr UAE” means all subsidiaries, branches, and offices of Banque Misr in the UAE operating as a financial institution outside of the United States. This includes the two branches in Dubai (located in Deira and Business Bay), one in Abu Dhabi, one in Sharjah, and one in Ras Al Khaimah. Egypt-based Banque Misr, and its branches and operations in countries other than the UAE are expressly excluded from the definition of “Banque Misr UAE” for the purposes of this NPRM.

2. Definition of Correspondent Account

The term “correspondent account” is defined by reference to the definition contained in 31 CFR 1010.605(c)(1)(ii). In the case of a U.S. depository institution, this definition includes most types of banking relationships between a U.S. depository institution and a foreign bank that are established to provide regular services, dealings, and other financial transactions, including a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit. FinCEN is using the same definition of “account” for purposes of this proposed rule as is established for depository institutions in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring enhanced due diligence for

correspondent accounts maintained for certain foreign banks.⁴⁰ Under this definition, “payable-through accounts” are a type of correspondent account.

In the case of securities broker-dealers, futures commission merchants, introducing brokers in commodities, and investment companies that are open-end companies (mutual funds), FinCEN is also using the same definition of “account” for purposes of this proposed rule as was established for these entities in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring due diligence for correspondent accounts maintained for certain foreign banks.⁴¹

3. Definition of Covered Financial Institution

The term “covered financial institution” is defined by reference to 31 CFR 1010.605(e)(1), the same definition used in the BSA rule (31 CFR 1010.610) requiring the establishment of due diligence programs for correspondent accounts for foreign financial institutions. In general, this definition includes the following:

- a bank;
- a broker or dealer in securities;
- a futures commission merchant or an introducing broker in commodities; and
- a mutual fund.

4. Definition of Financial Institution Operating Outside of the United States

Pursuant to 31 U.S.C. 5318A(e)(4), the term “financial institution operating outside of the United States” means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

FinCEN is including this definition as the proposed definition of “Banque Misr UAE” incorporates this phrase. As discussed above, 31 U.S.C. 5312 permits FinCEN, by regulation, to define as a “financial institution” any business or activity that engages in any activity that FinCEN determines is an activity similar to, related to, or a substitute for any activity in which any business defined as a “financial institution” in 31 U.S.C. 5312 is authorized to engage.

5. Definition of Foreign Banking Institution

The term “foreign banking institution” means a bank organized

under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

6. Definition of Subsidiary

The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

B. 1010.667(b)—Prohibition on Accounts and Due Diligence Requirements for Covered Financial Institutions

1. Prohibition on Opening or Maintaining Correspondent Accounts

Proposed section 1010.667(b)(1) prohibits covered financial institutions from opening or maintaining in the United States a correspondent account for, or on behalf of, Banque Misr UAE.

2. Prohibition on Use of Correspondent Accounts Involving Banque Misr UAE

Proposed section 1010.667(b)(2) requires covered financial institutions to take reasonable steps not to process a transaction for the correspondent account of a foreign banking institution in the United States if such a transaction involves Banque Misr UAE. Such reasonable steps are described in 1010.667(b)(3), which sets forth the special due diligence requirements a covered financial institution would be required to take when it knows or has reason to believe that a transaction involves Banque Misr UAE.

3. Special Due Diligence for Correspondent Accounts

As a corollary to the prohibition set forth in proposed section 1010.667(b)(1) and (2), proposed section 1010.667(b)(3) requires covered financial institutions to apply special due diligence to all of their foreign correspondent accounts that is reasonably designed to guard against such accounts being used to process transactions involving Banque Misr UAE. As part of that special due diligence, covered financial institutions would be required to notify those foreign correspondent account holders that the covered financial institutions know or have reason to believe provide services to Banque Misr UAE, that such correspondents may not provide Banque Misr UAE with access to the correspondent account maintained at the covered financial institution. A covered financial institution may satisfy this notification requirement using the following notice:

⁴⁰ See 31 CFR 1010.605(c)(2)(i).

⁴¹ See 31 CFR 1010.605(c)(2)(ii)–(iv).

Notice: Pursuant to U.S. regulations issued under Section 311 of the USA PATRIOT Act, see 31 CFR 1010.667, we are prohibited from opening or maintaining in the United States a correspondent account for, or on behalf of, Banque Misr UAE. The regulations also require us to notify you that you may not provide Banque Misr UAE, including any of its subsidiaries, branches, and offices access to the correspondent account you hold at our financial institution. If we become aware that the correspondent account you hold at our financial institution has processed any transactions involving Banque Misr UAE, including any of its subsidiaries, branches, and offices, we will be required to take appropriate steps to prevent such access, including terminating your account.

The purpose of the notice requirement is to aid cooperation with correspondent account holders in preventing transactions involving Banque Misr UAE from accessing the U.S. financial system. FinCEN does not require or expect a covered financial institution to obtain a certification from any of its correspondent account holders that access will not be provided to comply with this notice requirement.

Methods of compliance with the notice requirement could include, for example, transmitting a notice by mail, fax, or email. The notice should be transmitted whenever a covered financial institution knows or has reason to believe that a foreign correspondent account holder provides services to Banque Misr UAE.

Special due diligence also includes implementing risk-based procedures designed to identify any use of correspondent accounts to process transactions involving Banque Misr UAE. A covered financial institution would be expected to apply an appropriate screening mechanism to identify a funds transfer order that on its face listed Banque Misr UAE as the financial institution of the originator or beneficiary, or otherwise referenced Banque Misr UAE in a manner detectable under the financial institution's normal screening mechanisms. An appropriate screening mechanism could be the mechanisms used by a covered financial institution to comply with various legal requirements, such as commercially available software programs used to comply with the economic sanctions programs administered by the OFAC.

4. Recordkeeping and Reporting

Proposed section 1010.667(b)(4) clarifies that the proposed rule does not impose any reporting requirement upon any covered financial institution that is not otherwise required by applicable law or regulation. A covered financial institution must, however, document its

compliance with the notification requirement described above in section 1010.667(b)(3).

VIII. Request for Comments

FinCEN is requesting comments for 30 days after the publication of this NPRM. Given Banque Misr UAE's consistent and longstanding ties to facilitating transactions for illicit actors, FinCEN assesses that a 30-day comment period for this NPRM strikes an appropriate balance between ensuring sufficient time for notice to the public and opportunity for comment on the proposed rule, while minimizing undue national security risk posed to the U.S. financial system in processing illicit transfers. FinCEN invites comments on all aspects of the proposed rule, including the following specific matters:

1. FinCEN's proposal of a prohibition special measure five under 31 U.S.C. 5318A(b), as opposed to imposing special measures one through four or imposing conditions under the special measure five;
2. The form and scope of the notice to certain correspondent account holders that would be required under the rule; and
3. The appropriate scope of the due diligence requirements in this proposed rule.

IX. Executive Order 14294

Section 5 of Executive Order 14294 directs that all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute.⁴² Executive Order 14294 directs agencies to draft this statement in consultation with the Department of Justice.

Executive Order 14294 further directs that the regulatory text of all NPRMs and final rules with criminal consequences published in the **Federal Register** after May 9, 2025, should explicitly state a mens rea requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

Willful violations of the proposed regulations set forth in this proposed rule may be subject to criminal penalties pursuant to 31 U.S.C. 5322 and regulations promulgated in 31 CFR

Chapter X. The statutory authority for criminal liability requires a mens rea of willfulness as an element pursuant to 31 U.S.C. 5322(a) and 31 U.S.C. 5322(b). FinCEN's existing regulation, 31 CFR 1010.840, that sets out criminal penalties for violations of regulations promulgated in 31 CFR Chapter X also includes a mens rea of willfulness. In drafting this statement, FinCEN has consulted with the Department of Justice.

X. Regulatory Impact Analysis

FinCEN has analyzed this proposed rule under Executive Order 12866,⁴³ Executive Order 13563,⁴⁴ the Regulatory Flexibility Act (RFA),⁴⁵ the Unfunded Mandates Reform Act (UMRA),⁴⁶ and the Paperwork Reduction Act (PRA).⁴⁷ As discussed above,⁴⁸ the intended effects of the imposition of special measure five with respect to Banque Misr UAE are twofold. The rule is expected to: (1) combat and deter money laundering in facilitation of Iranian illicit financing associated with Banque Misr UAE; and (2) prevent Banque Misr UAE from using the U.S. financial system to enable illicit financial activity. In the analysis below, FinCEN discusses the economic effects that are expected to accompany adoption of the rule as proposed and assesses such expectations in more granular detail. This discussion includes an explanation of how the assumptions in FinCEN's cost model and methodological choices have influenced FinCEN's conclusions. The public is invited to comment on all aspects of FinCEN's practice.⁴⁹

A. Executive Orders

Executive Orders 12866 and 13563 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

⁴³ Executive Order 12866, *Regulatory Planning and Review*, 58 FR 51735 (issued Sept. 30, 1993; published Oct. 4, 1993).

⁴⁴ Executive Order 13563, *Improving Regulation and Regulatory Review*, 76 FR 3821 (issued Jan. 18, 2011; published Jan. 21, 2011).

⁴⁵ 5 U.S.C. 601 *et seq.*

⁴⁶ 2 U.S.C. 1532.

⁴⁷ 44 U.S.C. 3507(a)(1)(D).

⁴⁸ See *supra* Section VII.

⁴⁹ See Section VII; see also Section X.D.

⁴² Executive Order 14294, "Fighting Overcriminalization in Federal Regulations" 90 FR 20367 (issued May 9, 2025; published May 14, 2025), <https://www.federalregister.gov/executive-order/14294>.

It has been determined that this proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the RFA requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” that will “describe the impact of the proposed rule on small entities.”⁵⁰ However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The population of affected covered financial institutions under the proposed rule is limited to those financial institutions that maintain foreign correspondent accounts. FinCEN is not in possession of any data, studies, or qualitative evidence that any such covered financial institution meets the applicable definitional criteria to be deemed a “small entity” under the RFA. Moreover, FinCEN assesses that if any covered financial institution were a small entity, the changes in activity necessary to comply with the proposed rule would be unlikely to have a significant economic impact on such entity.

Under the proposed special measure, covered financial institutions would be prohibited from opening or maintaining correspondent accounts for, or on behalf of, Banque Misr UAE. As discussed above in Section V.B, FinCEN has identified three such accounts. The imposition of the proposed special measure would therefore be more likely to prevent future correspondent accounts from being opened with small entities than require activity be undertaken with respect to currently maintained accounts. Given the relatively small size of Banque Misr UAE as a financial institution operating outside of the United States and the current absence of account opening activity, the economic impact on small entities of continuing to forgo account opening is expected to be minimal.

Covered financial institutions would also be required to take reasonable measures to detect and prevent use of their correspondent accounts to process transactions involving Banque Misr UAE. Neither set of newly required activities proposed is expected to introduce significant incremental burdens relative to covered financial

institutions’ current obligations and ongoing diligence activities. For example, all U.S. persons, including U.S. financial institutions, must comply with OFAC sanctions, and covered U.S. financial institutions generally have suspicious activity reporting requirements and systems in place to screen transactions to comply with OFAC sanctions and section 311 special measures administered by FinCEN. The systems that U.S. financial institutions have in place to comply with these requirements can easily be modified to adapt to this proposed rule. Thus, the special due diligence that would be required under the proposed rule—*i.e.*, preventing the processing of transactions involving Banque Misr UAE and the transmittal of notification to certain correspondent account holders—is not expected to require a significant change in due diligence activities for small U.S. financial institutions. For these reasons, FinCEN certifies that the proposals contained in this rulemaking are not expected to have a significant impact on a substantial number of small businesses.

FinCEN invites comments from members of the public who believe there would be a significant economic impact on small entities from the imposition of a prohibition under special measure five regarding Banque Misr UAE.

C. Unfunded Mandates Reform Act

Section 202 of the UMRA⁵¹ requires that an agency prepare a budgetary impact statement before promulgating a rule that may result in expenditure by the state, local, and tribal governments, in the aggregate, or by the private sector, of USD 193 million or more in any one year (USD 100 million in 1995, adjusted for inflation).⁵² If a budgetary impact statement is required, section 202 of the UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.

FinCEN has determined that this proposed rule would not result in expenditures by state, local, and tribal governments in the aggregate, or by the

private sector, of USD 193 million or more in any one year. Accordingly, FinCEN has not prepared a budgetary impact statement or considered the regulatory alternatives outlined in Section V.E above within the framework of the UMRA.

D. Paperwork Reduction Act

The recordkeeping and disclosure requirements contained in this proposed rule that qualify as “collections of information” under the PRA will be submitted to the Office of Management and Budget (OMB) for review in accordance with the PRA.⁵⁴ Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB.⁵⁵ Written comments and recommendations for the proposed prohibition can be submitted by visiting www.reginfo.gov/public/do/PRAMain. Find this particular document by selecting “Currently under Review—Open for Public Comments” or by using the search function. Comments are welcome and must be received by October 1, 2026. In accordance with requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, 5 CFR part 1320, the following information concerning the collection of information as required by 31 CFR 1010.667 is presented to assist those persons wishing to comment on the information collections.

The provisions in this proposed rule pertaining to the collection of information can be found in sections 1010.667(b)(3)(i)(A) and 1010.667(b)(4). The notification requirement in section 1010.667(b)(3)(i)(A) is intended to aid cooperation from foreign correspondent account holders in preventing transactions involving Banque Misr UAE from being processed by the U.S. financial system. The information required to be maintained by section 1010.667(b)(4) would be used by federal agencies and certain self-regulatory organizations to verify compliance by covered financial institutions with the notification requirement in section

⁵¹ 2 U.S.C. 1532, Public Law 104–4 (Mar. 22, 1995).

⁵² *Id.*

⁵³ The U.S. Bureau of Economic Analysis reports the annual value of the gross domestic product implicit price deflator for calendar year 1995 (the year UMRA was enacted), as 66.939, and as 128.974 for the calendar year 2025 (the most recent available). Thus, the inflation-adjusted estimate for USD 100 million is $128.974 \div 66.939 \times \text{USD } 100$ million, or USD192.7 million. U.S. Bureau of Economic Analysis, *Table 1.1.9. Implicit Price Deflators for Gross Domestic Product*, BEA Interactive Data Application.

⁵⁴ See 44 U.S.C. 3507(a)(1)(D). The PRA defines a “collection of information” as “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes[.]” See 44 U.S.C. 3502(3).

⁵⁵ 44 U.S.C. 3507(a)(3).

⁵⁰ 5 U.S.C. 603(a).

1010.667(b)(3)(i)(A). The collection of information would be mandatory. <i>Frequency:</i> As required. <i>Description of Affected Financial Institutions:</i> Only those covered	financial institutions defined in section 1010.667(a)(3) that are engaged in correspondent banking with, or processing transactions potentially involving, Banque Misr UAE as defined	in section 1010.667(b)(1) and (2) are expected to incur incremental economic effects. <i>Estimated Number of Potential Respondents:</i> Approximately 14,554.

TABLE 1—ESTIMATES OF COVERED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with a federal functional regulator (FFR) ^a	^b 8,623
Banks without an FFR ^c	^d 365
Broker-dealers in securities (broker-dealers) ^e	^f 3,277
Futures commission merchants (FCMs) and Introducing brokers in commodities (IBCs) ^g	^h 954
Mutual funds ⁱ	^j 1,335

^a See 31 CFR 1010.100(t)(1); see also 31 CFR 1010.100(d) and 31 CFR 1020.210(a).

^b This includes 4,336 Federal Deposit Insurance Corporation- (FDIC-) insured depository institutions (*i.e.*, federally regulated banks) according to the FDIC's *Quarterly Bank Profile* for Q4 2025, p. 2 (<https://www.fdic.gov/quarterly-banking-profile/past-quarterly-banking-profiles>). It also includes 4,287 National Credit Union Administration-chartered credit unions (*i.e.*, federally regulated credit unions) as of December 31, 2025, according to the National Credit Union Administration's *Quarterly Credit Union Data Summary: 2025 Q4*, p. i (<https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data-summary-reports>).

^c 31 CFR 1020.210(b).

^d The Board of Governors of the Federal Reserve System Master Account and Services Database (<https://www.federalreserve.gov/paymentsystems/master-account-and-services-database-existing-access.htm>) contains data as of November 30, 2025, on financial institutions that use Federal Reserve Bank financial services, including those with no additional Federal regulator. FinCEN used this data to identify 365 banks and credit unions with no additional Federal regulator using Federal Reserve Bank financial services.

^e 31 CFR 1010.100(t)(2).

^f This estimate is based on U.S. Securities and Exchange Commission (SEC) data on active broker-dealers available at "Company Information About Active Broker-Dealers" (<https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers>), which listed 3,277 active broker-dealers registered with the SEC as of December 31, 2025.

^g 31 CFR 1010.100(t)(8) and (9).

^h According to the Commodity Futures Trading Commission data on FCMs available at "Financial Data for FCMs" (<https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>), there were 66 FCMs as of December 31, 2025. The number of IBCs as of December 31, 2025 (888) was obtained from the National Futures Association, "NFA Membership Totals" website (<https://www.nfa.futures.org/registration-membership/membership-and-directories.html>). Because deduplication of entities registered as both FCMs and IBCs was not feasible, this estimate may double-count some entities registered in both categories. FinCEN, however, believes this subpopulation may be small.

ⁱ See 31 CFR 1010.100(t)(10); see also 31 CFR 1010.100(gg).

^j This estimate is based on the number of registered investment companies filing Form N-1A in SEC's *Annual Registered Investment Company Update: Form N-CEN Data, Period Ending December 2025*, May 2026, table 1.3, p.4 (<https://www.sec.gov/files/annual-registered-investment-company-update-20260512.pdf>).

Estimated Number of Expected Respondents: Approximately 128.⁵⁶

FinCEN's estimate of expected respondents is based on its observation of total populations demonstrating capacity or maintenance of correspondent accounts as defined by

the proposed rule. As noted above, the observed number of covered financial institutions that maintain direct correspondent accounts included in those proposed to be affected by this NPRM is considerably lower (three, or approximately two percent of projected

expected affected respondents). As such, the PRA burden estimates presented in the following analysis are likely to be conservative and may overstate the burden that would be incurred in practice.

TABLE 2—ESTIMATES OF AFFECTED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with an FFR	^a 66
Banks without an FFR	^b 12
Broker-dealers	^c 29
FCMs and IBCs	^d 9
Mutual funds	^e 12

^a Data are from the Federal Financial Institution Examination Council Central Data Repository for Reports of Condition and Income (Call Reports) and Uniform Bank Performance Reports, available for most FDIC-insured institutions. Using this source of data, FinCEN determines that as of Q4 2025, approximately 66 banks (as defined by FinCEN regulations, see 31 CFR 1010.100(d)) would be affected by this proposed rule in any given year. Specifically, as of Q4 2025, there were approximately 66 banks that reported non-zero values for deposit liabilities of banks in foreign countries. Deposit liabilities in a foreign country is an indication that a bank maintains correspondent accounts with a foreign financial institution.

^b The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that use Federal Reserve Bank financial services, including those with no additional Federal regulator. FinCEN used this data to identify an additional 12 international banking entities with no additional Federal regulator and that do not file Call Reports, but that are also likely to maintain correspondent accounts with a foreign financial institution.

⁵⁶ While this regulation would apply to all covered institutions described in Table 1, in practice the burden would only be imposed on

select institutions that maintain correspondent accounts for foreign banks. Table 2 presents an estimate of this subpopulation of banks, broker-

dealers, FCMs and IBCs, and mutual funds based on data from the most recent calendar year end.

^c Broker-dealers, unless they are publicly traded, are not required to make reports indicating whether they have foreign correspondent accounts or hold foreign deposits. FinCEN reviewed financial statement data from 10-Q and 6-K filings with the SEC and identified nine publicly traded broker-dealers with U.S. operations that reported foreign deposits. FinCEN also examined Suspicious Activity Reports filed by broker-dealers in 2024 to identify another two non-publicly traded broker-dealers who appeared likely to be maintaining foreign deposits. However, because many broker-dealers are not publicly traded—so there may be less information about their business publicly available—and because many did not file Suspicious Activity Reports, FinCEN conservatively estimates that the proportion of broker-dealers with foreign correspondent accounts is similar to the proportion for banks (approximately 0.9 percent). 0.9 percent of 3,277 active broker-dealers is approximately 29 broker-dealers assumed to have foreign correspondent accounts.

^d FCMs, IBCs, and mutual funds generally use intermediary U.S. banks to move and maintain client deposits and funds for investment. Therefore, it is unlikely that many of these institutions maintain direct correspondent accounts with foreign financial institutions outside of their existing upstream banking relationships. However, because these institutions may in some cases receive deposits from, make payments or other disbursements, or otherwise transact directly with foreign financial institutions, FinCEN conservatively estimates that the proportion of FCMs, IBCs, and mutual funds with foreign correspondent accounts is similar to the proportion for banks (approximately 0.9 percent). 0.9 percent of 954 active FCMs and IBCs is approximately nine FCMs and IBCs assumed to have foreign correspondent accounts.

^e 0.9 percent of 1,335 active mutual funds is approximately 12 mutual funds assumed to have foreign correspondent accounts.

Estimated Average Annual Burden in Hours per Affected Financial Institution:

Imposing special measure five as described in this proposed rule is expected to result in a new, incremental recordkeeping and disclosure burden on certain covered financial institutions as described above. Each anticipated component of this is outlined below.

Each affected covered financial institution is expected to incur recordkeeping and disclosure burdens associated with preparing and retaining the materials necessary to demonstrate compliance with the proposed requirements. This is expected to include records related to:

A. Documenting the reasonable steps the financial institution undertakes to ensure no transactions involving Banque Misr UAE are processed for a foreign correspondent account, including:

1. Any investigative activities undertaken when the financial institution knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving Banque Misr UAE.

2. Any subsequent activities undertaken to prevent such access, including, where necessary, termination of the correspondent account.

B. Notifying, and documenting that the financial institution has provided notice to, foreign correspondent account holders that the financial institution knows or has reason to believe provide services to Banque Misr UAE, informing such correspondents that they may not provide Banque Misr UAE with access to the correspondent account maintained at the financial institution.

C. Documenting the reasonable steps it took with respect to special due diligence requirements, including but not limited to, the reasoning that informed decisions to adopt (or not adopt) new measures adding to its existing risk-based approach, and those new measures, if adopted.

The estimated average annual burden associated with the collection of information in this proposed rule is, in total, one business day, or eight hours per affected financial institution.

Estimated Total Annual Burden in Year One: Approximately 1,024 hours.⁵⁷

Estimated Total Annual Cost in Year One: Approximately USD 130,079.⁵⁸

In subsequent years, FinCEN estimates that the average annual burden associated with the collection of information would be significantly reduced.⁵⁹ FinCEN expects that the ongoing burden of compliance with FinCEN special measures would primarily accrue in connection with the opening of new foreign correspondent accounts, at which point a covered financial institution would need to ensure that new account holders receive information on entities subject to special measures and agree not to conduct transactions on their behalf. FinCEN has previously estimated that financial institutions that maintain foreign correspondent accounts will open an average of ten new accounts per year.⁶⁰ FinCEN expects the time burden of special measure compliance associated with these new accounts would not exceed 15 minutes (0.25 hours) per affected financial institution.

Table 3 presents a summary of FinCEN's PRA burden estimates as expected to accrue during the first three years in which the rule is effective and provides a basis for the expected average annual costs as estimated over the same time horizon.

TABLE 3—PRA THREE-YEAR PRO FORMA BURDEN ESTIMATES

Year	Number of respondents	Hours per respondent	Total burden hours
1	128	8.00	1,024.00
2	128	0.25	32.00
3	128	0.25	32.00
Average	128	2.83	362.67

⁵⁷ 128 expected respondents multiplied by eight hours per respondent equals 1,024 total annual burden hours.

⁵⁸ The wage rate applied here is a general composite hourly wage (USD 89.24), scaled by a private-sector benefits factor of 1.42 (USD 127.03 = USD 89.24 × 1.42). This incorporates Bureau of Labor Statistics (BLS) mean wage data associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of North American Industry Classification System industry codes that FinCEN determined are most directly

comparable to its 11 categories of potentially affected financial institutions as delineated in 31 CFR parts 1020 to 1030. See BLS, *May 2025—National industry-specific and by ownership*, <https://www.bls.gov/oes/tables.htm>. Given that many occupations provide benefits beyond wages (e.g., insurance and paid leave), FinCEN applies the private sector benefit factor to the unloaded wage rate to reflect the total cost to the employer. The benefit factor is the ratio of total compensation (which includes wages and benefits) to wages. Total compensation = USD 45.65 and Wages and salaries = USD 32.07 (1.42 = USD 45.65 ÷ USD 32.07) as of June 2025, based on the private industry workers series data downloaded from BLS, Employer Costs for Employee Compensation data, <https://>

www.bls.gov/news.release/archives/eccec_09122025.pdf. 1,024 total annual burden hours multiplied by USD 127.03 per hour equals a total annual cost of USD 130,079.

⁵⁹ See discussion of how compliance with the proposed rule is expected to be integrated into covered financial institutions' broader OFAC sanctions and 311 special measures compliance activities at Section IX.B.

⁶⁰ See FinCEN, *Renewal Without Change of Prohibition on Correspondent Accounts for Foreign Shell Banks; Records Concerning Owners of Foreign Banks and Agents for Service of Legal Process*, 90 FR 21987, 21994 (May 22, 2025), <https://www.federalregister.gov/d/2025-09162/p-134>.

*Estimated Three-Year Average
Aggregate Annual Burden:*

Approximately 363 hours on average,
per year.⁶¹

*Estimated Three-Year Average
Aggregate Annual Cost:* Approximately
USD 46,111.89.⁶²

General Request for Comments:

Comments are invited on: (1) whether the proposed collection of information found in section 1010.667(b)(4) is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (2) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information required to be maintained; (4) ways to minimize the burden of the required collection of information, including through the use of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to report the information.

XI. Regulatory Text

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks, Banking, Brokers, Crime, Foreign banking, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, FinCEN proposes amending 31 CFR part 1010 as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 458–459; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.

■ 2. Add 1010.667 to read as follows:

1010.667 Special measures regarding Banque Misr UAE

(a) *Definitions.* For purposes of this section, the following terms have the following meanings.

(1) *Banque Misr UAE.* The term “Banque Misr UAE” means all five branches of Banque Misr located in the United Arab Emirates as well as any

other offices, branches, affiliates, or subsidiaries of Banque Misr located in the United Arab Emirates. Egypt-based Banque Misr, and its offices, branches, affiliates, and operations in countries other than the United Arab Emirates are expressly excluded from the definition of “Banque Misr UAE”.

(2) *Correspondent account.* The term “correspondent account” has the same meaning as provided in 1010.605(c)(1)(ii).

(3) *Covered financial institution.* The term “covered financial institution” has the same meaning as provided in 1010.605(e)(1).

(4) *Financial institution operating outside of the United States.* The term “financial institution operating outside of the United States” means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

(5) *Foreign banking institution.* The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(6) *Subsidiary.* The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions.*

(1) *Prohibition on opening or maintaining correspondent accounts for Banque Misr UAE.* A covered financial institution shall not open or maintain in the United States a correspondent account for, or on behalf of, Banque Misr UAE.

(2) *Prohibition on processing transactions involving Banque Misr UAE.* A covered financial institution shall take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves Banque Misr UAE.

(3) *Special due diligence of correspondent accounts to prohibit transactions.*

(i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Banque Misr UAE. At a

minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to Banque Misr UAE that such correspondents may not provide Banque Misr UAE with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by Banque Misr UAE, to the extent that such use can be determined from transactional records maintained in the covered financial institution's normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving Banque Misr UAE.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving Banque Misr UAE shall take all appropriate steps to further investigate and prevent such access, including the notification of its correspondent account holder under paragraph (b)(3)(i)(A) of this section and, where necessary, termination of the correspondent account.

(4) *Recordkeeping and reporting.*

(i) A covered financial institution is required to document its compliance with the notification requirement set forth in this section.

(ii) Nothing in paragraph (b) of this section shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

Dated: August 28, 2026.

Jimmy L. Kirby,

*Deputy Director, Financial Crimes
Enforcement Network.*

[FR Doc. 2026–17871 Filed 8–31–26; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 4

[NPS–WASO–DTS#NPS0042897;
PPMPRL1Y.Y00000. 255P103601]

RIN 1024–AE97

Bicycle Use in Park Areas

AGENCY: National Park Service, Interior.

⁶¹ This estimate is the average of 1,024 expected burden hours in year one of implementation and 32 hours in years two and three, respectively, rounded to the nearest whole hour.

⁶² An average annual burden over years one through three of 363 hours multiplied by USD 127.03 per hour equals an average annual cost of USD 46,111.89.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) proposes to modify the procedural requirements in existing NPS regulations for the designation of roads and trails for bicycle use within park areas. The changes would align NPS regulations with applicable Federal law and policy, remove unnecessary requirements, and ensure public involvement when needed. The changes in this rule would allow the NPS to manage its resources and allocate taxpayer funds more efficiently and streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public.

DATES: Comments on the proposed rule must be received by 11:59 p.m. ET on November 2, 2026.

ADDRESSES: *Written comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter 1024-AE97, the RIN for this rulemaking. On the resulting page, select the Dockets tab and then click on the title of the rule. Next, click the “Open for Comments” box, then click the blue “Comment” box and follow the instructions for submitting comments.

(2) *By hard copy:* Mail to: National Park Service Division of Regulations, 7206 National Seashore Lane, Berlin, MD 21811.

Instructions: Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AE97) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to view the proposed rule and comments received, go to <https://www.regulations.gov> and search for “1024-AE97.” Be sure to check the Dockets Tab, Documents Tab, and Comment Tab for possible results.

FOR FURTHER INFORMATION CONTACT: Megan Apgar, Regulations Program Specialist, National Park Service; (908) 766-6841; waso_regulations@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. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on <https://www.regulations.gov> in the docket for this rulemaking.

SUPPLEMENTARY INFORMATION:**Bicycle Use in Park Areas**

The NPS is responsible for administering the National Park System of more than 400 areas and sites that preserve America’s natural and cultural heritage for the enjoyment of this and future generations. These areas and sites include national parks, national lakeshores, national seashores, national parkways, national battlefields, national monuments, national preserves, national historical parks, national memorials, and national recreation areas. Millions of people visit the National Park System each year, many of whom seek opportunities for recreation, access to points of interest, and connection to and from gateway communities.

Bicycling is a common and popular form of access and recreation in park areas, providing riders of all skill levels and ages a fun and engaging way to experience their natural and cultural heritage. Socioeconomic monitoring data indicates that bicycling is the most popular form of active recreation within the National Park System after hiking and walking.¹ Bicycling offers visitors another option for access and recreation in park areas with the added benefits to health and wellness that come from physical activity. This includes use of traditional bicycles and electric bicycles (e-bikes). E-bikes reduce the physical demands of operating a bicycle and therefore expand opportunities for recreation and access, particularly for those with limitations stemming from age, illness, disability or fitness, and in more challenging environments, such as high altitudes or hilly terrain. Bicycling in any form helps relieve vehicle congestion on roads and in parking areas. It also can mitigate some of the negative impacts motor vehicles have on resources, such as air, light, and noise pollution, collisions and other disturbances to wildlife, and wear on aging infrastructure. Improvements to facilities, such as new or modified bicycle trails, and related opportunities

for riding can support economies in gateway communities by attracting visitors and supporting local businesses such as bicycle shops, sports stores, and restaurants.

Policy and Regulatory Framework

On February 19, 2025, President Trump signed Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” This Executive Order directs Agency heads to identify regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition. On July 3, 2025, President Trump signed Executive Order 14314, “Making America Beautiful Again by Improving Our National Parks.” This Executive Order directs the Secretary of the Interior to review all of the Department’s recreation access rules and take steps to rescind any that unnecessarily restrict recreation in national parks.

NPS regulations in 36 CFR 4.30 establish procedural requirements for designating trails for bicycle use in park areas. These regulations require the NPS to prepare an environmental assessment (EA) or an environmental impact statement (EIS) that evaluates the potential impacts of various actions, whether or not an EA or EIS would be required by the National Environmental Policy Act (NEPA). 42 U.S.C. 4321 *et seq.* Such actions that require an EA or EIS in every case include designation of existing trails that do not require any construction or significant modification to accommodate bicycle use, development of new trails, trail construction activities (such as clearing brush, cutting trees, excavation, or surface treatment), and the authorization of new trails for bicycle use. The regulations require the NPS to provide the public with at least 30 days to review and comment on an EA, if prepared. These requirements conflict with Federal law and policy for the reasons given below.

Categorical exclusions are classes of actions that a Federal agency has determined do not have a significant effect on the human environment and therefore do not need to be evaluated in an EA or EIS. Categorical exclusions are a valid compliance pathway under NEPA and apply to a substantial number and type of Federal actions. Existing NPS bicycle regulations, however, do not allow the NPS to use categorical exclusions for the actions identified in the regulations even if doing so would be appropriate under NEPA. For example, the NPS recently

¹ See 2024 Socioeconomic Research of National Park Service Visitors: Report on 2024 Data Collection (NPS Datastore—2024 Socioeconomic Research of National Park Service Visitors: Report on 2024 Data Collection, last visited May 21, 2026).

adopted a categorical exclusion from the Federal Highway Administration that covers “construction of bicycle and pedestrian lands, paths, and facilities.”² The NPS cannot use this categorical exclusion, however, for the construction of new bicycle trails because of the regulatory requirement to prepare an EA or EIS. In general, the NPS is forced to conduct levels of review with resulting delays that may not be justified by the scope and potential environmental effects of the actions under consideration.³ Delays can complicate coordination with the development and construction of larger trail networks outside of a System unit that will connect to park trails, which increases access to and from gateway communities.⁴ The NPS must use administrative resources preparing EAs or EISs when those documents may not otherwise be required by Federal law. This is unnecessary and results in an opportunity cost for the American taxpayer because the NPS cannot use such resources, including, for example, staff time and contractor fees, to accomplish other management actions that benefit the public, such as improving facilities that provide essential visitor services.

The requirement to provide at least 30 days of public comment on an EA conflicts with Departmental policy set forth in 516 DM 1—U.S. Department of the Interior Handbook of NEPA Implementing Procedures (the Handbook). Appendix 1, Section 1 of the Handbook states that NEPA does not require public involvement when a bureau prepares an EA. The Responsible Official has discretion to determine whether to involve the public, when to involve the public, and what kind of public involvement is most appropriate. The Handbook states that public comment periods, if offered, should generally not be more than 30 days. The regulatory requirement to provide the public with at least 30 days to comment

on an EA conflicts with the Handbook’s policy providing the superintendent with discretion to determine whether public involvement is appropriate, and with its policy on the duration of any comment periods that are offered.

In brief, existing NPS regulations prevent the NPS from using categorical exclusions under NEPA and mandate public involvement in EA preparation that is not required by NEPA and conflicts with Departmental policy. Accordingly, these regulatory requirements are not based on the best reading of NEPA—both on its face and as implemented by Departmental policy—and should be rescinded consistent with the direction in E.O. 14219.

In addition to the requirements discussed above, the NPS believes that other requirements in the existing regulations are unnecessary and should be rescinded for the reasons given below.

Before the NPS takes any of the actions that require an EA or EIS, it also must prepare a park planning document that addresses bicycle use on the existing or new trail under consideration. This planning document must evaluate (1) the suitability of the trail surface and soil conditions for accommodating bicycle use, including any maintenance, minor rehabilitation or armoring that is necessary to upgrade the trail to sustainable condition; (2) life cycle maintenance costs; (3) safety considerations; (4) methods to prevent or minimize user conflict; (5) methods to protect natural and cultural resources and mitigate impacts; and (6) integration with commercial services and alternative transportation systems (if applicable). These requirements are inconsistent with the NPS’s established framework for planning and are redundant with compliance actions required by NEPA.

The NPS planning framework is designed to be flexible and give superintendents discretion to determine how to meet legal and policy planning requirements, including what types of plans are necessary, when they should be prepared, and what should be evaluated. This design allows superintendents to allocate administrative resources efficiently. Requiring the superintendent to prepare a planning document before taking any of the actions listed in the regulations and then to evaluate the same items in the planning document regardless of the scope and magnitude of the proposed action requires the NPS to expend administrative resources in manner that may not create commensurate value for the American public. For example,

superintendents and regional offices may be required to assign personnel and spend time and funds preparing a park planning document before allowing bicycles on an existing paved trail of minimal length that would require no modification or construction to accommodate bicycles, such as a 20-foot paved path connecting a parking lot with a visitor center. The only way to save the administrative resources that would be used on a planning document for other management actions is to take no action regarding bicycle use on the trail. The result is that the public is denied a new opportunity for recreation and access that would otherwise be allowed as an appropriate use of the park area. The NPS believes that superintendents and regional offices should have discretion to prepare planning documents when necessary given the scope and potential effects of the proposed action.

To the extent that a proposed action warrants evaluation of the items listed in the existing regulations, such as construction of multi-use trail network in a backcountry area, it is likely the NPS would prepare an EA or EIS and evaluate those items through the NEPA compliance process.⁵ This would be consistent with Departmental policy. Appendix 1, Section 4 of the Handbook states that the description of alternatives in an EA or EIS may include a description of project maintenance, estimated costs, and modifications of existing facilities. Part 1, Section 1.2 of the Handbook states that effects on public health and safety should be considered in evaluating the degree of effects of a proposed action or alternatives, and so too should economic effects and effects on the quality of life of the American people, which could include how an action would integrate with commercial services and alternative transportation systems. Part 6, Section 6.1 of the Handbook defines effects or impacts to include ecological effects (such as effects on natural resources) and cultural and economic effects. Part 1, Section 1.3 of the Handbook states that NEPA requires agencies to consider reasonable mitigation measures. Accordingly, compliance with NEPA likely will result in the evaluation of the

² See 90 FR 24645 adopting the categorical exclusion on June 11, 2025; and DOI NEPA Handbook (February 2026), Appendix 2, Section 16.1.G(4).

³ The NPS acknowledged this in 2012 when it published the final rule for the existing regulations by stating that “[w]hen trails are sustainably located, designed, and constructed, impacts [from bicycle use] are normally insignificant.” 77 FR 39931 (July 6, 2012). The final rule went on to say that categorical exclusions are precluded because “there may be cases where impacts are significant, including soil erosion, safety, and conflicts with other users.” *Id.* If impacts may be significant, however, the NPS would be required to prepare an EA or EIS anyway under NEPA.

⁴ For example, the Marquette River Greenway will run through Indiana Dunes National Park. For more information, see <https://www.in.gov/nirpc/transportation/the-marquette-greenway-project-site/> (last visited March 23, 2026).

⁵ The NPS acknowledged this in 2012 when it published the final rule for the existing regulations by stating that “[m]ost NEPA requirements are compatible with or identical to requirements for sound management planning.” 77 FR 29928 (July 6, 2012). The final rule commends the potential efficiency of using one document to satisfy the requirements to prepare a park planning document and an EA or EIS, but neither of those requirements need to be in the regulations in the first place.

items listed in the regulations, but only when the potential effects of the proposed action on the human environment justify doing so pursuant to Federal law and policy.

The existing regulations also require the NPS to develop and construct new trails in accordance with NPS sustainable trail design principles and guidelines. The final rule published in 2012 that established this requirement discusses the importance of sustainable trails in backcountry areas. 77 FR 39929 (July 6, 2012). This discussion identifies potential impacts to resources from backcountry trail use and offers recommendations for mitigating those impacts by ensuring that trails are sustainable. The discussion cites to several laws, policies, and reference materials, some of which are now many years old and no longer accessible at the source website in the rule.⁶ This type of information may be useful to superintendents, project managers, and others involved in trail design and development, but requiring that superintendents adhere to ambiguous “design principles and guidelines” in regulatory text offers little direction or benefit to the American public. This requirement has even less meaning when superintendents consider bicycle use on trails in frontcountry areas, which the NPS did not address in the trail sustainability discussion in 2012. This omission was understandable because the types of impacts that might occur from the use of unsustainable trails in primitive, undeveloped areas, such as compaction and erosion of trail tread materials, in most cases are not possible from the use of trails in developed areas, many of which are paved. The NPS maintains established processes for design and construction of various types of facilities and infrastructure across the National Park System, including trails of all types.⁷ These processes are subject to their own policies, compliance requirements and technical standards. Because these processes are managed under separate NPS authorities and procedures, decisions about physical design and construction are not part of this rule. The primary purpose of NPS regulations

is to manage visitor use of park areas.⁸ It follows that NPS regulations for bicycle use should focus on visitor use of trails, not the design or construction of them before they are designated.

In addition to the requirements to prepare an EA or EIS, and the requirement to prepare a park planning document, the existing regulations also require the superintendent to prepare a written determination that applies another set of criteria for evaluating the effects of bicycle use on trails and administrative roads. Administrative roads are open to motor vehicle use by the NPS for administrative purposes but not open to motor vehicle use by the public. Superintendents must determine that bicycle use is consistent with protection of the park area’s natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources. Regional directors must concur with written determinations for bicycle use on trails. Written determinations for existing trails and for new trails within developed areas must be published in the **Federal Register** for 30 days of public comment. The items that must be evaluated in the written determination are confusingly similar to, but not the same, as the items that must be evaluated in the park planning document. For this reason, the justifications explained above for rescinding the park planning document requirements also support rescinding the written determination requirements. Requiring superintendents to prepare a written determination in every case, even for decisions to allow bicycles on administrative roads and trails that would result in minor or negligible impacts to resources or visitors, forces the NPS to dedicate administrative time and cost that could be put to better uses. The administrative burden is even worse for proposals to allow bicycle use on existing trails and on new trails in developed areas, which require publication of the written determination in the **Federal Register**, consideration of public comments, and concurrence by the regional director, no matter the scope or magnitude of the potential effects of the action. In addition, relying on the regulatory definition of “developed area” can create additional illogical outcomes, because some areas may be developed in the ordinary sense of the word but not within a designated development or historic zone on a land

management and use map.⁹ In such areas any new trail, no matter the scope or magnitude of its impacts, will require a special regulation.¹⁰ Similar to the items that must be evaluated in a park planning document, the items that must be evaluated in a written determination likely would be evaluated in an EA or EIS if preparation of those documents is required under NEPA given the scope and potential effects of the action.

A final requirement in the regulations prevents the NPS from allowing bicycle use on existing trails if the Finding of No Significant Impact or Record of Decision that follows the preparation of an EA or EIS concludes that such action may have a significant impact on the environment. It is not clear why this requirement applies to existing trails but not to new trails. The distinction between an existing and a new trail ceases after the new trail is built, at which point the potential impacts of allowing bicycle use on the trail can be the same. Another problem is that this requirement establishes a substantive standard for allowable impacts that is different from the non-impairment standard in the NPS Organic Act and the standard in NPS Management Policies that prevents the NPS from allowing unacceptable impacts from visitor use. See 54 U.S.C. 100101 and NPS Management Policies 2006, Section 1.4.7.1. There is no basis for applying a standard for impacts from bicycle use that is different from the standards that apply to impacts from other visitor activities. Superintendents should follow established NPS policy about appropriate use of park areas when making decisions about bicycle use. Additional confusion may arise because the significance standard used in the regulations refers to specific determinations made in the NEPA compliance process, but the regulations use this standard as a substantive limitation on decision-making, while NEPA purposefully does not. NEPA is a procedural statute requiring Federal agencies to evaluate the environmental impacts of proposed actions, but does not mandate specific outcomes or limit agency decision-making.¹¹

⁹ NPS regulations at 36 CFR 1.4 define “developed area” as roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map. Emphasis added.

¹⁰ NPS regulations at 36 CFR 4.30(e)(2) require promulgation of a special regulation prior to developing, constructing, or authorizing new trails outside of developed areas for bicycle use.

¹¹ See *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168, 169 (2025) (“Otherwise stated, NPS ‘does not mandate particular results, but simply prescribes the necessary process’ for an

⁶ The final rule cites to a 1991 document titled “Developing Sustainable Mountain Trail Corridors: An Overview, National Park Service” and another document titled “Guide to Sustainable Mountain Trails” that was published by the NPS in partnership with the Colorado Outdoor Training Initiative in 2007.

⁷ See information about the NPS Park Planning, Facilities, and Lands Directorate on <https://www.nps.gov/orgs/1640/index.htm> (last visited March 9, 2026).

⁸ See 36 CFR 1.2(d) stating that NPS regulations do not apply to administrative activities conducted by the NPS or its agents.

None of the procedural requirements that would be rescinded by this rule exist in general regulations that address other types of visitor recreation and access in park areas.¹² These include regulations for designating lands and waters for operating or using aircraft (36 CFR 2.17), routes and water surfaces for the use of snowmobiles (36 CFR 2.18), areas for using human-powered coasting devices such as roller skates, skateboards, and scooters (36 CFR 2.20), waters for the use of personal watercraft (PWC) (36 CFR 3.9), routes and areas for off-road vehicle (ORV) use (36 CFR 4.10), and locations for the operation of powered micromobility devices, such as e-scooters (36 CFR 4.32). None of them address the design, development, or construction of routes, trails, paths, traffic barriers, or other physical assets that are used for the visitor activities and uses described. Some of these regulations address devices similar to traditional bicycles, such as the regulations for human-powered coasting devices, and similar to e-bikes, such as the regulations for powered micromobility devices. Others manage devices such as aircraft, snowmobiles, PWCs, and ORVs that have the potential to impact resources and visitors well beyond what is possible from bicycles and e-bikes due to their weight, speed of operation, use of internal combustion engines, and other characteristics of use. Some of these regulations require notice and comment rulemaking to ensure there is public involvement before certain uses are allowed. Notice and comment rulemaking is required to designate any location for the use of aircraft, snowmobiles, PWC, and ORVs. These requirements are justified because these types of activities have greater potential for impacts no matter the location. Rulemaking is required before allowing powered micromobility devices in locations that have never been improved by artificial or processed materials such as paving or gravel. This requirement is justified because the use of powered micromobility devices in these locations has potential for greater impacts than use in other locations, such as paved pathways.

In summary, the NPS believes that the requirements in 36 CFR 4.30 discussed above unnecessarily restrict recreation

and access by making it more difficult than needed to authorize administrative roads and trails for bicycle use. Therefore they should be rescinded consistent with the direction in Executive Order 14314. This proposed rule would allow the NPS to manage its resources and allocate taxpayer funds more efficiently and streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public. Key elements of the proposed rule are discussed below.

Proposed Rule

Identifying new opportunities for responsible outdoor recreation in park areas is a priority for the Trump Administration and the NPS. This includes identifying new and expanded opportunities for bicycle use where appropriate. The proposed rule would simplify how the NPS allows bicycle and e-bike use in park areas for the benefit of the American public. Bicycles and e-bikes would be allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public. This would not change the status quo for traditional bicycles, but it would for e-bikes by removing the need for superintendents to take affirmative action to allow them in those locations by designation. Setting the same baseline for the use of all forms of bicycles on roads and in parking areas would simplify administration and make the regulations easier to understand. The superintendent would have authority to designate other locations, including administrative roads and trails, for bicycle and e-bike use except that rulemaking in the **Federal Register** would be required to allow bicycles or e-bikes in two circumstances. First, rulemaking would be required if the designation would be highly controversial or otherwise significant according to the criteria in paragraph (b) of 36 CFR 1.5.¹³ Second, rulemaking would be required before bicycles or e-bikes are allowed in locations that have never been improved by artificial or processed materials. Artificial or processed materials include gravel, asphalt, concrete, wood boards, soil cement, and resin-based material. Rulemaking would not be required for locations with surfaces composed of

these materials at present, nor for locations that have a natural surface at present but in the past were altered or improved by artificial or processed materials, such as trails located on top of old rail lines. The purpose of the rulemaking requirements in this rule is to ensure public involvement in decision-making that has more potential for impacts to park resources, values, and visitors, or when stakeholders such as gateway communities have strong viewpoints about potential designations. Related to trail characteristics, the NPS seeks specific comment from the public about criteria that could be used to determine whether rulemaking is required. An example is whether rulemaking should not be required to designate certain locations that have never been improved by artificial or processed materials but that have other characteristics that might lessen the potential for impacts, such as public beaches.

The proposed rule would maintain several provisions in the existing regulations that do not need revision. The definitions of “bicycle” and “electric bicycle” in 36 CFR 1.4 would remain the same. So would the existing prohibition on possessing a bicycle or e-bike in a wilderness area established by Federal statute and other restrictions on the operation of a bicycle or e-bike that promote visitor safety.¹⁴ The rule would maintain an existing prohibition on using the electric motor to exclusively propel an e-bike for an extended period of time, except where use of motor vehicles is allowed. This only affects Class-2 e-bikes and helps ensure that they are used for access and recreation in a similar manner to traditional bicycles. The rule would continue to apply state law to the use of bicycles and e-bikes except as provided in NPS regulations. Finally, the rule would maintain the authority given to superintendents to establish bicycle or e-bike use limitations, restrictions, conditions, and closures after consideration of public health and safety, resource protection, and other management activities and objectives. This rule would add a new provision, however, clarifying that permanent closures of park roads and parking areas that are otherwise open for motor vehicle use by the general public, or of administrative roads, trails, and other

agency’s environmental review of a project.” (quoting *Roberston v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)).

¹² NPS regulations that govern the gathering of plants or plant parts by federally recognized Indian tribes require the preparation of an EA. 36 CFR 2.6(d)(2). The NPS does not consider this activity to be visitor recreation or access due to the special relationship between the NPS and federally-recognized Indian tribes, which are sovereign governments.

¹³ Rulemaking is required for an action “which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park’s natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit” 36 CFR 1.5(b).

¹⁴ For example, 36 CFR 4.30(h)(5) prohibits operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage, and is applied to e-bikes in 36 CFR 4.30(i)(5). As another example, 36 CFR 4.12 requires compliance with the directions of a traffic control device. It is applied to bicycles in 36 CFR 4.30(g)(1) and to e-bikes in 36 CFR 4.30(i)(5).

locations that are designated by rulemaking, must be promulgated as special regulations for the applicable System unit. The only exception would be for closures of park roads and parking areas that exist under state law. This exception would be compatible with the NPS's general adoption of state traffic laws in 36 CFR 4.2.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 14192)

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is an E.O. 14192 deregulatory action. The NPS expects this rule would result in net economic benefits due to reduced administrative costs. Administrative costs associated with the requirements in the existing regulations to prepare a planning document, an EA or EIS, and a written determination would be eliminated in situations where such actions are not warranted.

Regulatory Flexibility Act

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No small entities would be directly regulated by this rule, which would modify existing NPS regulations to simplify how the NPS allows traditional and electric bicycle use in park areas. The proposed changes would remove unnecessary requirements, reduce regulatory burden, and allow the NPS to streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public. While the changes in this rule are procedural in nature, they could result in a small increase in recreational visitation, thereby benefitting nearby small businesses through increased visitor spending. This proposed rule would not generate new costs for small businesses, organizations, or governmental jurisdictions, nor would it impose fees, operational requirements, training, recordkeeping, or other compliance burdens on small businesses or organizations. It is not expected to have adverse economic effects on any sector, including small entities. For these reasons, the NPS certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

Congressional Review Act

This proposed rule is not a major rule under 5 U.S.C. 804(2). This proposed rule:

- (a) Would not have an annual effect on the economy of \$100 million or more.
- (b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Would 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.

Unfunded Mandates Reform Act

This proposed rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. This proposed rule would not have a significant or unique effect on State, local or Tribal governments, or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

This proposed rule would not effect a taking of private property or otherwise have takings implications under E.O. 12630. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule would only affect use of federally administered lands. It would have no direct effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of E.O. 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The NPS has evaluated this proposed rule under the criteria in E.O. 13175 and under the Department's Tribal consultation policy and has determined that Tribal consultation is not required because this rule will have no substantial direct effect on federally recognized Indian Tribes and that consultation under the Department's tribal consultation policy is not required.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)*

This rule contains no new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The NPS may not conduct or sponsor, and you are not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number.

*National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*)*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by categorical exclusions. This rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. The NPS has determined the change in the rule that would allow e-bikes on park roads and parking areas that are otherwise open for motor vehicle use by the general public, without the need for superintendents to take affirmative action to allow them in those locations by designation, is categorically excluded under Appendix 2, Section 12.5.D(4) of the Handbook, which covers minor changes in programs and regulations pertaining to visitor activities. The NPS has determined that all other changes in this rule are categorically excluded under 43 CFR 46.210(i), which covers minor policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to

lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. The NPS will document the application of these categorical exclusions to this rule.

Effects on the Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in E.O. 13211; this proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and this proposed rule has not otherwise been designated by the Administrator of OIRA as a significant energy action. A Statement of Energy Effects is not required.

List of Subjects in 36 CFR Part 4

National Parks, Traffic regulations.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 4 as set forth below:

PART 4—VEHICLES AND TRAFFIC SAFETY

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 54 U.S.C. 100101, 100751, 320102.

■ 2. Revise and republish § 4.30 as follows:

§ 4.30 Bicycles.

(a) *Park roads and parking areas.* The use of bicycles and electric bicycles is allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

(b) *Other locations.* The use of bicycles and electric bicycles is allowed in other locations designated by the superintendent after notice is provided using one or more of the methods described in § 1.7 of this chapter.

Locations must be designated by rulemaking in the **Federal Register** when the designation would meet the criteria in paragraph (b) of § 1.5 of this chapter. Rulemaking in the **Federal Register** also is required before bicycles or electric bicycles are allowed in locations that have never been improved by artificial or processed materials. Artificial or processed materials include, but are not limited to, gravel, asphalt, concrete, steel rail lines, wood boards, soil cement, and resin-based material.

(c) *Closures and other use restrictions.*

(1) A superintendent may limit or restrict or impose conditions on bicycle use or electric bicycle use, or may close any park road, parking area, administrative road, trail, or other location, or a portion thereof, to bicycle or electric bicycle use, or terminate such condition, closure, limit or restriction after:

(i) Taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives; and

(ii) Notifying the public through one or more methods listed in § 1.7 of this chapter.

(2) A closure of all or a portion of a park road or parking area that is otherwise open for motor vehicle use by the general public, or all or a portion of an administrative road, trail, or other location designated by rulemaking, may not remain in effect on a permanent basis unless it is promulgated as a special regulation, except that a special regulation is not required for a closure of all or a portion of a park road or parking area that exists under state law.

(d) *Prohibited acts.* The following are prohibited:

(1) Operating a bicycle or an electric bicycle off of park roads and parking

areas in locations not designated for their use in accordance with this section.

(2) Possessing a bicycle or an electric bicycle in a wilderness area established by Federal statute.

(3) Operating a bicycle or an electric bicycle during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise, without exhibiting on the operator, bicycle, or electric bicycle a white light or reflector that is visible from a distance of at least 500 feet to the front and with a red light or reflector that is visible from at least 200 feet to the rear.

(4) Operating a bicycle or an electric bicycle abreast of another bicycle or electric bicycle except where authorized by the superintendent.

(5) Operating a bicycle or an electric bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage.

(6) Except where use of motor vehicles by the public is allowed, using the electric motor exclusively to move an electric bicycle for an extended period of time.

(e) *Other requirements.* (1) A person operating or possessing a bicycle or an electric bicycle is subject to the following sections of this part that also apply to the operation of a motor vehicle: §§ 4.12, 4.13, 4.20, 4.21, 4.22, and 4.23.

(2) Except as specified in this chapter, the use of a bicycle or an electric bicycle is allowed in compliance with applicable State law. Any act in violation of applicable State law is prohibited.

Kevin Lilly,

Principal Deputy, Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026-17902 Filed 8-31-26; 8:45 am]

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Notices

Federal Register

Vol. 91, No. 168

Tuesday, September 1, 2026

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

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2026–0100]

Proposed Revisions to the National Handbook of Conservation Practices

AGENCY: Natural Resources Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of availability, request for comments.

SUMMARY: The Natural Resources Conservation Service (NRCS) is revising specific conservation practice standard (CPS) in the National Handbook of Conservation Practices (NHCP). NRCS is also giving the public an opportunity to provide comments on the proposed changes to the specific CPSs.

DATES: We will consider comments that we receive by October 1, 2026.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID NRCS–2026–0100. Follow the online instructions for submitting comments; or

- *Mail or Hand Delivery:* Mr. J'Que C. Jones, National Agricultural Engineer, Conservation Engineering Division, NRCS, USDA, 1400 Independence Avenue, South Building, Room 4949, Washington, DC 20250. In your comment, please specify the Docket ID NRCS–2026–0100.

All comments received will be made publicly available on <http://www.regulations.gov>.

Copies of the proposed revised CPSs are available at <http://www.regulations.gov> by accessing Docket No. NRCS–2026–0100 and may also be downloaded or printed from <https://www.nrcs.usda.gov/getting-assistance/conservation-practices>.

FOR FURTHER INFORMATION CONTACT: Mr. J'Que C. Jones at (443) 926–6957, or by email at jque.jones@usda.gov.

Individuals who require alternative means for communication should contact the USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Background

NRCS plans to revise specific CPSs in the NHCP. This notice provides an overview of the planned changes and gives the public an opportunity to comment on the proposed revisions to these specific CPSs.

NRCS State Conservationists who choose to adopt these CPSs in their States will incorporate them into their respective electronic Field Office Technical Guide. These CPSs may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be wetland. Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127) states that revisions made after enactment of the law to NRCS State technical guides used to carry out HEL and wetland provisions must be made available for public review and comment.

Revisions to the National Handbook of Conservation Practices

The amount of proposed changes varies for each of the CPSs addressed in this notice. To fully understand the proposed changes, individuals are encouraged to compare these changes with the current version for each CPS, which can be found at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/conservation-practice-standards>.

NRCS is requesting comments on the following 48 CPSs:

- Access Road (Code 560);
- Agrichemical Handling Facility (Code 309);
- Air Filtration and Scrubbing (Code 371);
- Aquaculture Pond (Code 397);
- Bivalve Aquaculture Gear and Biofouling Control (Code 400);
- Brush Management (Code 314);
- Channel Bed Stabilization (Code 584);

- Contour Farming (Code 330);
 - Critical Area Planting (Code 342);
 - Cross Wind Ridges (Code 588);
 - Dam (Code 402);
 - Dam, Diversion (Code 348);
 - Denitrifying Bioreactor (Code 605);
 - Dry Hydrant (Code 432);
 - Early Successional Habitat Development (Code 647);
 - Fence (Code 382);
 - Forage Harvest Management (Code 511);
 - Grade Stabilization Structure (Code 410);
 - Grassed Waterway (Code 412);
 - Heavy Use Area Protection (Code 561);
 - High Tunnel System (Code 325);
 - Irrigation Reservoir (Code 436);
 - Irrigation System, Microirrigation (Code 441);
 - Nutrient Management (Code 590);
 - On-Farm Recharge (Code 641);
 - Pasture and Hay Planting (Code 512);
 - Pest Management Conservation System (Code 595);
 - Pond Sealing or Lining, Compacted Soil Treatment (Code 520);
 - Pond Sealing or Lining, Concrete (Code 522);
 - Precision Land Forming and Smoothing (Code 462);
 - Restoration of Rare and Declining Natural Communities (Code 643);
 - Riparian Forest Buffer (Code 391);
 - Roof Runoff Structure (Code 558);
 - Salinity and Sodic Soil Management (Code 610);
 - Sediment Basin (Code 350);
 - Sinkhole Treatment (Code 527);
 - Soil Carbon Amendment (Code 336);
 - Sprinkler System (Code 442);
 - Stormwater Runoff Control (Code 570);
 - Streambank and Shoreline Protection (Code 580);
 - Structures for Wildlife (Code 649);
 - Surface Drain, Field Ditch (Code 607);
 - Waste Facility Closure (Code 360);
 - Waste Transfer (Code 634);
 - Water Harvesting Catchment (Code 636);
 - Wetland Enhancement (Code 659);
 - Wildlife Habitat Planting (Code 420); and
 - Windbreak-Shelterbelt Establishment and Renovation (Code 380).
- The following paragraphs highlight some of the proposed changes to each CPS:

Access Road (Code 560): Minor wording revisions were made throughout the CPS to improve clarity. A legend was added to Figure 1. Usage information was removed from Table 1. Additional considerations were added to address air and water quality.

Agrichemical Handling Facility (Code 309): This CPS was fully revised to clarify its complex requirements for preventing agrichemical spills and contamination. Notable updates include permitting multi-owner facilities to implement the practice, introducing buoyancy control, revising liner material and liquid-tight structure requirements, and allowing the use of manufactured sumps. The revisions also provide more detailed facility descriptions to support broader applicability across diverse operational needs.

Air Filtration and Scrubbing (Code 371): Clarifications and simplifications were made to the “Definition”, “Purpose”, “Criteria”, and “Considerations” sections. Additional detail was provided in the “Plans and Specifications” and “Operation and Maintenance” sections to further specify required elements and the types of documents necessary to record practice standard implementation. A generic reference to air pollution technology fact sheets was replaced with citations to specific fact sheets.

Aquaculture Pond (Code 397): No major technical changes were made to this CPS. References to Critical Area Planting (Code 342) and Mulching (Code 484) were added. The “Operation and Maintenance” section was revised to better align with the Pond (Code 378) CPS.

Bivalve Aquaculture Gear and Biofouling Control (Code 400): The “Conditions Where Practice Applies” section was updated to include onshore gear storage, drying, and cleaning areas to align with the “Criteria” section for exchanging fouled gear. The “Plans and Specifications” section now includes a requirement to clearly distinguish baseline management from planned improvements. The “Considerations” section was expanded to address support for recovering lost gear after disasters. The “References” section was also updated.

Brush Management (Code 314): This CPS was updated to incorporate active voice and modern guidance for managing woody and succulent plant species. The revisions clarify the practice purposes, strengthen ecological foundations, and emphasize alignment with ecological sites and plant communities. The “Conditions Where Practice Applies” section was refined to

clarify where mechanical, chemical, and biological treatments apply, and requirements related to legal compliance, integrated planning, and long-term monitoring were reinforced. Wildlife considerations were enhanced to reduce potential adverse impacts. The “Additional Criteria” subsections now more effectively address ecological processes, adaptive management, and preventing reinvasion. The “Considerations” section was expanded to include guidance on mapping encroachment, coordination with grazing, forest, and wildlife plans, and recognizing biodiversity and habitat complexity. Updates to the “Plans and Specifications” and “Operation and Maintenance” sections provide clearer expectations for treatment methods, safety, herbicide use, monitoring, and retreatment. Collectively, these revisions improve alignment with current ecological science and NRCS guidance, enhance consistency across related practice standards, and support more effective, predictable, and longer-lasting treatment outcomes for landowners, partners, and conservation planners.

Channel Bed Stabilization (Code 584): The “Purpose” section was updated to remove a statement unrelated to streambed stabilization. Additional minor wording changes were made throughout to improve clarity and readability.

Contour Farming (Code 330): Minor edits were made to the “Considerations” section. References to Contour Orchard and other Perennial Crops (Code 331) and Row Arrangement (Code 557) were added to clarify the “Conditions Where Practice Applies” section. One purpose was shortened to “improve soil moisture retention.” The “General Criteria” subsection was reorganized to align with steps for installation and contour marker installation was added. Additional contour layout suggestions were included in the “Considerations” section. Requirements in the “Plans and Specifications” section were clarified. The “Operation and Maintenance” section was reorganized to align with installation operations and maintenance requirements to ensure the practice meets its intended five-year lifespan.

Critical Area Planting (Code 342): The definition of this CPS was updated to address concerns, including situations where normal planting methods may not be feasible. For consistency, standardized wording for plant material selection and use across all permanent planting practices was added. Engineering-related criteria were removed and are now referenced to Streambank and Shoreline Protection

(Code 580). The “Conditions Where Practice Applies” section was streamlined, and additional flexibility was provided for conservation practice installation and other construction sites to protect surface waters and source water.

Cross Wind Ridges (Code 588): Revisions were made throughout to improve clarity. The “Conditions Where Practice Applies” section was simplified to include all cropland susceptible to wind erosion. Guidance in the “Additional Criteria” subsection was expanded to support evaluating plant productivity and health using wind erosion technology. The “Plans and Specifications” section was updated with clearer requirements.

Dam (Code 402): The “Cultural Resources” subheading in the “General Criteria” subsection was removed because it was considered redundant with the overall compliance statement in the first paragraph of that subsection. In the “Additional Considerations for Visual Resource Design” subsection, the second paragraph beginning with “Shape the embankment to blend with the natural topography...”, was removed because how-to procedures should not be included in a CPS. Minor wording changes were made throughout to improve clarity and readability.

Dam, Diversion (Code 348): The first sentence in the “Conditions Where Practice Applies” section was removed because it did not describe where the CPS applies. Minor wording changes were made throughout to improve clarity and readability.

Denitrifying Bioreactor (Code 605): Minor edits were made throughout to improve clarity, readability, and consistency. The “Definition” section was updated to include microbial denitrification. Criteria under the “Media Chamber” subheading in the “General Criteria” subsection were updated to address media mounding, soil-capped bioreactors, and allowable wood species.

Dry Hydrant (Code 432): Minor wording revisions were made throughout to improve clarity and readability.

Early Successional Habitat Development (Code 647): Updates include revisions to the title and lifespan to better align with planning tools; removal of the term “management” to address planning and contracting issues; consolidation of management and development activities; and improved alignment with certification and reimbursement processes. The revisions also shift the focus toward woody plant removal for habitat purposes.

Fence (Code 382): Changes to this CPS primarily reflect the integration of virtual fence technology; updates to improve clarity through plain language and active voice; clarification of technical guidance; incorporation of contemporary ecological considerations; and updates to references. Virtual fence technology was incorporated through added content and edits across multiple sections of the CPS. The “Purpose” section was revised to state that the practice facilitates, rather than controls, resource management. The “Considerations” section now identifies similar or related conservation practice standards, explains how these complementary practices differ, and describes how they may be applied together. Additional ecological considerations, based on new science related to wildlife interactions, were also added to the “Considerations” section.

Forage Harvest Management (Code 511): Revisions to this CPS focus on restructuring content for clarity, applying active voice, and improving alignment with NHCP policy. The “Definition” section was updated to clarify that “harvest” does not always involve removal of forage. The “Conditions Where Practice Applies” section was broadened to include all lands where forage is mechanically manipulated. The “Purpose” section was revised to consolidate soil compaction and aggregate stability into a single resource concern and to remove “optimize soil microbial life” as an explicit purpose. The “General Criteria” subsection was reorganized to emphasize decision-making related to timing of forage cutting rather than harvest or storage methods, and content related to storage was relocated to the “Considerations” section. The “Additional Criteria” subsections were refined to reduce redundancy, including updated guidance related to wildlife habitat, pest pressure, nutrient removal, and species composition. The “Considerations”, “Plans and Specifications”, “Operation and Maintenance”, and “References” sections were updated to improve formatting, enhance clarity, and incorporate current technical sources.

Grade Stabilization Structure (Code 410): The “Purpose” section was revised to add “prevent or reduce erosion and head cutting,” ensuring the CPS explicitly addresses head cutting protection. The “Conditions Where Practice Applies” section was updated to include “prevent or to reduce head cutting” for consistency with the purpose statement. In the “Small pond-sized Dams” subheading under

“General Criteria,” the initial sentence stating, “For dams with an effective height of less than 15 feet and 10-year frequency, 24-hour storm runoff volume less than 10 acre-feet, the designer may use the requirements of NRCS CPS Water and Sediment Control Basin (Code 638)”, was removed.

Grassed Waterway (Code 412): No major technical changes are proposed for this CPS. The “Definition” section was simplified for clarity. In the “Criteria” section, requirements related to livestock and vehicle crossings were expanded to safeguard proper design and installation. A consideration formerly associated with these crossings was removed from the “Considerations” section. Additionally, vegetative considerations within the “Considerations” section were reorganized and slightly revised to improve readability.

Heavy Use Area Protection (Code 561): Minor wording changes were made to improve clarity in the “Criteria” section. Additions were made to the “Considerations” section to address air quality improvement. The “References” section was also updated.

High Tunnel System (Code 325): NRCS is revising this CPS to improve clarity and ensure consistency with current technical guidance. The “Definition” section was updated to more clearly distinguish high tunnel systems from other commercially available structures. Within the “General Criteria” subsection, the required height for raised planting beds was increased to 18-inches to accommodate machinery-formed natural soil beds and the use of frames to hold those beds in place. The “Criteria” section was reorganized to present structural requirements, siting considerations, and operational guidance in a more logical sequence. Language addressing salt buildup beneath high tunnels was added to both the “Criteria” and “Considerations” sections. Minor clarifications were made in the “Plans and Specifications” section. The “Operation and Maintenance” section was revised to align activities in a seasonal order and to make the connection to the “Criteria” section more transparent.

Irrigation Reservoir (Code 436): In the “Conditions Where Practice Applies” section, the second and third paragraphs were removed because they did not describe conditions under which this CPS applies. In the “Foundation, Embankment, and Spillways” subsection of the “General Criteria,” the first sentence of the second paragraph—“Planting of critical areas at the completion of construction will help

protect the structure and borrow areas and prevent erosion”—was removed to simplify the guidance. In the “Considerations” section, the fifth paragraph was relocated to the “General Criteria” subsection because it functions as a criterion rather than a consideration. In the final paragraph of the “Considerations” section, the last two sentences were removed for simplicity. Minor wording changes were made throughout to improve clarity and readability.

Irrigation System, Microirrigation (Code 441): Minor edits were made throughout the CPS to improve clarity, readability, and consistency. The “Conditions Where Practice Applies” section was updated to include heavy-wall dripperline and mini- or micro-sprinkler system renovation. A new purpose—reducing energy use—was added to the “Purpose” section. Additionally, new subsections titled “Gravity-fed drip irrigation” and “Container irrigation” were added to the “General Criteria Applicable to All Purposes” section.

Nutrient Management (Code 590): This CPS was revised to shift from plan-centered guidance to a strategy-centered, risk-assessment approach. Updated testing guidance strengthens the focus on nutrient use efficiency, drinking water and air quality protection, and emerging technologies, including precision agriculture and biological amendments.

On-Farm Recharge (Code 641): This new CPS, developed from interim CPS Code 817, establishes criteria for applying surface water to cropland connected to unconfined aquifers to support groundwater recharge during periods when crops are dormant. No changes were made from the interim version.

Pasture and Hay Planting (Code 512): This CPS was modernized, clarified, reorganized, and aligned with NRCS policy and updated resource concerns. The “Purpose” section was restructured to align with contemporary resource concerns and to clarify applicability boundaries between this practice and related CPSs. The “Criteria” section was updated to strengthen guidance on seed quality, planting rates, soil testing, species selection, planting depth, coated seed use, livestock exclusion, and overall establishment protocols. The “Considerations” section was expanded to address wildlife needs, pollinator habitat, nurse crops, native species, invasive species avoidance, species diversity, and complementary conservation practices. In the “Plans and Specifications” section, more explicit documentation requirements

were added. The “Operation and Maintenance” section now includes expectations for monitoring environmental conditions and adjusting management as needed. The “References” section was updated to reflect current regulatory and scientific sources.

Pest Management Conservation System (Code 595): In the “Purpose” section, two existing purposes were revised. New criteria were added to the “Criteria” section for USDA organic operations, and cultural, chemical, and biological suppression techniques were clarified. Additional requirements were included in the “Criteria” section related to ozone nonattainment areas. Language addressing VOCs, water quality, and soil health was added to both the “Additional Criteria” subsection and the “Considerations” section. The “References” section was updated to include current sources.

Pond Sealing or Lining, Compacted Soil Treatment (Code 520): No major technical revisions were made to this CPS. All updates were made to clarify content, provide examples, improve readability, and maintain consistency across paragraphs. Two purposes were added to the “Purpose” section, and new criteria were included in the “Criteria” section regarding compliance with applicable laws, safety, and existing impoundment requirements. The minimum liner thickness for clean-water storage impoundments was reduced in the “Criteria” section.

Pond Sealing or Lining, Concrete (Code 522): The only major technical revision to this CPS was the addition of leak-detection requirements for installations in high-permeability soils. Other revisions throughout the CPS were made to clarify content, provide examples, improve readability, and maintain paragraph structure. Two purposes were added to the “Purpose” section, and additional criteria were included in the “Criteria” section to address compliance with applicable laws, safety, and existing impoundment requirements.

Precision Land Forming and Smoothing (Code 462): The “Definition” section was revised to replace the term “field” with “land” to allow broader application of the practice. Language in the “Considerations” section was revised to include measures that avoid and minimize impacts on wetlands and wildlife. References were added in the “Considerations” section for Site Assessment and Soil Testing for Contaminants Activity, Conservation Evaluation and Monitoring Activity (CEMA 207), and Soil and Source Testing for Nutrient Management

(CEMA 217) to address soil testing requirements when saline or toxic soils are uncovered. The “References” section was updated accordingly.

Restoration of Rare and Declining Natural Communities (Code 643): Revisions to this CPS emphasize restoring physical and chemical site conditions, reducing overlap with planting and vegetation management practices, and incorporating innovative restoration techniques. New approaches referenced in the CPS include oyster and reef restoration, substrate replacement, low-tech restoration methods, and chemical restoration.

Riparian Forest Buffer (Code 391): Revisions to this CPS provide clearer guidance and broader applicability by making establishment of riparian forest buffers more achievable, predictable, and impactful. Overlap with Drainage Water Management (Code 554) and Streambank and Shoreline Protection (Code 580) when those activities can be planned by other CPS as part of a comprehensive conservation plan was eliminated. The purpose of reducing sediment transport and pathogen transport was divided into two separate purposes to clarify additional criteria needed to implement each purpose. The wildlife purpose was expanded to improve the quality, quantity, or connectivity of terrestrial and aquatic habitat for wildlife, fish, and other organisms.

Roof Runoff Structure (Code 558): This CPS was revised to increase flexibility in selecting materials for constructing roof runoff systems and to clarify criteria for discharging runoff into grassed waterways or diversions. Additional minor edits were made throughout to improve clarity and references were updated.

Salinity and Sodic Soil Management (Code 610): Minor edits were made throughout the CPS to improve clarity and consistency. Additional criteria were added to the “Criteria” section addressing crop species selection based on salt tolerance, measures to reduce surface evaporation, and protections to prevent salt movement to seep outlets.

Sediment Basin (Code 350): In the “Conditions Where Practice Applies” section, the final bullet limiting this practice to low-hazard dams was removed. The “Cultural Resources” subheading in the “General Criteria” subsection was removed because it was considered redundant with the overall compliance statement in the first paragraph of that subsection. Additional minor wording changes were made in the “General Criteria” subsection to improve clarity and readability.

Sinkhole Treatment (Code 527): This CPS was revised to improve clarity and refine technical guidance. Major revisions include refining the purpose of the CPS, limiting its application to in-situ native soils, and allowing assistance for clearing woody debris that obstructs normally draining sinkholes. The “Criteria” section was strengthened by providing clearer safety guidance and hydrologic evaluation requirements, and by removing the previous requirement for geology reports. Additional updates address ecological and cultural resources, modernize mapping guidance, require depth-to-bedrock information, enhance the “Operation and Maintenance” section, and update the “References” section.

Soil Carbon Amendment (Code 336): This CPS was updated by re-ordering criteria, relocating text to appropriate sections, adding brief examples, and refining language to better convey the practice’s intent. Revisions include clarification on when risk assessments are required; establishment of a new minimum carbon-to-nitrogen ratio of 20:1 (excluding biochar); defined timelines for soil and amendment testing; biochar storage requirements; restrictions on application to frozen ground; removal of the exclusion on applying soil carbon amendments produced from crop or woody residues; and expanded operational flexibility for applying amendments on slopes and in high-phosphorus risk areas.

Sprinkler System (Code 442): Minor edits were made throughout the CPS to improve clarity, readability, and consistency. The “Conditions Where Practice Applies” section was updated to clarify the typical flow rate of sprinklers covered by this CPS. A new “Safety” subsection was added under “General Criteria Applicable to All Purposes”. Additionally, a new subsection titled “Variable Rate Irrigation” was added to the “Additional Criteria for Efficient and Uniform Application of Water on Irrigated Lands” section.

Stormwater Runoff Control (Code 570): No major technical changes were made to this CPS. In the “Additional Criteria for Reduction of Water Quantity” subsection, repeated text was removed because it already appears in the “General Criteria” subsection.

Streambank and Shoreline Protection (Code 580): The “General Criteria Applicable to All Purposes” subsection was revised to remove potential causes of resource concern and to add criteria addressing geotechnical stability, ice forces, and scour. The “Criteria” section was updated to include requirements for geotechnical and hydraulic assessments.

Streambank classification criteria were clarified, and new criteria were added to address geotechnical stability, floodplain access, and a wide range of flow conditions. The “Considerations” section was expanded to add considerations emphasizing treatment variability and floodplain access. The “Operation and Maintenance” section was updated to include criteria addressing overbank flows and vegetation traffic. The “References” section was updated to include current and relevant technical resources.

Structures for Wildlife (Code 649): Revisions to this CPS improve clarity in the definition, purpose, and applicability. Additions to the “Criteria” section enhance structure use by target species and expand the range of acceptable structural options. New provisions allow for modification of existing human-made structures that negatively impact wildlife.

Surface Drain, Field Ditch (Code 607): Revisions to this CPS remove redundant language, adopt active voice for improved clarity, and eliminate wording that could reclassify actively farmed or maintained drainage areas.

Waste Facility Closure (Code 360): This CPS was revised to improve clarity and to better align its requirements with those of the Nutrient Management (Code 590) CPS.

Waste Transfer (Code 634): This CPS was revised to add flexibility in pressure pipeline design by allowing the use of industry pipeline design standards. Additional edits throughout the standard improve clarity. The “References” section was updated to include the most current resources, including Federal Emergency Management Agency (FEMA) floodproofing guidance.

Water Harvesting Catchment (Code 636): The “Definition” section was revised to emphasize the collection of precipitation runoff. The “Purpose” section was updated to focus on water collection rather than distribution. The “Conditions Where Practice Applies” section was rewritten to include guzzlers. The “Criteria” section was updated to incorporate safety and structural requirements consistent with Roofs and Covers (Code 367), add measures to prevent debris entry, and address tank stability. The “Considerations” section was expanded to include mosquito and pest issues.

Wetland Enhancement (Code 659): Revisions to this CPS streamline its scope to focus only on abiotic activities, such as earthmoving, that improve hydrologic wetland functions. The updates also reduce overlap with other CPS by ensuring that structural and

vegetative practices are planned together, as appropriate, within a comprehensive conservation approach.

Wildlife Habitat Planting (Code 420): Revisions to this CPS provide clearer guidance to directly support farmers. Formatting updates align the CPS with recent revisions made to other biology discipline CPS. The changes reduce overlap between vegetative planting practices and vegetation management practices when management should be addressed by another practice standard within a comprehensive conservation plan. Technical criteria were improved to ensure CPSs intent and requirements are met. The “References” section was updated to include the most current resources.

Windbreak-Shelterbelt Establishment and Renovation (Code 380): The title of this CPS was shortened because the definition already clarifies that the practice is used to establish, enhance, or restore windbreaks, and is also known as shelterbelt. The carbon storage purpose was moved to the “Considerations” section because it represents a secondary benefit. The energy use purpose was also moved to the “Considerations” section, as practice standard purposes must be achievable within the practice lifespan, and trees and shrubs generally require more than the fifteen-year practice lifespan to reach heights that shade structures and reduce energy use. Noise reduction and visual screen considerations were removed because they do not address a resource concern. Updated guidance reflecting current technology was added to support conservation planners in practice design and implementation.

Scott Edwards,
Associate Chief, Natural Resources
Conservation Service.

[FR Doc. 2026-17863 Filed 8-31-26; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-108-2026]

Foreign-Trade Zone 61; Application for Subzone; Viatris Pharmaceuticals, LLC; Vega Baja, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Department of Economic Development and Commerce, grantee of FTZ 61, requesting subzone status for the facility of Viatris Pharmaceuticals, LLC, located in Vega Baja, Puerto Rico. The application was submitted pursuant

to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 26, 2026.

The proposed subzone (57.4 acres) is located at Road 689, Km. 1.9, Vega Baja, Puerto Rico. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B-100-2026).

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is October 13, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through October 26, 2026.

A copy of the application will be available for public inspection in the “Online FTZ Information Section” section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille.Evans@trade.gov.

Dated: August 26, 2026.

Juanita Chen,
Acting Executive Secretary.

[FR Doc. 2026-17773 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List; Note Regarding Format of Review Requests

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

Background

Each year during the anniversary month of the publication of an antidumping duty (AD) or countervailing duty (CVD) order,

finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the U.S. Department of Commerce (Commerce) conduct an administrative review of that AD or CVD order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Commerce asks that requests for review of multiple companies include an appendix listing, in alphabetical order, the company names for which a review is requested. *See infra* for additional details regarding this request.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under administrative protective order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

1. In general, Commerce finds that determinations concerning whether particular companies should be

“collapsed” (*i.e.*, treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*i.e.*, investigation, administrative review, new shipper review, or changed circumstances review).

2. For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

3. Parties are requested to: (a) identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed.

4. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The

regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation, pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity to Request a Review: Not later than the last day of September 2026,² interested parties may request an administrative review of the following orders, findings, or suspended investigations, with anniversary dates in September for the following periods:

	Period
Antidumping Duty Proceedings	
BELARUS: Steel Concrete Reinforcing Bars, A-822-804	8/31/26-9/1/25
BRAZIL: Emulsion Styrene-Butadiene Rubber, A-351-849	9/1/25-8/31/26
INDIA:	
Cold-Rolled Steel Flat Products, A-533-865	9/1/25-8/31/26
Lined Paper Products, A-533-843	9/1/25-8/31/26
Mattresses, A-533-919	9/1/25-8/31/26

¹ See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

² Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

	Period
Certain Oil Country Tubular Goods, A-533-857	9/1/25-8/31/26
INDONESIA: Steel Concrete Reinforcing Bars, A-560-811	9/1/25-8/31/26
ISRAEL: Brass Rod, A-508-814	9/1/25-8/31/26
JAPAN:	
Methionine, A-588-879	9/1/25-8/31/26
Stainless Steel Wire Rod, A-588-843	9/1/25-8/31/26
KOSOVO: Mattresses, A-803-001	9/1/25-8/31/26
LATVIA: Steel Concrete Reinforcing Bars, A-449-804	9/1/25-8/31/26
MEXICO:	
Emulsion Styrene-Butadiene Rubber, A-201-848	9/1/25-8/31/26
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-201-847	9/1/25-8/31/26
Certain Magnesite Carbon Bricks, A-201-837	9/1/25-8/31/26
Mattresses, A-201-859	9/1/25-8/31/26
MOLDOVA: Steel Concrete Reinforcing Bars, A-841-804	9/1/25-8/31/26
POLAND:	
Emulsion Styrene-Butadiene Rubber, A-455-805	9/1/25-8/31/26
Steel Concrete Reinforcing Bars, A-455-803	9/1/25-8/31/26
REPUBLIC OF KOREA:	
Certain Oil Country Tubular Goods, A-580-870	9/1/25-8/31/26
Cold-Rolled Steel Flat Products, A-580-881	9/1/25-8/31/26
Emulsion Styrene-Butadiene Rubber, A-580-890	9/1/25-8/31/26
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-580-880	9/1/25-8/31/26
Stainless Steel Wire Rod, A-580-829	9/1/25-8/31/26
Polyethylene Terephthalate Sheet, A-580-903	9/1/25-9/9/25
REPUBLIC OF TÜRKİYE:	
Certain Oil Country Tubular Goods, A-489-816	9/1/25-8/31/26
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-489-824	9/1/25-8/31/26
SOCIALIST REPUBLIC OF VIETNAM: Certain Oil Country Tubular Goods, A-552-817	9/1/25-8/31/26
SPAIN:	
Mattresses, A-469-826	9/1/25-8/31/26
Methionine, A-469-822	9/1/25-8/31/26
SRI LANKA: Paper File Folders, A-542-806	5/29/25-8/31/26
TAIWAN:	
Forged Steel Fittings, A-583-863	9/1/25-8/31/26
Narrow Woven Ribbons with Woven Selvedge, A-583-844	9/1/25-8/31/26
Raw Flexible Magnets, A-583-842	9/1/25-8/31/26
Stainless Steel Wire Rod, A-583-828	9/1/25-8/31/26
THE PEOPLE'S REPUBLIC OF CHINA:	
Certain Kitchen Appliance Shelving and Racks, A-570-941	9/1/25-8/31/26
Certain Magnesite Carbon Bricks, A-570-954	9/1/25-8/31/26
Certain Steel Wheels 12 to 16.5 Inches in Diameter, A-570-090	9/1/25-8/31/26
Foundry Coke Products, A-570-862	9/1/25-8/31/26
Hexamine, A-570-180	5/6/25-8/31/26
Certain Lined Paper Products, A-570-901	9/1/25-8/31/26
Narrow Woven Ribbons With Woven Selvedge, A-570-952	9/1/25-8/31/26
Raw Flexible Magnets, A-570-922	9/1/25-8/31/26
Sol Gel Alumina-Based Ceramic Abrasive Grains, A-570-190	6/2/25-8/31/26
Steel Concrete Reinforcing Bars, A-570-860	9/1/25-8/31/26
Certain Steel Racks and Parts Thereof, A-570-088	9/1/25-8/31/26
UKRAINE: Steel Concrete Reinforcing Bars, A-823-809	9/1/25-8/31/26
UNITED KINGDOM: Cold-Rolled Steel Flat Products, A-412-824	9/1/25-8/31/26
Countervailing Duty Proceedings	
INDIA:	
Certain Oil Country Tubular Goods, C-533-858	1/1/25-12/31/25
Cold-Rolled Steel Flat Products, C-533-866	1/1/25-12/31/25
Lined Paper Products, C-533-844	1/1/25-12/31/25
ISRAEL: Brass Rod, C-508-815	1/1/25-12/31/25
REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, C-580-882	1/1/25-12/31/25
REPUBLIC OF TÜRKİYE:	
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C-489-825	1/1/25-12/31/25
Certain Oil Country Tubular Goods, C-489-817	1/1/25-12/31/25
THE PEOPLE'S REPUBLIC OF CHINA:	
Certain Kitchen Appliance Shelving and Racks, C-570-942	1/1/25-12/31/25
Certain Magnesite Carbon Bricks, C-570-955	1/1/25-12/31/25
Certain Steel Wheels 12 to 16.5 Inches in Diameter, C-570-091	1/1/25-12/31/25
Hexamine, C-570-181	3/7/25-12/31/25
Narrow Woven Ribbons with Woven Selvedge, C-570-953	1/1/25-12/31/25
Raw Flexible Magnets, C-570-923	1/1/25-12/31/25
Sol Gel Alumina-Based Ceramic Abrasive Grains, C-570-191	2/3/25-12/31/25
Certain Steel Racks and Parts Thereof, C-570-089	1/1/25-12/31/25

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that Commerce conduct an administrative review. For both AD and CVD reviews, the interested party must specify the individual producers or exporters covered by an AD finding or an AD or CVD order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires Commerce to review those particular producers or exporters. If the interested party intends for Commerce to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for Commerce to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

Commerce is instituting a new formatting request. Specifically, Commerce asks that requests for review of multiple companies also include an appendix listing, in alphabetical order, the company names for which a review is requested. The list should be limited solely to company names and formatted as a single column, with each company name identified on a separate line, except in the case of companies that Commerce previously determined should be collapsed into a single entity or found to be cross-owned with other companies. Companies that Commerce previously determined should be collapsed or found to be cross-owned with one another should be listed together as a group, on one line—or more, as needed, for the group—with the company names within each group

listed alphabetically and separated by semicolons.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (June 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to AD findings and orders.³

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an AD administrative review.⁴ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁵ In administrative reviews of AD orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an AD administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

³ See Enforcement and Compliance's website at <https://www.trade.gov/us-antidumping-and-countervailing-duties-home-page>.

⁴ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁵ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁶ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Interested parties should note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁷

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of September 2026. If Commerce does not receive, by the last day of September 2026, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled "*Regulations To Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the **Federal Register**.⁸ On September 27, 2021, Commerce also published the notice entitled "*Scope Ruling Application; Annual Inquiry Service List; and Informational*

⁶ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

⁷ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

⁸ See *Regulations To Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

Sessions” in the **Federal Register**.⁹ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹⁰

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS and, on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called “AISL-Annual Inquiry Service List.”¹¹

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.¹² Accordingly, Commerce will update the annual inquiry service lists for the above-listed AD and CVD proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) new interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) interested parties who were included in the

preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year’s annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from “Active” to “Needs Amendment” for the annual inquiry service lists corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule*,¹³ once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties’ amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”¹⁴ Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry

service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–17810 Filed 8–31–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–955]

Perfluoroalkoxy Alkane From India: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 25, 2026.

FOR FURTHER INFORMATION CONTACT: Patrick Barton, Office VIII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0012.

SUPPLEMENTARY INFORMATION:

The Petition

On August 5, 2026, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of perfluoroalkoxy alkane (PFA) from India, filed in proper form on behalf of The Chemours Company FC, LLC (the petitioner), a domestic producer of PFA.¹ The CVD Petition was accompanied by an antidumping duty (AD) petition concerning imports of PFA from India.²

Between August 11 and 24, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between August 14 and

¹ See Petitioner’s Letter, “Petition for the Imposition of Antidumping and Countervailing Duties,” dated August 5, 2026 (Petition).

² *Id.*

³ See Commerce’s Letters, “General Issues Supplemental Questions,” dated August 11, 2026

⁹ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁰ *Id.*

¹¹ This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL-January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹² See *Procedural Guidance*, 86 FR at 53206.

¹³ See *Final Rule*, 86 FR at 52335.

¹⁴ *Id.*

25, 2026, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of India (GOI) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of PFA from India, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing PFA in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on August 5, 2026, the POI is January 1, 2025, through December 31, 2025.⁶

(First General Issues Supplemental Questionnaire); "Supplemental Questions," dated August 11, 2026 (First India CVD Supplemental Questionnaire); "Second General Issues Supplemental Questions," dated August 18, 2026 (Second General Issues Questionnaire); and "Second Supplemental Questions," dated August 21, 2026 (Second India CVD Supplemental Questionnaire); *see also* Memorandum, "Teleconference with Counsel to the Petitioner," dated August 24, 2026 (Third General Issues Supplemental Questionnaire).

⁴ See Petitioner's Letters, "Petitioner's Response to the U.S. Department of Commerce's Supplemental Questionnaire Regarding Volume I of the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of PFA From India," dated August 14, 2026 (First General Issues Supplement); "Petitioner's Response to the U.S. Department of Commerce's Supplemental Questionnaire Regarding Volume III of the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports from India," dated August 14, 2026; "Petitioner's Response to the U.S. Department of Commerce's Second Supplemental Questionnaire Regarding Volume I of the Petitions," dated August 21 2026 (Second General Issues Supplement); "Petitioner's Response to the U.S. Department of Commerce's Second Supplemental Questionnaire Regarding Volume III of the Petitions," dated August 24, 2026; and "Petitioner's Response to the U.S. Department of Commerce's Additional Questions Pertaining to Proposed Scope of the Investigations," dated August 25, 2026 (Third General Issues Supplement).

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See 19 CFR 351.204(b)(2).

Scope of the Investigation

The product covered by this investigation is PFA from India. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between August 11 and 24, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ Between August 14 and 25, 2026, the petitioner provided clarifications and revised the scope.⁸ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.¹⁰ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on September 14, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should

⁷ See First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire; and Third General Issues Supplemental Questionnaire.

⁸ See First General Issues Supplement at 3–11; *see also* Second General Issues Supplement at 2–12; and Third General Issues Supplement at 2–6 and Exhibit SQR3–I–1.

⁹ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

¹⁰ See 19 CFR 351.102(b)(21) (defining "factual information").

also be limited to public information, must be filed by 5:00 p.m. ET on September 24, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOI of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹² Commerce held consultations with the GOI on August 18, 2026.¹³

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also* *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹² See Commerce's Letter, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated August 5, 2026.

¹³ See Memorandum, "Consultations with the Government of India," dated August 21, 2026; *see also* GOI's Letter, "Pre-initiation comments and Consultation note," dated August 19, 2026.

than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁴ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁵

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁶ Based on our analysis of

the information submitted on the record, we have determined that PFA, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁷

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2025.¹⁸ The petitioner identified itself as the only producer of PFA in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.¹⁹ We relied on data provided by the petitioner for purposes of measuring industry support.²⁰

Our review of the data provided in the Petition, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.²¹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²² Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²³ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product

produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁴ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁵

Injury Test

Because India is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁶

The petitioner contends that the industry’s injured condition is illustrated by a significant increase in the absolute volume of subject imports; significant increase in the volume of subject imports relative to apparent U.S. consumption; underselling and price depression and suppression; negative impact on financial performance; lost sales and revenue; decline in production, capacity utilization, and U.S. shipments; and increase in subject imports market penetration.²⁷ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁸

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of PFA from

¹⁴ See section 771(10) of the Act.

¹⁵ See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁶ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist,

“Countervailing Duty Investigation Initiation Checklist: Perfluoroalkoxy Alkane from India,” dated concurrently with, and hereby adopted by, this notice (India CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Perfluoroalkoxy Alkane from India (Attachment II). This checklist is on file electronically via ACCESS.

¹⁷ For further discussion, see Attachment II of the India CVD Initiation Checklist.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*; see also section 702(c)(4)(D) of the Act.

²³ See Attachment II of the India CVD Initiation Checklist.

²⁴ *Id.*

²⁵ *Id.*

²⁶ For further discussion, see India CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Perfluoroalkoxy Alkane from India.

²⁷ *Id.*

²⁸ *Id.*

India benefit from countervailable subsidies conferred by the GOI. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 21 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioner identified one company (*i.e.*, Gujarat Fluorochemicals Limited (GFL)) in India.²⁹ We currently know of no additional producers/exporters of PFA from India. Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in the investigation.

Accordingly, Commerce intends to individually examine the only known producer/exporter in the investigation in the investigation from India (*i.e.*, GFL). We invite interested parties to comment on this issue. Such comments may include factual information within the meaning of 19 CFR 351.102(b)(21). Parties wishing to comment must do so within three business days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Because we intend to examine the only known producer/exporter in India, if no comments are received or if comments received further support the existence of only this producer/exporter in India, we do not intend to conduct respondent selection and will proceed to issuing the initial CVD questionnaire to the company identified. However, if comments are received which create a need for a respondent selection process, we intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of a Copy of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the

GOI via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of PFA from India is materially injuring, or threatening material injury to, a U.S. industry.³⁰ A negative ITC determination will result in the investigation being terminated.³¹ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³² and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³³ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a

time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁴ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁵

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁶ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁷ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they

³⁴ See 19 CFR 351.302.

³⁵ See 19 CFR 351.301; *see also* *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁶ See section 782(b) of the Act.

³⁷ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule*, available at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

²⁹ See Petition at Volume I (page 14 and Exhibit GEN-12).

³⁰ See section 703(a)(1) of the Act.

³¹ *Id.*

³² See 19 CFR 351.301(b).

³³ See 19 CFR 351.301(b)(2).

meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³⁸

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 25, 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

Scope of the Investigation

The merchandise covered by this investigation is perfluoroalkoxy alkane (PFA), a copolymer of tetrafluoroethylene and perfluoroalkoxy side chains. Its chemical structure is represented as a repeating chain of tetrafluoroethylene units with perfluoroalkoxy side chains $-(CF_2-CF_2)_n-(CF_2-CF(OR_f))_m-$ where R_f is a perfluorinated alkyl group (e.g., $-CF_3$, $-C_2F_5$, $-C_3F_7$). PFA is normally associated with Chemical Abstracts Service (CAS) registry number 26655-00-5 and may also be associated with registry number 31784-04-0.

The scope includes PFA resin in primary form (including, but not limited to pellets, granules, cubes, powder, flakes, fluff, or aqueous dispersions). PFA has a minimum melting endotherm peak temperature of 265 degrees Celsius and a melt flow rate of greater than or equal to 1 g/10 min, measured in accordance with applicable ASTM standards.

PFA resin in primary form may contain minor processing aids and additives inherent to the PFA manufacturing process. This merchandise remains covered by the scope to the extent that the PFA content constitutes at least 98 percent of the material by dry weight.

PFA resin in primary form may be compounded, mixed, or otherwise blended with fillers or reinforcing materials subsequent to the manufacturing of PFA resin. These fillers or reinforcing materials include, but are not limited to, stabilizers, pigments, glass fiber, carbon fiber, carbon black, graphite, mineral fillers, or similar reinforcing additives. The scope includes only the PFA component of any PFA compounded, mixed, or otherwise blended with non-PFA fillers or reinforcing materials after production, when the PFA content constitutes at least 80 percent of the material by dry weight.

The scope also includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including by packaging with another product, or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the

scope of the investigation. When packaged with another product, only the PFA resin is covered.

The scope also includes PFA that is commingled or blended with PFA from sources not subject to the investigation. In such circumstances, only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope of this investigation is merchandise that has a minimum melting endotherm peak temperature of less than 265°C or a melt flow rate of less than 1 g/10 min.

Also excluded from the scope of this investigation is PFA in which minor processing aids and additives used in the manufacturing of PFA resin result in PFA resin representing less than 98 percent of that merchandise by dry weight. When PFA has been compounded with fillers or reinforcing materials, the PFA component of the compounded merchandise is excluded when it is less than 80 percent of the compounded material by dry weight.

The subject merchandise is currently properly classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3904.69.5000. Products subject to this investigation may also enter under HTSUS subheadings 3904.61.0010, 3904.61.0090 and 3904.69.1000. Although the HTSUS subheading and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-168, C-570-169]

Certain Alkyl Phosphate Esters From the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from ICL-IP America, Inc. (the requester), the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether spray-foam systems from Thailand, which are completed or assembled with components produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain alkyl phosphate esters (esters) from China.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Patrick Barton or Enio Guevara, AD/CVD Operations, Office VIII

Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0012 or (202) 482-4986, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2026, pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226, the petitioner filed a circumvention inquiry request alleging that U.S. imports of spray-foam systems from Thailand containing a blend of Chinese-origin esters are circumventing the *Orders*.¹ On July 13, 2026, Commerce issued a deficiencies questionnaire to the requester regarding the Circumvention Request.² On July 27, 2026, the requester responded to Commerce's Deficiencies Questionnaire.³ Accordingly, pursuant to 19 CFR 351.226(d)(1)(ii), the deadline for Commerce to determine whether to initiate the requested circumvention inquiry is August 26, 2026.

Scope of the Orders

The merchandise covered by the scope of the *Orders* is esters from China. For a complete description of the scope of the *Orders*, see the Circumvention Initiation Checklist.⁴

Merchandise Subject to the Circumvention Inquiry

The merchandise subject to this inquiry is the esters containing side (i.e., the "B" side component) of spray-foam systems completed or assembled in Thailand with Chinese-origin esters. Commerce is currently conducting a scope inquiry to determine whether certain components (i.e., the "B" side)

¹ See *Certain Alkyl Phosphate Esters from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 90 FR 24579 (June 11, 2025); and *Certain Alkyl Phosphate Esters from the People's Republic of China: Antidumping and Countervailing Duty Orders; Correction*, 90 FR 26967 (June 25, 2025) (collectively, *Orders*); see also Requester's Letter, "Request to Initiate Scope and Anti-Circumvention Inquiries Regarding Imports from Thailand of Certain Spray-Foam Systems Containing a Blend of Chinese Alkyl Phosphate Esters," dated June 30, 2026 (Circumvention Request).

² See Commerce's Letter, "Deficiencies Questionnaire," dated July 13, 2026 (Deficiencies Questionnaire).

³ See Requester's Letter, "ICL Response to Supplemental Questionnaire," dated July 27, 2026.

⁴ See Checklist, "Antidumping Duty and Countervailing Duty Orders on Certain Alkyl Phosphate Esters from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Circumvention Initiation Checklist), at Attachment.

³⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

of spray-foam systems are within the scope of the *Orders*.⁵

Statutory and Regulatory Requirements To Initiate a Circumvention Inquiry

Section 351.226(d)(1)(iii) of Commerce's regulations states that, if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each circumvention inquiry request allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." The requester alleges circumvention pursuant to section 781(b) of the Act (*i.e.*, merchandise completed or assembled in other foreign countries).⁶

Section 781(b)(1) of the Act provides that Commerce may find circumvention of an order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting a circumvention inquiry under section 781(b)(1) of the Act, Commerce relies on the following criteria: (A) merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an AD or CVD order or finding; (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or merchandise which is produced in the foreign country that is subject to the order; (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant; (D) the value of the merchandise produced in the foreign country to which the AD or CVD order applies is a significant portion of the total value of the merchandise exported to the United States; and (E) the administering authority determines that action is appropriate to prevent evasion of such order or finding.

In determining whether the process of assembly or completion in the foreign

country is minor or insignificant under section 781(b)(1)(C) of the Act, section 781(b)(2) of the Act directs Commerce to consider: (A) the level of investment in the foreign country; (B) the level of research and development in the foreign country; (C) the nature of the production process in the foreign country; (D) the extent of production facilities in the foreign country; and (E) whether or not the value of processing performed in the foreign country represents a small proportion of the value of the merchandise imported into the United States. However, no single factor, by itself, controls Commerce's determination of whether the process of assembly or completion in a third country is minor or insignificant.⁷ Accordingly, it is Commerce's practice to evaluate each of these five factors as they exist in the third country, depending on the totality of the circumstances of the particular circumvention inquiry.⁸

Section 781(b)(3) of the Act sets forth additional factors to consider in determining whether to include merchandise assembled or completed in a third country within the scope of an AD and/or CVD order. Specifically, Commerce shall take into account such factors as: (A) the pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the merchandise is affiliated with the person who, in the third country, uses the merchandise to complete or assemble the merchandise which is subsequently imported into the United States; and (C) whether imports of the merchandise into the third country have increased after the initiation of the investigation that resulted in the issuance of such order or finding.

Analysis

Based on our analysis of the requester's circumvention request, Commerce determines that the requester has satisfied the criteria under 19 CFR 351.226(c) to warrant the initiation of a circumvention inquiry of the *Orders*. Thus, pursuant to 19 CFR 351.226(d)(1)(iii), we are initiating the requested circumvention inquiry. For a full discussion of the basis for our decision to initiate the circumvention inquiry, *see* the Circumvention

Initiation Checklist.⁹ As explained in the Circumvention Initiation Checklist, the information provided by the requester warrants initiating this circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.¹⁰

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to issue a questionnaire to solicit information from producers and exporters in Thailand concerning their production of spray-foam systems and their shipments thereof to the United States, should the ongoing scope inquiry determine that the spray-foam systems are within the scope of the *Orders*.¹¹

Respondent Selection

Commerce intends to base respondent selection upon responses to the quantity and value (Q&V) questionnaire that it intends to issue, should the ongoing scope inquiry determine that spray-foam systems are within the scope of the *Orders*.¹² to each potential respondent for which there is complete address information on the record. Commerce intends to issue, and establish a deadline for responding to, the Q&V questionnaire upon completion of the ongoing scope inquiry, should Commerce determine that spray-foam systems are within the scope of the *Orders*. Comments regarding the Q&V questionnaire responses, and respondent selection, should be submitted within seven days after the deadline to respond to Commerce's Q&V questionnaire. Parties wishing to submit

⁹ See Circumvention Initiation Checklist.

¹⁰ See, e.g., *Certain Corrosion-Resistant Steel Products from the Republic of Korea and Taiwan: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 83 FR 37785 (August 2, 2018) (*CORE from Korea and Taiwan*); *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order*, 82 FR 40556, 40560 (August 25, 2017) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted); and *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 81 FR 79454, 79458 (November 14, 2016) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted).

¹¹ See *CORE from Korea and Taiwan*, 83 FR at 37790; *see also Certain Alkyl Phosphate Esters from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders*, 91 FR 46404 (July 23, 2026) (*Spray-Foam Systems from China Circ*).

¹² See *Spray-Foam Systems from China Circ*, 91 FR at 46404.

⁵ See *Certain Alkyl Phosphate Esters from the People's Republic of China: Initiation of Scope Inquiry and Deferral of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 91 FR 46404 (July 23, 2026); *see also* Memorandum, "Initiation of Scope Inquiry in Lieu of Circumvention Inquiry for Spray-Foam Systems Containing Certain Alkyl Phosphate Esters from the People's Republic of China," dated July 16, 2026.

⁶ See Circumvention Request at 1.

⁷ See Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA), H.R. Doc. No. 103-316 (1994) at 893.

⁸ See *Uncovered Innerspring Units from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 83 FR 65626 (December 21, 2018), and accompanying Issues and Decision Memorandum at 4.

rebuttal comments should submit those comments within five days after the deadline for the initial comments.

Commerce intends to establish a schedule for questionnaire responses after respondent selection. A company's failure to completely respond to Commerce's requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹³ An electronically filed document must be received successfully in its entirety by the applicable deadline. Each submission must be placed on the record of the segment of the AD proceeding (*i.e.*, A-570-168), ACCESS circumvention inquiry segment "Spray Foam Systems from Thailand."

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), when Commerce initiates a circumvention inquiry under 19 CFR 351.226(d), Commerce will notify U.S. Customs and Border Protection (CBP) of the initiation and direct CBP to continue the suspension of liquidation of entries of products covered by the circumvention inquiry that were already covered by the suspension of liquidation under the *Orders*, and to apply the cash deposit rate that would be applicable if the product was determined to be covered by the scope of the *Orders*.

Accordingly, Commerce will notify CBP of the initiation of the circumvention inquiry and direct CBP to continue to suspend (unliquidated) entries of the products covered by the circumvention inquiry that were already covered by the suspension of liquidation. In addition, Commerce will direct CBP to apply the cash deposit rate that would be applicable if the products were determined to be circumventing the *Orders*.

¹³ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011), as amended in *Enforcement and Compliance; Change of Electronic Filing System name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

In the event that Commerce issues affirmative preliminary or final circumvention determinations that the products from Thailand are circumventing the *Orders*, Commerce will instruct CBP to continue the suspension of liquidation of previously suspended entries and to apply the applicable cash deposit rate. Commerce will also instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the notice of initiation of the circumvention inquiries pursuant to paragraphs (l)(2)(ii) and (l)(3)(ii).

In addition, pursuant to paragraphs (l)(2)(iii)(A) and (l)(3)(iii)(A), Commerce may instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, prior to the date of initiation of the circumvention inquiry.¹⁴ These rules will not affect CBP's authority to take any additional action with respect to the suspension of liquidation or related measures for these entries, as stated in 19 CFR 351.226(l)(5).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(b) of the Act, Commerce determines that the request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of a circumvention inquiry to determine whether imports of spray-foam systems containing a blend of esters completed or assembled in Thailand using components manufactured in China are circumventing the *Orders*. In addition, we have included a description of the products that are the subject of this inquiry, and an explanation of the reasons for Commerce's decision to initiate this inquiry as provided above and in the accompanying Circumvention Initiation Checklist.

In accordance with 19 CFR 351.226(e)(1), Commerce intends to issue its preliminary circumvention determination within 150 days from the date of publication of the notice of initiation of a circumvention inquiry in the **Federal Register**. Furthermore, in accordance with section 781(f) of the Act and 19 CFR 351.226(e)(2), unless

¹⁴ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52345-48 (September 20, 2021).

the circumvention inquiry is rescinded, in whole or in part, or extended, Commerce intends to issue its final determination within 300 days from the date of publication of the notice of initiation of the circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(b) of the Act and 19 CFR 351.226(d)(1)(iii).

Dated: August 26, 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.

[FR Doc. 2026-17795 Filed 8-31-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-954]

Perfluoroalkoxy Alkane From India: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 25, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Waddell, Office VI, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1369.

SUPPLEMENTARY INFORMATION:

The Petition

On August 5, 2026, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of perfluoroalkoxy alkane (PFA) from India, filed in proper form on behalf of The Chemours Company FC, LLC (the petitioner), a domestic producer of PFA.¹ The AD Petition was accompanied by a countervailing duty (CVD) petition concerning imports of PFA from India.²

Between August 11 and 24, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between August 14 and

¹ See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated August 5, 2026 (Petition).

² *Id.*

³ See Commerce's Letters, "General Issues Supplemental Questions," dated August 11, 2026 (First General Issues Supplemental Questionnaire);

25, 2026, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of PFA from India are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the PFA industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on August 5, 2026, pursuant to 19 CFR 351.204(b)(1), the POI for the India LTFV investigation is July 1, 2025, through June 30, 2026.

Scope of the Investigation

The product covered by this investigation is PFA from India. For a

full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between August 11 and 24, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ Between August 14 and 25, 2026, the petitioner provided clarifications and revised the scope.⁷ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.⁹ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on September 14, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information and should also be limited to public information, must be filed by 5:00 p.m. ET on September 24, 2026, which is 10

calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁰ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of PFA to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics

⁴ "Supplemental Questions," dated August 11, 2026 (First India AD Supplemental Questionnaire); "Second Supplemental Questions," dated August 18, 2026 (Second India AD Supplemental Questionnaire); and "Second General Issues Supplemental Questions," dated August 18, 2026 (Second General Issues Supplemental Questionnaire); *see also* Memorandum, "Teleconference with Counsel to the Petitioner," dated August 24, 2026 (Third General Issues Supplemental Questionnaire).

⁵ *See* Petitioner's Letters, "Petitioner's Response to the U.S. Department of Commerce's Supplemental Questionnaire Regarding Volume I of the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of PFA From India," dated August 14, 2026 (First General Issues Supplement); "Petitioner's Response to the U.S. Department of Commerce's Supplemental Questionnaire Regarding Volume II of the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports From India," dated August 14, 2026; "Petitioner's Response to the U.S. Department of Commerce's Second Supplemental Questionnaire Regarding Volume II of the Petitions," dated August 20, 2026; "Petitioner's Response to the U.S. Department of Commerce's Second Supplemental Questionnaire Regarding Volume I of the Petitions," dated August 21, 2026 (Second General Issues Supplement); and "Petitioner's Response to the U.S. Department of Commerce's Additional Questions Pertaining to Proposed Scope of the Investigations," dated August 25, 2026 (Third General Issues Supplement).

⁶ *See* section on "Determination of Industry Support for the Petition," *infra*.

⁶ *See* First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire; and Third General Issues Supplemental Questionnaire.

⁷ *See* First General Issues Supplement 3–11; *see also* Second General Issues Supplement at 2–12 and Exhibit SQR2–I–1; and Third General Issues Supplement at 2–6 and Exhibit SQR3–I–1.

⁸ *See* Antidumping Duties; Countervailing Duties, Final Rule, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

⁹ *See* 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ *See* Antidumping and Countervailing Duty Proceedings; Electronic Filing Procedures; Administrative Protective Order Procedures, 76 FR 39263 (July 6, 2011); *see also* Enforcement and Compliance; Change of Electronic Filing System Name, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

utilized by manufacturers to describe PFA, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on September 14, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on September 24, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in

order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹²

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹³ Based on our analysis of the information submitted on the record, we have determined that PFA, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁴

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own 2025 production of the domestic like product.¹⁵ The petitioner identified itself as the only producer of PFA in the United States; therefore, the Petition is supported by 100 percent of the U.S.

¹¹ See section 771(10) of the Act.

¹² See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹³ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, “Antidumping Duty Investigation Initiation Checklist: Perfluoroalkoxy Alkane from India,” dated concurrently with, and hereby adopted by, this notice (India AD Initiation Checklist), at Attachment II, “Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Perfluoroalkoxy Alkane from India” (Attachment II). This checklist is on file electronically via ACCESS.

¹⁴ For further discussion, see Attachment II of the India AD Initiation Checklist.

¹⁵ *Id.*

industry.¹⁶ We relied on data provided by the petitioner for purposes of measuring industry support.¹⁷

Our review of the data provided in the Petition, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.¹⁸ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).¹⁹ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²⁰ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²¹ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²²

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²³

The petitioner contends that the industry’s injured condition is illustrated by a significant increase in the absolute volume of subject imports;

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*; see also section 732(c)(4)(D) of the Act.

²⁰ See Attachment II of the India AD Initiation Checklist.

²¹ *Id.*

²² *Id.*

²³ For further discussion, see India AD Initiation Checklist at Attachment III, “Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Perfluoroalkoxy Alkane from India.”

significant increase in the volume of subject imports relative to apparent U.S. consumption; underselling and price depression and suppression; negative impact on financial performance; lost sales and revenue; decline in production, capacity utilization, and U.S. shipments; and increase in subject imports market penetration.²⁴ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁵

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an LTFV investigation of imports of PFA from India. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the India AD Initiation Checklist.

U.S. Price

Because the petitioner had reason to believe the sale or sales offer was made through a U.S. affiliate, the petitioner based constructed export price (CEP) on pricing information for PFA produced in India and sold or offered for sale in the U.S. market.²⁶ The petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.²⁷

*Normal Value*²⁸

The petitioner calculated NV on home market pricing information it obtained for PFA produced in and sold, or offered for sale, in India during the POI.²⁹

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of PFA from India are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of CEP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for PFA from India

covered by this initiation range from 38.78 to 46.80 percent.³⁰

Initiation of LTFV Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating an LTFV investigation to determine whether imports of PFA from India are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioner identified one company in India (*i.e.*, Gujarat Fluorochemicals Limited (GFL)) as a producer and/or an exporter of PFA.³¹ We currently know of no additional producers/exporters of PFA from India.

Accordingly, Commerce intends to individually examine the only known producer/exporter in the investigation in the investigation from India (*i.e.*, GFL). We invite interested parties to comment on this issue. Such comments may include factual information within the meaning of 19 CFR 351.102(b)(21). Parties wishing to comment must do so within three business days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Because we intend to examine the only known producer/exporter in India, if no comments are received or if comments received further support the existence of only this producer/exporter in India, we do not intend to conduct respondent selection and will proceed to issuing the initial AD questionnaire to the company identified. However, if comments are received which create a need for a respondent selection process, we intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of a Copy of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version

of the Petition has been provided to the Government of India via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of PFA from India are materially injuring, or threatening material injury to, a U.S. industry.³² A negative ITC determination will result in the investigation being terminated.³³ Otherwise, this LTFV investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁴ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁵ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

²⁴ *Id.*

²⁵ *Id.*

²⁶ See India AD Initiation Checklist.

²⁷ *Id.*

²⁸ In accordance with section 773(b)(2) of the Act, for this investigation, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

²⁹ See India AD Initiation Checklist.

³⁰ *Id.*

³¹ See Petition at Volume I (page 21); see also First General Issues Supplement at 11–12 and Exhibits SQR–I–1 and SQR–I–2.

³² See section 733(a) of the Act.

³³ *Id.*

³⁴ See 19 CFR 351.301(b).

³⁵ See 19 CFR 351.301(b)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁶ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁷

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁸ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁹ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

³⁶ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁷ See 19 CFR 351.302; see also, e.g., *Time Limits Final Rule*.

³⁸ See section 782(b) of the Act.

³⁹ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁰

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 25, 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

Scope of the Investigation

The merchandise covered by this investigation is perfluoroalkoxy alkane (PFA), a copolymer of tetrafluoroethylene and perfluoroalkoxy side chains. Its chemical structure is represented as a repeating chain of tetrafluoroethylene units with perfluoroalkoxy side chains $-(CF_2-CF_2)_n-(CF_2-CF(OR_f))_m-$ where R_f is a perfluorinated alkyl group (e.g., $-CF_3$, $-C_2F_5$, $-C_3F_7$). PFA is normally associated with Chemical Abstracts Service (CAS) registry number 26655-00-5 and may also be associated with registry number 31784-04-0.

The scope includes PFA resin in primary form (including, but not limited to pellets, granules, cubes, powder, flakes, fluff, or aqueous dispersions). PFA has a minimum melting endotherm peak temperature of 265 degrees Celsius and a melt flow rate of greater than or equal to 1 g/10 min, measured in accordance with applicable ASTM standards.

PFA resin in primary form may contain minor processing aids and additives inherent to the PFA manufacturing process. This merchandise remains covered by the scope to the extent that the PFA content constitutes at least 98 percent of the material by dry weight.

PFA resin in primary form may be compounded, mixed, or otherwise blended with fillers or reinforcing materials subsequent to the manufacturing of PFA resin. These fillers or reinforcing materials include, but are not limited to, stabilizers, pigments, glass fiber, carbon fiber, carbon black, graphite, mineral fillers, or similar reinforcing additives. The scope includes only the PFA component of any PFA compounded, mixed, or otherwise blended with non-PFA fillers or reinforcing materials after production, when the PFA content constitutes at least 80 percent of the material by dry weight.

⁴⁰ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

The scope also includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including by packaging with another product, or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation. When packaged with another product, only the PFA resin is covered.

The scope also includes PFA that is commingled or blended with PFA from sources not subject to the investigation. In such circumstances, only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope of this investigation is merchandise that has a minimum melting endotherm peak temperature of less than 265°C or a melt flow rate of less than 1 g/10 min.

Also excluded from the scope of this investigation is PFA in which minor processing aids and additives used in the manufacturing of PFA resin result in PFA resin representing less than 98 percent of that merchandise by dry weight. When PFA has been compounded with fillers or reinforcing materials, the PFA component of the compounded merchandise is excluded when it is less than 80 percent of the compounded material by dry weight.

The subject merchandise is currently properly classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3904.69.5000. Products subject to this investigation may also enter under HTSUS subheadings 3904.61.0010, 3904.61.0090 and 3904.69.1000.

Although the HTSUS subheading and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2026-17819 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-049, C-570-050]

Ammonium Sulfate From People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 12, 2026, the U.S. Court of International Trade (CIT or the Court) issued its final judgment in *Cambridge Isotope Laboratories, Inc. v. United States*, Court No. 23-00080 sustaining the U.S. Department of Commerce (Commerce)'s remand redetermination pertaining to the scope ruling for the antidumping and countervailing duty orders on Ammonium Sulfate from People's

Republic of China finding enriched ¹⁵N ammonium sulfate isotope to be included in the orders. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's scope ruling, and that Commerce is amending the scope ruling to find that enriched ¹⁵N ammonium sulfate isotope is outside the scope of the orders.

DATES: Applicable August 22, 2026.

FOR FURTHER INFORMATION CONTACT: Catherine Bonilla, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-7955.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 2023, Commerce found enriched ¹⁵N ammonium sulfate¹ to be within the scope of the scope of the *Orders*.² Cambridge Isotope Laboratories, Inc. (CIL) appealed Commerce's *Final Scope Ruling*. On March 11, 2026, the CIT remanded the *Final Scope Ruling* to Commerce, as the Court found that, although Commerce purported to rely on the *Orders*' plain language and 19 CFR 351.225(k)(1)(i)(A), Commerce's analysis in substance turned on the chemical composition of CIL's product, a part of its physical characteristics, which constitutes a 19 CFR 351.225(k)(2)(i)(A) factor.³ The Court stated that because Commerce engaged one (k)(2) factor while expressly declining to consider the other four, the Court found Commerce's determination contrary to the mandatory requirements of 19 CFR 351.225(k)(2)(i), which requires Commerce to consider all five factors if it proceeds to that level of the analysis.⁴ The Court instructed that if Commerce conducts a (k)(2) analysis on remand, it must consider all five factors.⁵

In its final remand redetermination, issued on July 9, 2026, Commerce found

enriched ¹⁵N ammonium sulfate isotope to be outside the scope of the *Orders*.⁶ The CIT sustained Commerce's final redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's August 12, 2026, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Scope Ruling*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Scope Ruling

In accordance with the CIT's August 12, 2026 final judgment, Commerce is amending its *Final Scope Ruling* and finds that CIL's enriched ¹⁵N ammonium sulfate isotope is outside the scope of the *Orders*.

Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, the cash deposit rate will be zero percent for the enriched ¹⁵N ammonium sulfate isotope. In the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to liquidate entries of enriched ¹⁵N ammonium sulfate isotope without regard to antidumping and/or countervailing duties and to lift the suspension of liquidation of such entries.

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. 2026-17769 Filed 8-31-26; 8:45 am]

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¹ The terms "enriched ¹⁵N ammonium sulfate" and "¹⁵N-enriched ammonium sulfate" have been used interchangeably in the proceeding and both refer to the subject merchandise of the final results of redetermination.

² See *Ammonium Sulfate from the People's Republic of China: Antidumping Duty and Countervailing Duty Orders*, 82 FR 13094 (March 9, 2017) (*Orders*); see also Memorandum, "Antidumping Duty and Countervailing Duty Orders on Ammonium Sulfate from the People's Republic of China: Final Scope Ruling on Cambridge Isotope Laboratories, Inc. ¹⁵N Enriched Ammonium Sulfate," dated March 16, 2023 (*Final Scope Ruling*).

³ See *Cambridge Isotope Laboratories, Inc. v. United States*, Slip Op. 26-27 (CIT March 11, 2026, amended March 16, 2026) (*Remand Order*) at 10.

⁴ *Id.*

⁵ *Id.* at 11.

⁶ See *Final Results of Redetermination Pursuant to Court Remand, Cambridge Isotope Laboratories, Inc. v. United States*, Slip Op. 26-27, Ct. No. 23-00080, dated July 9, 2026 (*Final Remand*).

⁷ See *Remand Order*.

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-914, A-201-836, A-580-859, A-489-815, C-570-915]

Light-Walled Rectangular Pipe and Tube From the People's Republic of China, Mexico, the Republic of Korea, and the Republic of Türkiye: Continuation of Antidumping Duty Orders and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders and countervailing duty (CVD) order on light-walled rectangular pipe and tube (light-walled pipe and tube) from the People's Republic of China (China) (AD/CVD), Mexico (AD), the Republic of Korea (Korea) (AD) and the Republic of Türkiye (Türkiye) (AD) would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable August 19, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-8043.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 2008, Commerce published in the **Federal Register** the AD order on light-walled pipe and tube from Türkiye.¹ On August 5, 2008, Commerce published in the **Federal Register** the AD orders on light-walled pipe and tube from China, Mexico, and Korea.² On August 5, 2008, Commerce published in the **Federal Register** the CVD order on light-walled pipe and tube from China, collectively *Orders*.³

¹ See *Notice of Antidumping Duty Order: Light-Walled Rectangular Pipe and Tube from Turkey*, 73 FR 31065 (May 30, 2008).

² See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008).

³ See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of*

Continued

On July 1, 2025, the ITC instituted,⁴ and Commerce initiated,⁵ the third sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and/or subsidy rates likely to prevail should the *Orders* be revoked.⁶

On August 19, 2026, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁷

Scope of the Orders

The merchandise subject to the *Orders* is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm.

The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to the *Orders* is currently classified under the Harmonized Tariff

Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the *Orders* is dispositive.

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be August 19, 2026.⁸ Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with

sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: August 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–17772 Filed 8–31–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission automatically initiate and conduct reviews to determine whether revocation of an antidumping duty or countervailing duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for October 2026

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in October 2026 and will appear in that month’s *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Commerce Contact
Antidumping Duty Proceedings	
Aluminum Foil from Armenia, A–831–804 (1st Review)	Emily Kutsko (202) 482–6276.
Aluminum Foil from Brazil, A–351–856 (1st Review)	Emily Kutsko (202) 482–6276.
Magnesium from China, A–570–896 (4th Review)	Mary Kolberg (202) 482–1785.
Tissue Paper from China, A–570–894 (4th Review)	Mary Kolberg (202) 482–1785.

Countervailing Duty Order, 73 FR 45405 (August 5, 2008).

⁴ See *Light-Walled Rectangular Pipe and Tube from China, Mexico, South Korea, and Turkey; Institution of Five-Year Reviews*, 90 FR 28771 (July 1, 2025).

⁵ See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 28722 (July 1, 2025).

⁶ See *Light-Walled Rectangular Pipe and Tube from the Republic of Korea, Mexico, the Republic of Türkiye, and the People’s Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Orders*, 91 FR 674 (January 8, 2026), and accompanying Issues and Decision Memorandum (IDM); and *Light-Walled Pipe and Tube from the People’s Republic of China:*

Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order, 91 FR 962 (January 9, 2026), and accompanying IDM.

⁷ See *Light-Walled Rectangular Pipe and Tube from China, Mexico, South Korea, and Turkey; Determinations*, 91 FR 53633 (August 19, 2026) (*ITC Final Determination*).

⁸ See *ITC Final Determination*.

	Commerce Contact
Thermal Paper from Germany, A-428-850 (1st Review)	Thomas Martin (202) 482-3938.
Thermal Paper from Japan, A-588-880 (1st Review)	Thomas Martin, (202) 482-3938.
Thermal Paper from Korea, A-580-911 (1st Review)	Thomas Martin (202) 482-3938.
Aluminum Foil from Oman, A-523-815 (1st Review) y Kutsko (202) 482-6276..	
Aluminum Foil from Russia, A-821-828 (1st Review)	Emily Kutsko (202) 482-6276.
Thermal Paper from Spain, A-469-824 (1st Review)	Thomas Martin (202) 482-3938.
Aluminum Foil from Türkiye, A-489-844 (1st Review)	Emily Kutsko (202) 482-6276.
Countervailing Duty Proceedings	
Aluminum Foil from Oman, C-523-816 (1st Review)	Mary Kolberg (202) 482-1785.
Aluminum Foil from Türkiye, C-489-845 (1st Review)	Thomas Martin (202) 482-3938.

Suspended Investigations

No Sunset Reviews of suspended investigations are scheduled for initiation in October 2026.

Commerce's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service lists, it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹ An electronically-filed document must be received successfully in its entirety via Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS) by 5:00 p.m. Eastern Time on the day on which it is due. For further information on procedures for filing information with Commerce through ACCESS, refer

to User Guide found at <https://access.trade.gov/help>.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide, at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026-17809 Filed 8-31-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-823]

Welded Line Pipe From the Republic of Türkiye: Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that

revocation of the countervailing duty (CVD) order on welded line pipe from the Republic of Türkiye (Türkiye) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen, Program Manager, Office II, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3251.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2015, Commerce published the *Order* on welded line pipe from Türkiye.¹ On May 1, 2026, Commerce published the notice of initiation of the second sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(c).²

On May 18, 2026, Commerce received a notice of intent to participate in this review from Axis Pipe and Tube, Jindal Tubular USA, LLC, Welspun Tubular LLC, and Wheatland Tube Company (collectively, the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ Each claimed interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as domestic producers in the United States of a domestic like product.⁴

¹ See *Welded Line Pipe from the Republic of Turkey: Countervailing Duty Order*, 80 FR 75054 (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 91 FR 23395 (May 1, 2026).

³ See Domestic Interested Parties' Letter, "Notice of Intent to Participate in the Second Five-Year Review of the Countervailing Duty Order on Welded Line Pipe from the Republic of Turkey," dated May 18, 2026.

⁴ *Id.* at 2.

¹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings: Final Rule*, 88 FR 67069 (September 29, 2023).

On June 1, 2026, Commerce received an adequate substantive response from the domestic interested parties, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from either the Government of Türkiye or a respondent interested party to this proceeding. On June 26, 2026, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The product covered by this *Order* is welded line pipe from Türkiye. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order(s)* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.⁸ A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. 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 <https://access.trade.gov>. In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producer/exporter	Net countervailable subsidy rate (percent <i>ad valorem</i>)
Borusan Istikbal Ticaret, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Mannesmann Boru Yatirim Holding A.S., and Borusan Holding A.S.	152.98
Toscelik Profil ve Sac Endustrisi A.S., Tosyali Demir Celik Sanayi A.S., Tosyali Dis Ticaret A.S., Tosyali Elektrik Enerjisi Toptan Satıs Ith. Ihr. A.S., and Tosyali Holding A.S.	1.31
All Others	1.31

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders 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

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: August 27, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background

III. Scope of the Order

IV. History of the Order

V. Legal Framework

VI. Discussion of the Issues

1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy Likely to Prevail
2. Net Countervailable Subsidy Rates
3. Nature of the Subsidies

VII. Final Results of Sunset Review

VIII. Recommendation

[FR Doc. 2026-17888 Filed 8-31-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-168, C-570-169]

Certain Alkyl Phosphate Esters From the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from ICL-IP America, Inc. (the requestor), the U.S. Department of Commerce

(Commerce) is initiating a country-wide circumvention inquiry to determine whether certain alkyl phosphate esters (esters), which are completed or assembled in Thailand with intermediate chemicals produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on esters from China.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT:

Hannah Lee, AD/CVD Operations, Office VIII Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1216.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2026, pursuant to sections 781(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.226, the requestor filed a circumvention inquiry request alleging that U.S. imports of esters from Thailand completed or assembled with inputs from China are circumventing

dated concurrently with, and hereby adopted by, this notice.

⁸ *Id.*

⁵ See Domestic Interested Parties' Letter, "Welded Line Pipe from Turkey: Substantive Response to Notice of Initiation," dated June 1, 2026.

⁶ See Commerce's Letter, "Sunset Reviews Initiated May 1, 2026," dated June 26, 2026.

⁷ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Welded Line Pipe from the Republic of Türkiye,"

the *Orders*.¹ On July 13, 2026, Commerce issued a supplemental questionnaire to the requestor.² On July 27, 2026, the requestor timely filed responses to the supplemental questionnaire.³ The deadline to initiate this circumvention inquiry is August 26, 2026.

Scope of the Orders

The merchandise covered by the scope of the *Orders* are esters from China. For a complete description of the scope of the *Orders*, see the Circumvention Initiation Checklist.⁴

Merchandise Subject to the Circumvention Inquiry

The merchandise subject to this inquiry is esters completed or assembled from Chinese-origin intermediate chemicals such as Phosphorus Trichloride (PCl₃) or Phosphorus Oxychloride (POCl₃) and Propylene Oxide.⁵

Statutory and Regulatory Requirements To Initiate a Circumvention Inquiry

Section 351.226(d) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each circumvention inquiry request allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." The petitioner alleges circumvention pursuant to section 781(b) of the Act (*i.e.*, merchandise completed or assembled in other foreign countries).

Section 781(b)(1) of the Act provides that Commerce may find circumvention of an order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting a circumvention inquiry, under section 781(b)(1) of the Act, Commerce relies on the following criteria: (A) merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an AD or CVD order or finding, (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or merchandise which is produced in the foreign country that is subject to the order, (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant, (D) the value of the merchandise produced in the foreign country to which the AD or CVD order applies is a significant portion of the total value of the merchandise exported to the United States, and (E) the administering authority determines that action is appropriate to prevent evasion of such order or finding.

In determining whether or not the process of assembly or completion in the foreign country is minor or insignificant under section 781(b)(1)(C) of the Act, section 781(b)(2) of the Act directs Commerce to consider: (A) the level of investment in the foreign country, (B) the level of research and development in the foreign country, (C) the nature of the production process in the foreign country, (D) the extent of production facilities in the foreign country, and (E) whether or not the value of processing performed in the foreign country represents a small proportion of the value of the merchandise imported into the United States. However, no single factor, by itself, controls Commerce's determination of whether the process of assembly or completion in a third country is minor or insignificant.⁶ Accordingly, it is Commerce's practice to evaluate each of these five factors as they exist in the third country, depending on the totality of the circumstances of the particular circumvention inquiry.⁷

Section 781(b)(3) of the Act sets forth additional factors to consider in determining whether to include merchandise assembled or completed in a third country within the scope of an AD and/or CVD order. Specifically, Commerce shall take into account such factors as: (A) the pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the merchandise is affiliated with the person who, in the third country, uses the merchandise to complete or assemble the merchandise which is subsequently imported into the United States; and (C) whether imports of the merchandise into the third country have increased after the initiation of the investigation that resulted in the issuance of such order or finding.

Analysis

Based on our analysis of the circumvention request, Commerce determines that the requestor has satisfied the criteria under 19 CFR 351.226(c) to warrant the initiation of a circumvention inquiry of the *Orders*. Thus, pursuant to 19 CFR 351.226(d)(1)(iii), we are initiating a circumvention inquiry. For a full discussion of the basis for our decision to initiate a circumvention inquiry, see the Circumvention Initiation Checklist.⁸ As explained in the Circumvention Initiation Checklist, the information provided by the requestor warrants initiating this circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.⁹

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to issue a

¹ See *Certain Alkyl Phosphate Esters from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 90 FR 24579 (June 11, 2025); and *Certain Alkyl Phosphate Esters from the People's Republic of China: Antidumping and Countervailing Duty Orders; Correction*, 90 FR 26967 (June 25, 2025) (collectively, *Orders*); see also Requestor's Letter, "Request to Initiate an Anti-Circumvention Inquiry Regarding Imports from Thailand of Alkyl Phosphate Esters Made from Chinese Inputs," dated June 30, 2026 (Circumvention Request).

² See Commerce's Letter, "Supplemental Questionnaire," dated July 13, 2026 (Supplemental).

³ See Requestor's Letter, "ICL Response to Supplemental Questionnaire," dated July 27, 2026.

⁴ See Checklist, "Certain Alkyl Phosphate Esters from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Circumvention Initiation Checklist) at Attachment 1.

⁵ See Circumvention Request at 6–7.

⁶ See Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA), H.R. Doc. No. 103–316 (1994) at 893.

⁷ See *Uncovered Innerspring Units from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 83 FR 65626 (December

21, 2018), and accompanying Issues and Decision Memorandum at 4.

⁸ See Circumvention Initiation Checklist.

⁹ See, e.g., *Certain Corrosion-Resistant Steel Products from the Republic of Korea and Taiwan: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 83 FR 37785 (August 2, 2018) (*CORE from Korea and Taiwan Circ.*); *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order*, 82 FR 40556, 40560 (August 25, 2017) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted) (*Carbon Steel Butt-Weld Pipe Fittings from China Circ.*); and *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 81 FR 79454, 79458 (November 14, 2016) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted) (*CORE from China Circ.*).

questionnaire to solicit information from producers and exporters in Thailand concerning their production of esters and their shipments thereof to the United States.¹⁰

Respondent Selection

Commerce intends to base respondent selection on U.S. Customs and Border Protection (CBP) data. Commerce intends to place the CBP data on the record of this proceeding within five days of the publication of this initiation notice, which will be available on Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. Comments regarding the CBP data and respondent selection should be submitted within seven days after placement of the CBP data on the record of the inquiry. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

Commerce intends to establish a schedule for questionnaire responses after respondent selection. A company's failure to completely respond to Commerce's requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), when Commerce initiates a circumvention inquiry under 19 CFR 351.226(d), Commerce will notify CBP of the initiation and direct CBP to continue the suspension of liquidation of entries of products covered by the circumvention inquiry that were already covered by the suspension of liquidation under the *Orders*.

Accordingly, Commerce will notify CBP of the initiation of the circumvention inquiry and direct CBP to continue to suspend (unliquidated) entries of the products covered by the circumvention inquiry that were already covered by the suspension of liquidation. In addition, Commerce will direct CBP to apply the cash deposit rate that would be applicable if the products were determined to be circumventing the *Orders*.

In the event that Commerce issues affirmative preliminary or final circumvention determinations that the

products from Thailand are circumventing the *Orders*, Commerce will instruct CBP to continue the suspension of liquidation of previously suspended entries and to apply the applicable cash deposit rate. Commerce will also instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the notice of initiation of the circumvention inquiry pursuant to paragraphs (l)(2)(ii) and (l)(3)(ii).

In addition, pursuant to paragraphs (l)(2)(iii)(A) and (l)(3)(iii)(A), Commerce may instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, prior to the date of initiation of the circumvention inquiry.¹¹ These rules will not affect CBP's authority to take any additional action with respect to the suspension of liquidation or related measures for these entries, as stated in 19 CFR 351.226(l)(5).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(b) of the Act, Commerce determines that the request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of a circumvention inquiry to determine whether imports of esters completed or assembled in Thailand using components manufactured in China are circumventing the *Orders*. In addition, we have included a description of the products that are the subject of this inquiry, and an explanation of the reasons for Commerce's decision to initiate this inquiry as provided above and in the accompanying Circumvention Initiation Checklist.¹²

In accordance with 19 CFR 351.226(e)(1), Commerce intends to issue its preliminary circumvention determination within 150 days from the date of publication of the notice of initiation of a circumvention inquiry in the **Federal Register**. Furthermore, in accordance with section 781(f) of the Act and 19 CFR 351.226(e)(2), unless the circumvention inquiry is rescinded, in whole or in part, or extended, Commerce intends to issue its final determination within 300 days from the

date of publication of the notice of initiation of the circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(b) of the Act and 19 CFR 351.226(d)(1)(iii).

Dated: August 26, 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.

[FR Doc. 2026-17796 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-832]

Pure Magnesium From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results Antidumping Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 14, 2026, the U.S. Court of International Trade (the Court or CIT) issued its final judgment in *Tianjin Magnesium International Co., Ltd., et al., v. United States*, Court no. 25-00002, sustaining the U.S. Department of Commerce (Commerce)'s amended final remand redetermination concerning the electricity surrogate value selection covering the period May 1, 2022, through April 30, 2023, of the antidumping duty (AD) order on pure magnesium from China.

Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results in this AD review and is amending its final results with respect to the dumping margin assigned to Tianjin Magnesium International Co., Ltd.; Tianjin Magnesium Metal Co., Ltd. (collectively, MMC), the sole respondent individually examined in the underlying review.

DATES: Applicable August 14, 2026.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1009.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 2025, Commerce published its *Final Results* in the AD

¹⁰ See, e.g., *CORE from Korea and Taiwan Circ.*, 83 FR 37785; *Carbon Steel Butt-Weld Pip Fittings from China Circ.*, 82 FR at 40560, and *CORE from China Circ.*, 81 FR at 79458.

¹¹ *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) at 52345-52348 (*Final Rule*).

¹² See Circumvention Initiation Checklist.

review of pure magnesium from China.¹ Commerce calculated a weighted-average dumping margin of 25.26 percent.²

On March 13, 2026, the Court sustained, in part, and remanded, in part, the *Final Results*.³ In its remand redetermination, issued on June 10, 2026, Commerce reconsidered its surrogate value selection for electricity and relied on the national average of industrial electricity rates from the Turkish Statistical Institute.⁴ On April 11, 2026, MMC filed a motion for reconsideration of the Court's opinion

and order. On May 18, 2026, the defendant filed its response in opposition to the motion. The Court denied MMC's motion for reconsideration⁵ and sustained Commerce's final redetermination.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce

determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's August 14, 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 Determination

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to MMC as follows:

Exporter or producer	Final results weighted-average dumping margin (percent) ⁹	Amended final results weighted-average dumping margin (percent) ¹⁰
Tianjin Magnesium International Co., Ltd.; Tianjin Magnesium Metal Co., Ltd.	25.26	23.96

Cash Deposit Requirements

Because MMC does not have a superseding cash deposit rate, *i.e.*, there have not been final results published in a subsequent administrative review, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: (1) were exported by Tianjin Magnesium International Co., Ltd. or Tianjin Magnesium Metal Co., Ltd.; (2) were the subject of the *Final Results*; (3) were entered, or withdrawn from warehouse, for consumption, during the period May 1, 2022, through April 30, 2023. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the Court's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, in accordance with 19 CFR 351.212(b), Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise that: (1) were exported by Tianjin Magnesium International Co., Ltd. or Tianjin Magnesium Metal Co., Ltd.; (2) were the subject of the *Final Results*; (3) were entered, or withdrawn

from warehouse, for consumption, during the period May 1, 2022, through April 30, 2023. 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 importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹¹

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.

Scott Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026-17770 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping duty (AD) and countervailing duty (CVD) orders and suspended investigations listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same orders and suspended investigations.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR

¹ See *Pure Magnesium from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2022-2023*, 90 FR 7078 (January 21, 2025) (*Final Results*).

² *Id.*

³ See *Tianjin Magnesium International Co., Ltd., et al., v. United States*, Court No. 25-00002, Slip Op. 26-28 (CIT March 13, 2026) (*TMI I*).

⁴ See *Final Results of Redetermination Pursuant to Court Remand, Tianjin Magnesium International Co., v. United States*, Court No. 25-00002, Slip Op. 26-28 (CIT March 13, 2026) (*Remand Results*), at 1-2.

⁵ See *Tianjin Magnesium International Co., Ltd., et al., v. United States*, Court No. 25-00002, Slip Op. 26-96 (CIT August 14, 2026) (*Judgment*).

⁶ See *Judgment* at 2.

⁷ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁸ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁹ See *Final Results*, 90 FR at 7079.

¹⁰ See *Remand Results* at 1-2.

¹¹ See 19 CFR 351.106(c)(2).

13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation*

of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following AD and CVD orders and suspended investigations:

Commerce case No.	ITC case No.	Country	Product	Commerce contact
Antidumping Duty Proceedings				
A-570-504	731-TA-282	China	Petroleum Wax Candles (6th Review)	Thomas Martin (202) 482-3938.
A-570-886	731-TA-1043	China	Polyethylene Retail Carrier Bags (4th Review).	Mary Kolberg (202) 482-1785.
A-560-822	731-TA-1156	Indonesia	Polyethylene Retail Carrier Bags (3rd Review).	Mary Kolberg (202) 482-1785.
A-557-813	731-TA-1044	Malaysia	Polyethylene Retail Carrier Bags (4th Review)..	Mary Kolberg (202) 482-1785.
A-583-843	731-TA-1157	Taiwan	Polyethylene Retail Carrier Bags (3rd Review).	Mary Kolberg(202) 482-1785.
A-549-821	731-TA-1045	Thailand	Polyethylene Retail Carrier Bags (4th Review).	Mary Kolberg (202) 482-1785.
A-552-806	731-TA-1158	Vietnam	Polyethylene Retail Carrier Bags (3rd Review).	Mary Kolberg (202) 482-1785.
Countervailing Duty Proceedings				
C-552-805	701-TA-462	Vietnam	Polyethylene Retail Carrier Bags (3rd Review).	Mary Kolberg (202) 482-1785.

Suspended Investigations

No Sunset Reviews of suspended investigations are scheduled for initiation in September 2026.

Filing Information

All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the

public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹

Information Required from Interested Parties

Domestic interested parties, as defined in sections 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to

participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.²

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce. Note that Commerce has amended certain of its requirements pertaining to the service of documents

¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

² See 19 CFR 351.218(d)(1)(iii).

in 19 CFR 351.303(f).³ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: August 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–17811 Filed 8–31–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–239]

Certain Choline Salts From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Kelsie Hohenberger at (202) 482–2517, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings: Final Rule*, 88 FR 67069 (September 29, 2023).

Background

On July 14, 2026, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain choline salts (choline salts) from the People's Republic of China (China).¹ Currently, the preliminary determination is due no later than September 17, 2026.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 14, 2026, the petitioner² submitted a timely request that Commerce postpone the preliminary CVD determination.³ The petitioner stated that it requests postponement due to the time required to identify mandatory respondents, the number of programs under investigation, and the expected complexity of the issues.⁴ In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*,

¹ See *Certain Choline Salts from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 91 FR 45247 (July 20, 2026) (*Initiation Notice*).

² The petitioner is BCP Ingredients, Inc.

³ See Petitioner's Letter, "Request for Extension of the Preliminary Determination," dated August 14, 2026.

⁴ *Id.*

November 23, 2026.⁵ Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 26, 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.

[FR Doc. 2026–17794 Filed 8–31–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–947]

Certain Steel Grating From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain steel grating (steel grating) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–0193.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 2010, Commerce published the *Order* in the **Federal**

⁵ Postponing the preliminary determination to 130 days after initiation would place the deadline on Saturday, November 21, 2026. Commerce's practice dictates that, where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

Register.¹ On May 1, 2026, Commerce published the notice of initiation of this third sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930 (the Act).² On May 15, 2026, Commerce received a timely and complete notice of intent to participate in the sunset review from Metal Grating Coalition (domestic interested party) within the deadline specified in the 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed the interested party status within the meaning of section 771(9)(F) of the Act as an association of producers of the domestic like product; each of its individual members is a domestic producer and an interested party under section 771(9)(C) of the Act.⁴ On June 26, 2026, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.⁵

On June 1, 2026, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed a timely and adequate substantive response.⁶ Commerce did not receive a substantive response from any respondent interested party. On June 26, 2026, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by this *Order* is steel grating from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁸

¹ See *Certain Steel Grating from the People's Republic of China: Antidumping Duty Order*, 75 FR 43143 (July 23, 2010) (*Order*); see also *Certain Steel Grating from the People's Republic of China: Notice of Correction to the Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 75 FR 69626 (November 15, 2010) (*Amended Final Determination and Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 91 FR 23395 (May 1, 2026).

³ See Domestic Interested Party's Letter, "Notice of Intent to Participate in Sunset Review," dated May 15, 2026.

⁴ *Id.* at 2.

⁵ See Commerce's Letter, "Sunset Reviews Initiated on May 1, 2026," dated June 26, 2026.

⁶ See Domestic Interested Party's Letter, "Substantive Response to the Notice of Initiation of Sunset Review," dated June 1, 2026 (Substantive Response).

⁷ See Commerce's Letter, "Sunset Reviews Initiated on May 1, 2026," dated June 26, 2026.

⁸ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order on Certain Steel Grating from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.⁹ A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/frnotices>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 145.18 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders 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

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

⁹ *Id.*

Dated: August 27, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2026–17885 Filed 8–31–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–882]

Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines Hyundai Steel Company (Hyundai Steel) and POSCO, producers/exporters of certain cold-rolled steel flat products (cold-rolled steel) from the Republic of Korea (Korea), received countervailable subsidies during the period of review (POR) January 1, 2023, through December 31, 2023.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Doyle or Seth Brown, 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 or (202) 482–0029, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 2026, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interested parties to comment.¹ On June 16 and

¹ See *Certain Cold-Rolled Steel Flat Products from Republic of Korea: Preliminary Results and*

July 23, 2026, Commerce extended the deadline for the final results of this review to no later than August 25, 2026.² For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.³

Scope of the Order⁴

The merchandise covered by this Order is cold-rolled steel from Korea. For a complete description of the scope of the Order, see Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case briefs and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁵ For a full description of the methodology underlying all of Commerce's conclusions, see the Issues and Decision Memorandum.

Rescission, in Part, of Countervailing Duty Administrative Review; 2023, 91 FR 10795 (March 5, 2026) (Preliminary Results), and accompanying Preliminary Decision Memorandum (PDM).

² See Memoranda, "Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated June 16, 2026; and "Extension of Deadline for Final Results of 2023 Countervailing Duty Administrative Review," dated July 23, 2026.

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Certain Cold-Rolled Steel Flat Products from the Republic of Korea; 2023," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders (Brazil and India)*, 81 FR 64436 (September 20, 2016) (Order).

⁵ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Changes Since the Preliminary Results

Based on comments received from interested parties, we made certain changes to POSCO's countervailable subsidy rate calculation from the *Preliminary Results*. For a discussion of these changes, see the Issues and Decision Memorandum.

Final Results of Review

We determine the following net countervailable subsidy rates exist for the period January 1, 2023, through December 31, 2023.

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Hyundai Steel Company ⁶	1.28
POSCO ⁷	3.64

Disclosure

Commerce intends to disclose its calculations performed in connection with the final results of review to interested parties within five days of public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For Hyundai Steel and POSCO, Commerce will instruct CBP to assess countervailing duties at the subsidy rates listed in the table above. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a

⁶ As discussed in the *Preliminary Results* PDM, Commerce has found Hyundai Green Power Co. Ltd to be cross-owned with Hyundai Steel.

⁷ As discussed in the *Preliminary Results* PDM, Commerce has found the following companies to be cross-owned with POSCO: POSCO Future M; POSCO Holdings; POSCO M-Tech, POSCO Nippon Steel RHF Joint Venture Co., Ltd., and POSCO Mobility Solutions. We note that POSCO also exported certain subject merchandise through an affiliated trading company, POSCO International Corporation (POSCO International). We examined POSCO International in the context of POSCO, and POSCO International's subsidies are included in POSCO's total subsidy rate.

statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above on shipments of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the date of publication of the final results of this administrative review.

For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific rate applicable to the company or the all-others rate, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 25, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Subsidies Valuation Information
- V. Analysis of Programs
- VI. Discussion of the Issues

Comment 1: Whether Electricity Is

Subsidized by the Government of Korea

Comment 2: Whether the Provision of Korea Emissions Trading System (K-ETS) Permits is Countervailable

Comment 3: Whether Commerce Incorrectly Attributed Benefits POSCO International Corporation (POSCO International) Received for the Electricity for More than Adequate Remuneration (MTAR) Program to the Production of Subject Merchandise

Comment 4: Whether the Benchmark Selected for the Electricity for MTAR Program is Appropriate
Comment 5: Whether POSCO International's Korea Export-Import Bank (KEXIM) Overseas Investment Credit Program (OICP) Loan is Tied to the Production of Non-Subject Merchandise
Comment 6: Whether to Modify POSCO's KEXIM OICP Loan Benefit
Comment 7: Whether the Constructing and Operating a Workplace Nursery Program is Countervailable
Comment 8: Whether to Modify the Benchmark Interest Rate for Hyundai Steel's KEXIM Export Growth Loan

VII. Recommendation

[FR Doc. 2026-17768 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review; 2024-2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and exporters subject to this administrative review did not make sales of subject merchandise at prices below normal value (NV) the period of review (POR) March 1, 2024, through February 28, 2025.

DATES: Applicable September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0198.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2026, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review of the *Order*¹ on circular welded carbon steel pipes and tubes (CWP) from Thailand and invited interested parties to comment.² This review covers the sole mandatory respondent, Saha Thai Steel Pipe Public Co., Ltd., also known as Saha Thai Steel Pipe (Public) Co., Ltd. (collectively, Saha Thai), and Thai Premium Pipe Co., Ltd (TPP), which was not selected for individual examination. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

A summary of the events that occurred since the *Preliminary Results*, and a discussion of the issue raised by an interested party for the final results, are discussed in the Issues and Decision Memorandum.³ 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, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/frnotices>.

Scope of the Order

The products covered by the *Order* are CWP from Thailand. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.⁴

Analysis of Comments Received

The single issue raised in the case brief filed by an interested party in this administrative review is addressed in the Issues and Decision Memorandum and listed in the appendix to this notice.

Changes Since the Preliminary Results

Based on the comment received regarding our *Preliminary Results*, as explained in the Issues and Decision Memorandum, we made a change in these final results.

Rate for the Non-Selected Company Under Review

As mentioned above, TTP had reviewable entries but was not selected as a mandatory respondent. The Act does not address the establishment of a rate to apply to companies not selected for individual examination in an administrative review that is conducted pursuant to section 751(a) of the Act. However, Commerce's regulations at 19 CFR 351.109(g) state that Commerce will determine the rate for non-selected companies by following the process set forth in 19 CFR 351.109(f)(1)-(2), which generally parallels the process for determining the all-others rate in an investigation under section 705(c)(5) of the Act. Section 705(c)(5)(A) of the Act and 19 CFR 351.109(f) state that for companies not investigated, in general, we will determine an all-others rate by weight averaging the weighted-average dumping margins established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of zero percent for the sole mandatory respondent Saha Thai. Consistent with the court's decision in *Albemarle*,⁵ and Commerce's practice,⁶ we assigned the sole non-examined company under review, TPP, a weighted-average dumping margin of zero, based on the rate calculated for Saha Thai, pursuant to section 735(c)(5)(B) of the Act.

Final Results of Review

Commerce determines that the following weighted-average dumping margins exist for the period March 1, 2024, through February 28, 2025:

Exporter or producer	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe Public Co., Ltd. (also known as Saha Thai Steel Pipe (Public) Company, Ltd.)	0.00
Thai Premium Pipe Co. Ltd	0.00

¹ See *Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand*, 51 FR 8341 (March 11, 1986) (*Order*).

² See *Circular Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2024-2025*, 91 FR 22490 (April 27, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Circular Welded Carbon Steel Pipes and Tubes from Thailand; 2024-2025," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ *Id.*

⁵ See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

⁶ See *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021*, 87 FR 60989 (October 7, 2022), unchanged in *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020-2021*, 88 FR 20128 (April 5, 2023).

Disclosure

We intend to disclose the calculations performed for these final results within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Where the respondent's weighted-average dumping margin is either zero or *de minimis* (i.e., less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Accordingly, because Saha Thai's and TPP's weighted-average dumping margin is zero percent, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Saha Thai, for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for Saha Thai and TPP will be equal to the weighted-average dumping margin established in the final results of this administrative review (i.e., 0.00 percent); (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the

proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the company-specific rate established for the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 15.67 percent, the all-others rate established in the less-than-fair-value investigation.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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 subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 25, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order

⁷ See Order.

- IV. Changes Since the Preliminary Results
- V. Discussion of the Issue
- Comment: Whether Commerce Should Correct a Clerical Error Related to Saha Thai's Duty Drawback Adjustment
- VI. Recommendation

[FR Doc. 2026-17771 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF924]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene an online joint meeting of the Ecosystem-Based Management Subcommittee (EBM) and the Economics Subcommittee (ES) of its Scientific and Statistical Committee (SSC), which is open to the public.

DATES: The online meeting will be held Tuesday, September 29, 2026, from 9 a.m. to 2 p.m. Pacific Time, or until business for the day is completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements, will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). You may send an email to Mr. Hayden York (hayden.york@pcouncil.org) or contact him at (503) 820-2424 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT:

Gilly Lyons, Staff Officer, Pacific Council; telephone: (503) 820-2427.

SUPPLEMENTARY INFORMATION: The SSC EBM and SSC ES will meet via webinar to review ecosystem science topics identified by the Pacific Council for potential incorporation in the California Current Integrated Ecosystem Assessment Team's Ecosystem Status Report (ESR). These topics include (a) Review of the Pacific Decadal Oscillation (PDO) index and its utility as an ecosystem indicator; (b) Revisiting indicators to support management of groundfish stocks; and (c) Review of changes to fishery diversification

indices. This review of science topics may potentially inform future annual reports to the Pacific Council on the state of the California Current Ecosystem. The SSC EBM and SSC ES joint meeting is open to the public. A detailed meeting agenda will be available on the Pacific Council's website prior to the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Hayden York (hayden.york@pcouncil.org; (503) 820-2424) at least 10 days prior to the meeting date.

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. 2026-17797 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG013]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold a stakeholder workshop jointly with the Atlantic States Marine Fisheries Commission to facilitate a focused discussion on alternatives currently under development for the Recreational Sector Separation Amendment for summer flounder, scup, black sea bass, and bluefish.

DATES: The meeting will be held on Wednesday, September 23, 2026, starting at 10 a.m. through Thursday,

September 24, 2026, until 1 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Sheraton Baltimore Washington Airport Hotel (1100 Old Elkridge Landing Road, Linthicum Heights, MD 21090). The meeting will be partially streamed via webinar for portions of the agenda that are held in plenary. Listen-only webinar connection information will be posted to the calendar prior to the meeting at <https://www.mafmc.org>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; <https://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT:

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) will host a stakeholder workshop on September 23-24, 2026, to discuss recreational sector separation options for summer flounder, scup, black sea bass, and bluefish.

The workshop will support development of the joint amendment which considers potential changes to the recreational management program for these species, including options for managing for-hire fisheries separately from other recreational fishing modes, as well as possible changes to permit and reporting requirements for the for-hire sector. Input provided during the workshop will help inform continued development of management options for consideration by the Council and Commission in late 2026/early 2027.

Workshop participants will include a list of individuals previously identified by Council and Commission leadership. The meeting is open to the public, but participation by non-workshop participants will be limited and at the discretion of the workshop facilitator as time allows.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526-5251 at least 5 days prior to the meeting date.

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. 2026-17798 Filed 8-31-26; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by any of the following methods:

- *Regulations.gov:* Go to <https://www.regulations.gov> and press the "Search" button, then proceed as follows:

1. Under "Refine Documents Results"—check the box to "Only show documents open for comment";
- 2. Under "Agency"—select "See More" and check the box for "Commodity Futures Trading Commission," then press the "Apply" button;

- 3. Identify this notice in the list of CFTC documents open for comment, press the "Comment" button to open the submission form, and follow the instructions on the form.

• Alternatively, if you are viewing this notice on www.federalregister.gov, click the “Submit A Public Comment” button at the top of the page to open the comment form. Follow the instructions on the form to submit your comment to Regulations.gov.

• *Mail:* Send to—Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

• *Hand Delivery/Courier:* Address to—CFTC Comment Submission, Attn: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through Regulations.gov are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Do not include in your comment text or attachments any personal identifying information or business information that you do not want published online. Comments (regardless of submission method) will be published without review for, and without removal of, any personal identifying information or information your business may consider confidential.

If you wish to submit confidential information for the Commission’s consideration, please contact the CFTC personnel listed in this Notice under **FOR FURTHER INFORMATION CONTACT** before making any submission. Please also carefully review the Commission’s procedures in 17 CFR 145.9 for requesting confidential treatment under the Freedom of Information Act (FOIA) of information submitted to the Commission.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, or redact all or any part of your comment submission. The CFTC also reserves the right, without further notification, to refuse to publish or to remove from public view all or any part of your submission to the extent it contains content inappropriate for publication in a comment file, such as—without limitation—obscene language, threats of violence, solicitations for commercial sales or illegal activity, or obvious spam. If a submission that is refused for or withdrawn from publication because of inappropriate content also contains comments on the merits of this notice, such submission will be retained in the record for the

matter and will be considered as required under the Administrative Procedure Act, the Paperwork Reduction Act (PRA), and other applicable laws, and may be accessible under FOIA.

FOR FURTHER INFORMATION CONTACT:

Megan Wallace, Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; 202–418–5150, email: mwallace@cftc.gov, and refer to OMB Control No. 3038–0117.

SUPPLEMENTARY INFORMATION:

Title: Exemption from Derivatives Clearing Organization Registration (OMB Control No. 3038–0117). This is a request for an extension of an existing collection.

Abstract: This information collection is associated with CFTC regulations codifying the policies and procedures that the Commission follows with respect to granting exemptions from registration as a derivatives clearing organization (DCO) for the clearing of proprietary swaps for U.S. persons and futures commission merchants (FCMs). The rules include reporting requirements that are collections of information requiring approval under the PRA. Specifically, Commission regulation 39.6 specifies the conditions and procedures under which a clearing organization may apply for exemption from registration as a DCO, the information that must be provided to the Commission to obtain and maintain such exemption, and procedures for termination of an exemption. *See* 17 CFR 39.6. The information that is collected under these regulations is necessary for the Commission to determine whether a clearing organization qualifies for exemption from DCO registration, to evaluate the continued eligibility of the exempt DCO for exemption from registration, to review compliance by the exempt DCO with any conditions of such exemption, or to conduct its oversight of U.S. persons and the swaps that are cleared by U.S. persons through the exempt DCO.

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. On June 9, 2026, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 91 FR 34812. The Commission received no relevant comments that addressed its PRA burden estimates.

Burden Statement: The provisions of Part 39 of the CFTC’s Regulations include reporting requirements that constitute information collections within the meaning of the PRA. With respect to the ongoing reporting obligations associated with exemption from DCO registration, the CFTC believes that exempt DCOs incur an aggregate annual time-burden of 335 hours.

Respondents/affected entities:

Derivatives Clearing Organizations.

Estimated number of respondents: 10.

Estimated average burden hours per respondent: 34 hours.¹

Estimated total annual burden hours on respondents: 335 hours.

Frequency of collection: Daily, quarterly, yearly, on occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 27, 2026.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2026–17799 Filed 8–31–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Adoption of Categorical Exclusion Under Section 109 of the National Environmental Policy Act

AGENCY: Department of the Army, DoD.

ACTION: Notice of Adoption of Categorical Exclusion pursuant to Section 109 of the National Environmental Policy Act of 1969, 42 U.S.C. 4336c.

SUMMARY: The Department of the Army (DA) is adopting a categorical exclusion (CATEX) established by the Department of Energy (DOE) (42 United States Code (U.S.C.) 4336c). This notice identifies the types of actions to which DA will apply the CATEX, the considerations that DA will use in determining the applicability of the CATEX, and the consultation between DOE on the use of the CATEX, including screening for extraordinary circumstances that would preclude use of the CATEX.

DATES: The adoption is effective September 1, 2026 and is available for DA use effective immediately.

FOR FURTHER INFORMATION CONTACT: Dr. David Guldenzopf, Director for Environmental Compliance, Office of

¹ Average burden hours per respondent rounded to the nearest full hour.

the Assistant Secretary of the Army for Installations, Energy and Environment, (571) 256-7822, david.b.guldenzopf.civ@army.mil.

SUPPLEMENTARY INFORMATION:

I. Background

Congress enacted the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347 (NEPA) to encourage productive and enjoyable harmony between humans and the environment, recognizing the profound impact of human activity and the critical importance of restoring and maintaining environmental quality to the overall welfare of humankind. (42 U.S.C. 4321, 4331). NEPA seeks to ensure that agencies consider the environmental effects of their proposed major actions in their decision-making processes and inform and involve the public in that process. To comply with NEPA, agencies determine the appropriate level of review of any major Federal action—an environmental impact statement (EIS), environmental assessment (EA), or categorical exclusion (CATEX) (42 U.S.C. 4336). If a proposed action is likely to have significant environmental effects, the agency must prepare an EIS and document its decision in a record of decision (42 U.S.C. 4336). If the proposed action is not likely to have significant environmental effects or the effects are unknown, the agency may instead prepare an EA, which involves a more concise analysis and process than an EIS (42 U.S.C. 4336). Following the EA, the agency may conclude that the action will have no significant effects and document that conclusion in a finding of no significant impact. If the analysis concludes that the action is likely to have significant effects, then an EIS is required.

Under NEPA, a Federal agency may establish categorical exclusions—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in its agency NEPA procedures. 42 U.S.C. 4336e(1). If an agency determines that a categorical exclusion covers a proposed action, the agency will then evaluate the proposed action for any extraordinary circumstances in which a normally excluded action may have a significant adverse effect. DA considers extraordinary circumstances pursuant to Department of War DoW NEPA Implementing Procedures dated 30 April 2026 Part 1.4(d) Applying Categorical Exclusions and will concurrently use the agency extraordinary circumstances for the adopted CATEXs as identified below. If

an extraordinary circumstance exists, the agency nevertheless may apply the categorical exclusion if the agency conducts an analysis and determines that the proposed action does not in fact have the potential to result in significant effects notwithstanding the extraordinary circumstance or the agency modifies the proposed action to avoid or otherwise mitigate significant effects. If no extraordinary circumstances are present or if further analysis determines that the extraordinary circumstances do not involve the potential for significant environmental impacts, the agency may rely on the categorical exclusion to approve the proposed action without preparing an EA or EIS. 42 U.S.C. 4336(a)(2). If the extraordinary circumstances have the potential to result in significant effects, the agency is required to prepare an EA or EIS.

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to adopt another Federal agency's CATEX (42 U.S.C. 4336c). To use another agency's CATEX under section 109, the adopting agency must identify the relevant CATEX listed in another agency's ("establishing agency") NEPA procedures that covers the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CATEX is appropriate for a category of actions; identify to the public the CATEX that the adopting agency plans to use for its proposed actions; and document adoption of the CATEX (42 U.S.C. 4336c).

This notice documents the DA's adoption of one DOE CATEX for DA use and provides public notice of the adoption. The DA NEPA procedures are contained within DoW NEPA Implementing Procedures dated 30 April 2026. The DoW NEPA Implementing Procedures include a list of categorical exclusions available to all DoW Components. After adoption of any CATEX, including this CATEX, it would be available to all DoW Components.

II. DOE Categorical Exclusion

DA is adopting the following DOE CATEX:

DOE CATEX B5.26: *Advanced Nuclear Reactors*.

Authorization, siting, construction, operation, reauthorization, and decommissioning of advanced nuclear reactors, provided DOE determines that:

(1) the project's attributes, including potential fission product inventory, fuel type, reactor design, and operational

plans, reduce sufficiently the risk of adverse offsite consequences from the release of radioactive or hazardous materials, and

(2) the project demonstrates that any hazardous waste, radioactive waste, or spent nuclear fuel generated by the project can be managed in accordance with applicable requirements.

For the purposes of this category, a project may include multiple reactors within a nuclear facility. This CATEX is listed in DOE's NEPA Implementing Procedures, Appendix B, available at <https://energy.gov/nepa>.

III. DA's Use of Adopted CATEX

DA expects to use the listed CATEX for authorization of the construction and operation of advanced reactors on Army installations that would enhance mission capabilities and effectiveness, improve safety, and increase operational efficiencies. DA has identified multiple Army installations as potential locations for deployments of microreactor nuclear power plants (MNPs) for installation energy. This CATEX would allow DA to execute construction and operation of MNPs on Army installations. DA's use of this DOE CATEX would not be limited to this example and could be used in other circumstances for which its use is appropriate.

IV. Consideration of Extraordinary Circumstances and Applicable Criteria

The DoW's NEPA Implementing Procedures guides its consideration of extraordinary circumstances. Further, DA will apply the originating agency's extraordinary circumstances as described in DOE's extraordinary circumstances listed at DOE NEPA Implementing Procedures, Section 5.4(c)(3). If an extraordinary circumstance is present, the DA will determine whether it is possible to modify the action to avoid significant adverse effects. If the action cannot be modified, DA will consider whether the application of the CATEX is still appropriate notwithstanding the presence of extraordinary circumstances, because even with the extraordinary circumstance, the proposed action does not have the potential to result in significant impacts. If DA determines that it cannot apply a CATEX to the proposed action, a particular proposed action due to extraordinary circumstances, DA will prepare an EA or EIS, consistent with DoW NEPA Implementing Procedures dated 30 April 2026 Part 1.4 Categorical exclusions.

Additionally, when applying this CATEX, DA will evaluate the proposed action to ensure consideration of

“Integral Elements” described in Appendix B of DOE’s NEPA Implementing Procedures. DA will document each application of the above-listed CATEX and its consideration of extraordinary circumstances and integral elements within a Record of Environmental Consideration (REC).

V. Consultation With Establishing Agencies and Determination of Appropriateness

DA worked with DOE to identify the CATEX that could apply to DA proposed actions and consulted with DOE representatives on 29 July 2026. During the consultation, the agencies discussed whether the categories of DA proposed actions would be appropriately covered by the CATEX; the extraordinary circumstances that DA should consider before applying this CATEX to DA’s proposed actions; the requirement to evaluate conditions listed as integral elements in DOE’s NEPA Implementing Procedures; and what documentation DA should complete when applying this CATEX. The agencies also considered past use of the CATEX by DOE. At the conclusion of that process, the agencies determined that DA’s proposed use of the CATEX as described in this notice would be appropriate.

VI. Notice to the Public and Documentation of Adoption

This notice serves to identify to the public the CATEX DA plans to use for its proposed actions, subject to the limitations described above (42 U.S.C. 4336c(3) and document DA’s adoption of the CATEX listed in Section II in accordance with 42 U.S.C. 4336c(4), and identifies the types of actions to which DA contemplates applying the CATEX to at this time. In adopting this categorical exclusion, DA will make an administrative change to remove “DOE” from the categorical exclusion text, in alignment with recent Council on Environmental Quality (CEQ) guidance on categorical exclusions¹. Upon issuance of this notice, the adopted

CATEX is available for use by DA, effective immediately.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2026–17818 Filed 8–31–26; 8:45 am]

BILLING CODE 3711–CC–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–532–000]

Rio Grande LNG Train 6, LLC; Notice of Rescheduled Virtual Scoping Session for the Proposed Rio Grande LNG Expansion Project

On July 29, 2026, the staff of the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Rio Grande LNG Expansion Project, Request for Comments on Environmental Issues, Notice of Public Scoping Session, and Schedule for Environmental Review*. The notice described the project facilities (including a facilities map) and announced the ongoing scoping period that ends on August 31, 2026. However, staff recognized that there was a typographical error in the call-in number printed in the notice for the August 19, 2026, virtual scoping session.

In an effort to gather public comments that were not received at the virtual scoping session due to this error, this notice invites you to attend the rescheduled virtual public scoping session. Commission staff will conduct by telephone for the proposed Rio Grande LNG Expansion Project (Project). With this notice the Commission is also extending the scoping period for the project, which will now close on September 11, 2026. This virtual scoping session will be held as follows:

Rio Grande LNG Expansion Project

Public Scoping Session

Date, Time, and Call-in Information

Wednesday, September 9, 2026

5:00 pm Central Standard Time (CST)

Call in number: 1–866–652–5200

Ask to be joined into the Federal Energy Regulatory Commission (FERC) call

Note that the scoping session will start at 5:00 p.m. (CST) and will terminate once all participants wishing to comment have had the opportunity to do so, or at 7:00 p.m. (CST), whichever comes first. The primary goal of this scoping session is to have you identify the specific environmental issues and

concerns that should be considered in the environmental document. Individual oral comments will be taken one at a time with a court reporter present on the line. This format is designed to receive the maximum amount of oral comments, in a convenient way during the timeframe allotted.

There will not be a formal presentation by Commission staff when the session opens. You may call at any time after the session begins, at which time you will be placed on hold. Calls will be answered in the order they are received. Once answered, you will have the opportunity to provide your comment directly to a court reporter with FERC staff or representative present on the line. A time limit of 5 minutes may be implemented for each commentor. Please note that your hold times may vary based on the number of callers at any given time.

Your oral comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts of all comments received during the scoping session will be publicly available on FERC’s eLibrary system. It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a virtual scoping session.

As a reminder, the Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676, TTY (202) 502–8659, or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is also on the Commission’s website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the

¹ CEQ’s April 2026 guidance on “Establishing, Revising, Adopting, and Applying Categorical Exclusions Under the National Environmental Policy Act” provides for non-substantive changes when adopting another agency’s categorical exclusion. Specifically, CEQ guidance states: “[i]f an agency needs to clarify that an adopted categorical exclusion applies to its proposed action despite non-substantive language in the categorical exclusion referencing the establishing agency, it may explain this in the public notice adopting the categorical exclusion.”

project docket number (CP26–25–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additional Information

Additional information about the project is available from the FERC website at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on “General Search” and enter the docket number in the “Docket Number” field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

This notice is being sent to the Commission’s current environmental mailing list for the Project. Public sessions or site visits will be posted on the Commission’s calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

(Authority: 18 CFR 2.1)

Dated: August 27, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–17848 Filed 8–31–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–155–000.
Applicants: Lackawanna Energy Center LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Lackawanna Energy Center LLC.

Filed Date: 8/20/26.

Accession Number: 20260820–5188.
Comment Date: 5 p.m. ET 9/10/26.

Docket Numbers: EC26–156–000.
Applicants: Entergy Louisiana, LLC, Beekman PV I, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Entergy Louisiana, LLC, et al.

Filed Date: 8/20/26.

Accession Number: 20260820–5190.

Comment Date: 5 p.m. ET 9/10/26.

Docket Numbers: EC26–157–000.

Applicants: CMS Enterprises Sustainable Energy, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of CMS Enterprises Sustainable Energy, LLC.

Filed Date: 8/20/26.

Accession Number: 20260820–5191.

Comment Date: 5 p.m. ET 9/10/26.

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG26–297–000.

Applicants: White Tank Energy Storage, LLC.

Description: White Tank Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/27/26.

Accession Number: 20260827–5100.

Comment Date: 5 p.m. ET 9/17/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER23–982–005.

Applicants: CPV Three Rivers, LLC.

Description: Compliance filing: Compliance Filing Regarding Effective Date to be effective 4/1/2023.

Filed Date: 8/27/26.

Accession Number: 20260827–5101.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER23–982–006.

Applicants: CPV Three Rivers, LLC.

Description: Compliance filing: Compliance Filing Regarding Effective Date to be effective 12/1/2023.

Filed Date: 8/27/26.

Accession Number: 20260827–5105.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER23–1752–007.

Applicants: Oak Trail Solar, LLC.

Description: Compliance filing: Compliance Filing to be effective 7/1/2024.

Description: 8/27/26.

Accession Number: 20260827–5007.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2698–001.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO Compliance: Tariff Revisions re: Interconnection Process Improvements to be effective 7/29/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5127.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2899–001.
Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2881R23 City of Chanute, KS NITSA NOA Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5115.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2917–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3599R7 MO Joint Municipal Electric Utility Commission Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5135.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2921–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1977R23 Nemaha-Marshall Electric Cooperative NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5050.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2923–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2900R30 KMEA NITSA NOA Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5126.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2930–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1266R22 Kansas Municipal Energy Agency NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5106.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2931–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2562R17 Kansas Municipal Energy Agency NITSA and NOA Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5111.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2934–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1885R17 Evergy Kansas Central (Bronson) NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5054.
Comment Date: 5 p.m. ET 9/17/26.
Docket Numbers: ER26–2935–001.
Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1887R17 Evergy Kansas Central, Inc. NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5059.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2936–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1889R16 Evergy Kansas Central NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5061.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2937–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1891R16 Evergy Kansas Central NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5068.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2940–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1893R17 Evergy Kansas Central, Inc. NITSA NOA Motion to Defer Action to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5071.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–2966–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3620R9 Kansas City Board of Public Utilities NITSA NOA Deferral to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5138.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3628–000.

Applicants: Duke Energy Progress, LLC.

Description: 205(d) Rate Filing: DEP–DEP Surplus Interconnection Service Study Agreement SA No. 543 to be effective 10/26/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5197.

Comment Date: 5 p.m. ET 9/16/26.

Docket Numbers: ER26–3629–000.

Applicants: American Transmission Systems, Incorporated.

Description: 205(d) Rate Filing: ATSI submits a new Construction Agmt—SA No. 7685 to be effective 10/27/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5048.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3630–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to Att AY GI Procedures for Phase II IBR Performance Requirements to be effective 10/27/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5088.

Comment Date: 5 p.m. ET 9/17/26.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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 27, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17844 Filed 8–31–26; 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 Exempt Wholesale Generator filings:

Docket Numbers: EG26–298–000.

Applicants: Tidwell Prairie IIA LLC.

Description: Tidwell Prairie IIA LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/27/26.

Accession Number: 20260827–5168.

Comment Date: 5 p.m. ET 9/17/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER19–13–015.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO: Compliance Filing—TO20 Docket Nos. ER19–13–000, et al., RY2022 Settlement to be effective N/A.

Filed Date: 8/27/26.

Accession Number: 20260827–5148.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER19–1216–005.

Applicants: Northwest Ohio Wind, LLC.

Description: Refund Report: Northwest Ohio Wind, LLC Refund Report to be effective N/A.

Filed Date: 8/27/26.

Accession Number: 20260827–5159.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER22–279–005.

Applicants: PSEG Keys Energy Center LLC.

Description: Compliance filing: Parkway Generation Keys Energy Center LLC submits tariff filing per 35: Settlement Compliance Filing to be effective 12/29/2021.

Filed Date: 8/27/26.

Accession Number: 20260827–5144.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER22–285–005.

Applicants: PSEG Fossil Sewaren Urban Renewal LLC.

Description: Compliance filing: Parkway Generation Sewaren Urban Renewal Entity LLC submits tariff filing per 35: Settlement Compliance Filing to be effective 12/29/2021.

Filed Date: 8/27/26.

Accession Number: 20260827–5150.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER22–294–006.

Applicants: PSEG Fossil LLC.

Description: Compliance filing: Parkway Generation Operating LLC submits tariff filing per 35: Settlement Compliance Filing to be effective 12/29/2021.

Filed Date: 8/27/26.

Accession Number: 20260827–5147.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3631–000.

Applicants: Arizona Public Service Company.

Description: 205(d) Rate Filing: OATT Revisions—Administrative Filing to be effective 10/27/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5145.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3632–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Flat Shoals Solar LGIA Filing to be effective 8/18/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5155.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3633–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Buffalo Creek Energy LGIA Filing to be effective 8/18/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5156.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3634–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Tensaw Solar LGIA Filing to be effective 8/18/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5157.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3635–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Union Hill Solar LGIA Filing to be effective 8/18/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5158.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3636–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: PAC Energy NITSA Rev.18 (SA No. 66) to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5180.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3637–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: PGE Non-Conforming PTP (SA 1223, 1224,1225) to be effective 12/31/9998.

Filed Date: 8/27/26.

Accession Number: 20260827–5184.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3638–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Rev to PJM Tariff, Parts VII, VIII & IX RE: Interconnection Process GDECS III to be effective 10/27/2026.

Filed Date: 8/27/26.

Accession Number: 20260827–5190.

Comment Date: 5 p.m. ET 9/17/26.

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 27, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–17845 Filed 8–31–26; 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: CP26–569–000.

Applicants: Eastern Shore Natural Gas Company.

Description: Eastern Shore Natural Gas Company submits Abbreviated Application for Limited Amendment to Certificate of Public Convenience and Necessity to Revise Initial Rates, etc. re the Worcester Resiliency Upgrade Project.

Filed Date: 8/25/26.

Accession Number: 20260825–5130.

Comment Date: 5 p.m. ET 9/15/26.

Docket Numbers: RP26–1099–000.

Applicants: Northwest Pipeline LLC.

Description: Compliance filing: NAESB 4.0 Filing—Additional Standards to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5129.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1100–000.

Applicants: White River Hub, LLC.

Description: Compliance filing: NAESB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5141.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1101–000.

Applicants: MountainWest Pipeline, LLC.

Description: Compliance filing: NAESB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5145.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1102–000.

Applicants: MountainWest Overthrust Pipeline, LLC.

Description: Compliance filing: NAESB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/26/26.

Accession Number: 20260826–5154.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1103–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: 4(d) Rate Filing: TC Quarterly FL&U Update August 2026 to be effective 10/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5163.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1104–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Non-Conforming Agreements Update (SRP 2026) to be effective 9/1/2026.

Filed Date: 8/26/26.

Accession Number: 20260826–5175.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1105–000.

Applicants: KPC Pipeline, LLC.

Description: Compliance filing: Order No. 587–AB Compliance to be effective 1/1/2027.

Filed Date: 8/27/26.

Accession Number: 20260827–5041.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1106–000.

Applicants: MarkWest Pioneer, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance to be effective 1/1/2027.

Filed Date: 8/27/26.

Accession Number: 20260827–5043.

Comment Date: 5 p.m. ET 9/8/26.

Docket Numbers: RP26–1107–000.

Applicants: MarkWest New Mexico, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance to be effective 1/1/2027.

Filed Date: 8/27/26.
Accession Number: 20260827–5044.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1108–000.
Applicants: NGO Transmission, Inc.
Description: Compliance filing: Order Nos. 587–AA and 587–AB Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5045.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1109–000.
Applicants: Vector Pipeline L.P.
Description: Compliance filing: Order No. 587–AB Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5046.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1110–000.
Applicants: Carolina Gas Transmission, LLC.
Description: Compliance filing: CGT—2026 Penalty Revenue Crediting Report to be effective N/A.
Filed Date: 8/27/26.
Accession Number: 20260827–5047.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1111–000.
Applicants: Carolina Gas Transmission, LLC.
Description: Compliance filing: CGT—2026 NAESB Version 4.0 Compliance to be effective 1/1/2027.
Filed Date: 8/27/26. A01SE3.
Accession Number: 20260827–5052.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1112–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: Compliance filing: EGTS—2026 NAESB Version 4.0 Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5055.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1113–000.
Applicants: Cove Point LNG, LP.
Description: Compliance filing: Cove Point—2026 NAESB Version 4.0 Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5060.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1114–000.
Applicants: Cove Point LNG, LP.
Description: Compliance filing: Cove Point—2026 Revenue Crediting Report to be effective N/A.
Filed Date: 8/27/26.
Accession Number: 20260827–5067.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1115–000.
Applicants: Gulf Run Transmission, LLC.
Description: Compliance filing: NAESB Version 4.0 Revisions

Compliance Filing to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5078.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1116–000.
Applicants: Stingray Pipeline Company, L.L.C.
Description: Compliance filing: NAESB Version 4.0 Revisions Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5082.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1117–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing: 2026 Operational Entitlements Filing to be effective N/A.
Filed Date: 8/27/26.
Accession Number: 20260827–5084.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1118–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: 4(d) Rate Filing: 2026 ACA Tracker Filing—GSS, LSS, SS–2, and S–2 to be effective 10/1/2026.
Filed Date: 8/27/26.
Accession Number: 20260827–5089.
Comment Date: 5 p.m. ET 9/8/26.
 Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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 27, 2026.

Carlos D. Clay,
 Deputy Secretary.

[FR Doc. 2026–17846 Filed 8–31–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–565–000]

Natural Gas Pipeline Company of America LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on August 19, 2026, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), and Natural's blanket certificate issued in Docket No. CP82–402–000, for authorization to construct, maintain, own, and operate approximately 3.2 miles of 24-inch-diameter pipeline lateral and a new delivery meter station, both located in Harrison County, Texas (Harrison County Power Project). The proposed facilities will enable Natural to provide up to 126,600 Dekatherms per day of firm transportation service to Southwestern Electric Power Company's Hallsville Power Plant, a new natural gas-fired electric generation plant. The estimated cost of the project is approximately \$36,200,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.reference@ferc.gov.

Any questions concerning this request should be directed to Francisco Tarin,

Director, Regulatory, Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, by phone at (719) 667-7517, or by email at francisco_tarin@kindermorgan.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 26, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on October 26, 2026. Filings that do not meet requirements of 18 CFR 157.205(e)(2)⁴ will not be considered protests by the Commission.⁵ A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁶ and the regulations under the NGA⁷ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 26, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 26, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding.

To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26-565-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁸

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26-565-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Francisco Tarin, Director, Regulatory, Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, or by email (with a link to the document) at francisco_tarin@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502-6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 157.205(e)(2).

⁵ *Cheniere Creole Trail Pipeline, L.P.*, 195 FERC ¶ 61,208, at P 8 n.16 (2026).

⁶ 18 CFR 385.214.

⁷ 18 CFR 157.10.

⁸ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

(Authority: 18 CFR 2.1)

Dated: August 27, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-17847 Filed 8-31-26; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0009, OMB 3060-0175, OMB 3060-0178, OMB 3060-0182, OMB 3060-0190, OMB 3060-0320; FR ID 364457]

Information Collections 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 November 2,

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: 3060-0178.

Title: Section 73.1560, Operating Power and Mode Tolerances.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities or Not-for-profit institutions.

Number of Respondents and Responses: 80 respondents and 80 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 80 hours.

Total Annual Cost: \$20,000.

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 73.1560(d) requires that licensees of AM, FM or TV stations file a notification with the FCC via the Commission's Licensing and Management System (LMS) when operation at reduced power will exceed ten consecutive days in a Reduced Power Notification and upon restoration of normal operations. If causes beyond the control of the licensee prevent restoration of authorized power within a 30-day period, an informal request for

Special Temporary Authority must be made via LMS for any additional time as may be necessary to restore normal operations.

OMB Control Number: 3060-0182.

Title: Section 73.1620, Program Tests.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit, Not-for-profit institutions.

Number of Respondents and Responses: 1,469 respondents and 1,469 responses.

Estimated Time per Response: 1-5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,517 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 73.1620(a)(1) requires permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station, to notify the FCC upon the beginning of program tests via a Program Test Authority filing in the Commission's Licensing and Management System (LMS) database. An application for license must be filed with the FCC within 10 days of this notification.

47 CFR 73.1620(a)(2) requires a permittee of an FM station with a directional antenna to file a request with the FCC for program test authority 10 days prior to the date on which it desires to begin program tests on FCC Form 2100 Schedule 302-FM in LMS. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(3) requires a licensee of an FM station replacing a directional antenna with changes that would not require the submission of a construction permit application, to file with the FCC a modification of license application on FCC Form 2100 Schedule 302-FM within 10 days after commencing operations with the replacement antenna. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(4) requires a permittee of an AM station with a

directional antenna to file a request with the FCC for program test authority 10 days prior to the date on which it desires to begin program tests. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(5)—except for permits subject to successive license terms, the permittee of an Low Power TV (LPFM) station may begin program tests upon notification to the FCC in Washington, DC, provided that within 10 days thereafter, an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such licensee's authorization.

47 CFR 73.1620(b)—the Commission reserves the right to revoke, suspend, or modify program tests by any station without the right to a hearing for failure to comply adequately with all terms of the construction permit or the provisions of § 73.1690(c) for a modification of license application, or in order to resolve instances of interference. The Commission may, at its discretion, also require the filing of a construction permit application to bring the station into compliance the Commission's rules and policies.

OMB Control Number: 3060–0175.

Title: Section 73.1250, Broadcasting Emergency Information.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities or Not-for-profit institutions.

Number of Respondents and Responses: 50 respondents and 50 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in section 154(i) 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. Emergency situations in which the broadcasting of information is considered as furthering the safety of life and property include, but are not limited to, tornadoes, hurricanes, floods, tidal waves, earthquakes, and school

closings. 47 CFR 73.1250(e) requires that immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages, or when daytime facilities were used during nighttime hours by an AM station, a report in letter form shall be forwarded to the FCC's main office in Washington, DC, as indicated in 47 CFR 0.401(a), setting forth the nature of the emergency, the dates and hours of the broadcasting of emergency information and a brief description of the material carried during the emergency. A certification of compliance with the non-commercialization provision must accompany the report where daytime facilities are used during nighttime hours by an AM station.

OMB Control Number: 3060–0009.

Title: FCC Form 2100, Schedule 316—Application for Consent to Assign Broadcast Station Construction Permit or License or Transfer Control of Entity Holding Broadcast Station Construction Permit or License.

Form Number: FCC Form 2100, Schedule 316.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

Number of Respondents and Responses: 750 respondents and 750 responses.

Estimated Time per Response: 1.5–4.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain benefits. Statutory authority for this collection of information is contained in sections 154(i) and 310(d) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,231 hours.

Total Annual Cost: \$926,000.

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. Schedule 316 is used to apply for Commission consent to a *pro forma* assignment of a broadcast station license or construction permit, or a *pro forma* transfer of control of an entity holding a broadcast station license or construction permit. Specifically, filing of the Schedule 316 is required when applying for consent to assignment of a broadcast station construction permit or

license, or for consent to transfer control of an entity holding a broadcast station construction permit or license where there is little change in the relative interest or disposition of interests; where transfer of an interest is not a controlling one; where there is no substantial change in the beneficial ownership of the corporation; where the assignment is less than a controlling interest in a partnership; where there is an appointment of an entity qualified to succeed to the interest of a deceased or legally incapacitated individual permittee, licensee or controlling stockholder; and, in the case of LPFM stations, where there is a voluntary transfer of a controlling interest in the licensee entity. In addition, the applicant must notify the Commission when an approved assignment or transfer of control of a broadcast station construction permit or license has been consummated.

OMB Control Number: 3060–0190.

Title: Section 73.3544, Application to Obtain a Modified Station License.

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: 325 respondents and 325 responses.

Estimated Time per Response: 0.25–1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 306 hours.

Total Annual Cost: \$75,000.

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 73.3544(b) states that an informal electronic filing of an Administrative Update via the Commission's Licensing and Management System (LMS) may be filed to cover the following changes: (1) A correction of the routing instructions and description of an AM station directional antenna system field monitoring point, when the point itself is not changed; (2) A change in the type

of AM station directional antenna monitor. See § 73.69; (3) The location of a remote control point of an AM or FM station when prior authority to operate by remote control is not required.

47 CFR 73.3544(c) states that a change in the name of the licensee where no change in ownership or control is involved may be accomplished by electronically filing an Administrative Update via LMS by the licensee.

OMB Control Number: 3060–0320.

Title: Section 73.1350, Transmission System Operation.

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: 505 respondents and 505 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 253 hours.

Total Annual Cost: No cost.

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 73.1350(h) requires licensees to submit a “letter of notification” to the FCC via a Change of Control Point Notice in the Commission’s Licensing and Management System (LMS) database, whenever a transmission system control point is established at a location other than at the main studio or transmitter within three days of the initial use of that point. The letter should include a list of all control points in use, for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–17858 Filed 8–31–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0991; FR ID 364550]

Information Collections 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 November 2, 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: 3060–0991.

Title: AM Measurement Data.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,800 respondents; 3,135 responses.

Estimated Hours per Response: 0.50–25 hours.

Frequency of Response:

Recordkeeping requirement, Third party disclosure requirement, On occasion reporting requirement.

Total Annual Burden: 20,200 hours.

Total Annual Cost: \$1,131,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 151, 152, 154(i), 303, and 307 of the Communications Act of 1934, as amended.

Needs and Uses: In order to control interference between stations and assure adequate community coverage, AM stations must conduct various engineering measurements to demonstrate that the antenna system operates as authorized. The data is used by station engineers to correct the operating parameters of the antenna. The data is also used by FCC staff in field investigations to ensure that stations are in compliance with the technical requirements of the Commission’s various rules.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–17859 Filed 8–31–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission’s website (www.fmc.gov) or by contacting the Office of General Counsel at (202) 523–5740 or GeneralCounsel@fmc.gov.

Agreement No.: 012182–004.
Agreement Name: Hyundai Glovis/
 EUKOR Car Carrier Inc. Space Charter
 Agreement.

Parties: EUKOR Car Carriers, Inc.; and
 Hyundai Glovis Co. Ltd.

Filing Party: Wayne Rohde, Cozen
 O'Connor.

Synopsis: The Amendment revises
 Article 5.3 of the Agreement to delete
 authority for joint contracting and
 revises Article 3 to update the address
 of one of the parties.

Proposed Effective Date: 8/27/2026.

Location: [https://www2.fmc.gov/
 eAgreementsSP/Public/Agreement
 History/337](https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/337).

Agreement No.: 012261–002.

Agreement Name: EUKOR Car
 Carriers, Inc./Liberty Global Logistics
 LLC Space Charter Agreement.

Parties: EUKOR Car Carriers, Inc.; and
 Liberty Global Logistics LLC.

Filing Party: Bryant Gardner, Winston
 & Strawn LLP.

Synopsis: The Amendment removes
 Article 5.3 of the Agreement authorizing
 the Parties to enter into joint agreements
 for certain covered services as defined
 in 46 U.S.C. 40102(5).

Proposed Effective Date: 8/21/2026.

Location: [https://www2.fmc.gov/
 eAgreementsSP/Public/Agreement
 History/126](https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/126).

Agreement No.: 012380–002.

Agreement Name: Wallenius
 Wilhelmsen Ocean AS/Liberty Global
 Logistics LLC Space Charter Agreement.

Parties: Liberty Global Logistics LLC;
 and Wallenius Wilhelmsen Ocean AS.

Filing Party: Bryant Gardner, Winston
 & Strawn LLP.

Synopsis: The Amendment removes
 Article 5.3 of the Agreement authorizing
 the Parties to enter into joint agreements
 for certain covered services as defined
 in 46 U.S.C. 40102(5).

Proposed Effective Date: 8/21/2026.

Location: [https://www2.fmc.gov/
 eAgreementsSP/Public/
 AgreementHistory/79](https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/79).

Agreement No.: 012383–001.

Agreement Name: Hyundai Glovis/
 Eukor Space Charter Agreement.

Parties: EUKOR Car Carriers, Inc.; and
 Hyundai Glovis Co. Ltd.

Filing Party: Wayne Rohde, Cozen
 O'Connor.

Synopsis: The Amendment revises
 Article 5.3 of the Agreement to delete
 authority for joint contracting and
 revises Article 3 to update the address
 of one of the parties.

Proposed Effective Date: 8/27/2026.

Location: [https://www2.fmc.gov/
 eAgreementsSP/Public/
 AgreementHistory/77](https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/77).

Agreement No.: 201281–001.

Agreement Name: US Ocean, L.L.C./
 Liberty Global Logistics LLC Space
 Charter Agreement.

Parties: Liberty Global Logistics LLC;
 and US Ocean L.L.C.

Filing Party: Bryant Gardner, Winston
 & Strawn LLP.

Synopsis: The Amendment removes
 Article 5.3 of the Agreement authorizing
 the Parties to enter into joint agreements
 for certain covered services as defined
 in 46 U.S.C. 40102(5).

Proposed Effective Date: 8/21/2026.

Location: [https://www2.fmc.gov/
 eAgreementsSP/Public/
 AgreementHistory/20301](https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/20301).

Dated: August 28, 2026.

David Eng,

Secretary.

[FR Doc. 2026–17877 Filed 8–31–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–09]

Kamordeen A. Ganiu d/b/a Global Kings Logistics, Complainant v. Mediterranean Shipping Company (USA) Inc. and MSC Mediterranean Shipping Company S.A., Respondents; Notice of Filing of Amended Complaint

Notice is given that an amended
 complaint has been filed with the
 Federal Maritime Commission (the
 “Commission”) by Kamordeen A. Ganiu
 d/b/a Global Kings Logistics (the
 “Complainant”) against Mediterranean
 Shipping Company (USA) Inc. and MSC
 Mediterranean Shipping Company S.A.
 (the “Respondents”). Complainant
 states that the Commission has subject-
 matter jurisdiction over the amended
 complaint pursuant to the Shipping Act
 of 1984, as amended, 46 U.S.C.41301,
 and personal jurisdiction over
 respondent MSC Mediterranean
 Shipping Company S.A. as an “ocean
 common carrier” and over respondent
 Mediterranean Shipping Company
 (USA) Inc. as an agent therefor.

Complainant is a sole proprietor and
 shipper, as that term is defined in 46
 U.S.C. 40102(23)(E), with a business
 address in Brooklyn, New York.

Complainant identifies respondent
 MSC Mediterranean Shipping Company
 S.A. as an ocean common carrier with
 its principal place of business located in
 Geneva, Switzerland, whose agent in the
 United States is respondent
 Mediterranean Shipping Company
 (USA) Inc., an entity with a business
 address located in New York City, New
 York.

Complainant alleges that Respondents
 violated 46 U.S.C 41102(c);

41104(a)(14), (a)(15), (d), (f); and 46 CFR
 541.5–541.6. Complainant alleges these
 violations arose from the issuing of
 invoices that improperly consolidated
 charges and lacked necessary
 information, and other acts or omissions
 of Respondents.

An answer to the amended complaint
 must be filed with the Commission
 within 25 days after the date of service.

The full text of the amended
 complaint can be found in the
 Commission’s electronic Reading Room
 at [https://www2.fmc.gov/readingroom/
 proceeding/26-09/](https://www2.fmc.gov/readingroom/proceeding/26-09/).

The initial decision of the presiding
 judge shall be issued by June 10, 2027,
 and the final decision of the
 Commission shall be issued by
 December 27, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR
 502.61(c))

Served: August 28, 2026.

David Eng,

Secretary.

[FR Doc. 2026–17868 Filed 8–31–26; 8:45 am]

BILLING CODE 6730–02–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](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 October 1, 2026.

A. Federal Reserve Bank of St. Louis (Winchell S. Carroll, Jr., Assistant Vice President) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *Farmers Bancorp Inc., Blytheville, Arkansas*; to acquire Lawrence Bancshares, Inc., and thereby indirectly acquire Lawrence Bank, both of Nashville, Tennessee.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–17873 Filed 8–31–26; 8:45 am]

BILLING CODE:P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10241, CMS–10510 and CMS–10137]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of

this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 2, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: _____ OMB Control Number: _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey of Retail Prices; *Use:* This information collection request provides for a survey of the average acquisition costs of all covered outpatient drugs purchased by retail community pharmacies. CMS may contract with a vendor to conduct monthly surveys of retail prices for covered outpatient drugs. Such prices represent a nationwide average of consumer purchase prices, net of discounts and rebates. The contractor shall provide notification when a drug product becomes generally available and that the contract includes such terms and conditions as the Secretary shall specify, including a requirement that the vendor monitor the marketplace. CMS has developed a National Average Drug Acquisition Cost (NADAC) for states to consider when developing reimbursement methodology. The NADAC is a pricing benchmark that is based on the national average costs that pharmacies pay to acquire Medicaid covered outpatient drugs. This pricing benchmark is based on drug acquisition costs collected directly from pharmacies through a nationwide survey process. This survey is conducted on a monthly basis to ensure that the NADAC reference file remains current and up to date. *Form Number:* CMS–10241 (OMB control number 0938–1041); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 72,000; *Total Annual Responses:* 72,000; *Total Annual Hours:* 36,000. (For policy questions regarding this collection contact: Robert Giles at 410–786–4050.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title:* Basic Health Program (BHP) Supporting Regulations; *Use:* Section 1331 of the Affordable Care Act (ACA) gives States the option of creating a Basic Health Program (BHP) which is a health benefits coverage program for low-income residents who would otherwise be eligible to purchase

coverage through the Exchange. The BHP gives States the ability to provide more affordable coverage for these low-income residents and improve continuity of care for people whose income fluctuates above and below Medicaid and Children's Health Insurance Program (CHIP) levels. This iteration proposes to revise the active collection of information instruments and (in line with sections 71301 and 71302 of the Working Families Tax Cut legislation) remove State eligibility for BHP funding attributable to certain non-citizens while maintaining BHP program eligibility for the same non-citizens. *Form Number:* CMS-10510 (OMB control number: 0938-1218); *Frequency:* Monthly and annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 4; *Number of Responses:* 55; *Total Annual Hours:* 7,744. For policy questions regarding this collection contact Carrie Grubert 410-786-8319.

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Solicitation for Applications for Medicare Prescription Drug Plan 2028 Contracts; *Use:* Coverage for the prescription drug benefit is provided through contracted prescription drug plans (PDPs) or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA-PD plans). Cost Plans that are regulated under Section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the Prescription Drug Benefit Program must complete an application, negotiate rates, and receive final approval from CMS. Existing Part D Sponsors may also expand their contracted service area by completing the Service Area Expansion (SAE) application.

Collection of this information is mandated in Part D of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) in Subpart 3. The application requirements are codified in Subpart K of 42 CFR 423 entitled "Application Procedures and Contracts with PDP Sponsors."

The information will be collected under the solicitation of proposals from PDP, MA-PD, Cost Plan, Program of All-Inclusive Care for the Elderly (PACE), and EGWP applicants. The collected information will be used by CMS to: (1) ensure that applicants meet CMS requirements for offering Part D plans (including network adequacy, contracting requirements, and compliance program requirements, as

described in the application), (2) support the determination of contract awards. *Form Number:* CMS-10137 (OMB control number: 0938-0936); *Frequency:* Annually; *Affected Public:* Individuals and Households; Private Sector—Not-for-profit institutions and Business or other for-profits; *Number of Respondents:* 750; *Total Annual Responses:* 380; *Total Annual Hours:* 1,643.47. (For policy questions regarding this collection contact April Forsythe at 410-786-8493 or April.Forsythe@cms.hhs.gov.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026-17875 Filed 8-31-26; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970-ONEW]

Emergency Office of Management and Budget Review and Public Comment: Questionnaire for the Refugee Outreach and Well-Being Initiative

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), Department of Health and Human Services, is requesting emergency review of an information collection request from the Office of Management and Budget (OMB) and inviting public comments on and extension to the proposed collection. This questionnaire is used during brief telephone interviews with Afghan arrivals who might have received ORR benefits and services, to identify any additional service needs that may support assimilation, self-sufficiency, and citizenship for eligible populations.

DATES: Comments due November 2, 2026. As an emergency approval, this questionnaire will be approved for use immediately. Comments will be considered for the following extension request.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), ACF is soliciting public comment on the

specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is requesting that OMB grant 180-day approval for this request under procedures for emergency processing (see 5 CFR 1320.13). If ORR cannot collect this information quickly, vulnerable Afghan families who need additional support may face significant harm, including loss of income, unstable housing, food insecurity, or loss of immigration status. Emergency clearance ensures ORR can rapidly identify needs and intervene, as appropriate, before these situations worsen.

In compliance with the PRA, ACF will request review under normal procedures within 180 days of the approval for this request. Any edits resulting from public comment will be incorporated into the submission under normal procedures.

The questionnaire requests information to inform ORR's understanding of the current needs and service access of resettled Afghan individuals and families. ORR intends to use the information to:

- Identify common challenges (e.g., housing, employment, access to critical support);
- Assess whether additional resources are necessary to support assimilation, pathways to citizenship, and self-sufficiency, and help with identified vulnerabilities;
- Inform technical assistance to resettlement agencies and interagency coordination; and
- Inform Department and White House leadership on trends and the current challenges that this population faces as they work toward successful assimilation.

Personally identifiable information will be collected solely for the purpose of confirming cases that were interviewed. This information will be used to verify client identities and confirm their current locations to ensure they can access appropriate services, and, when appropriate and permitted by law, information provided by respondents may also be shared with other government entities or service providers, including ORR grantees, to facilitate referrals to available services or inform the development of additional services or resources.

ORR may have situations in the future for which this survey may be useful for

additional populations. If necessary, ORR will work with OMB to reflect updates to the survey or respondents through revision or nonsubstantive change requests.

As an emergency approval, this questionnaire will be approved

immediately. Comments will be considered for the following extension request, if pursued.

Respondents: Afghans who might have received ORR benefits and services.

Annual Burden Estimates: Semi-structured telephone interviews will be

conducted with Afghans who received ORR benefits and services and are likely to have additional assistance needs and vulnerabilities. Interviews will be based on available contact information. Phone interviews are voluntary and are expected to take about 30 minutes.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
ROWI Questionnaire	1,800	1	.50	900

Comments: The Department specifically requests comments on (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: ORR is authorized to conduct this survey under the Refugee Act of 1980 (8 U.S.C. 1522(a)(3)).

Mary C. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2026-17856 Filed 8-31-26; 8:45 am]

BILLING CODE 4184-89-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-P-6538]

Determination That NAMENDA (Memantine Hydrochloride) Tablets, 5 Milligrams and 10 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that NAMENDA (memantine hydrochloride) tablets, 5 milligrams (mg) and 10 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not

begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as the ANDAs meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Awo Archampong-Gray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6243, Silver Spring, MD 20993-0002, 301-796-0110, Awo.Archampong-Gray@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," which is known generally as the "Orange Book." Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, are the subject of NDA 021487, held by AbbVie Inc., and initially approved on October 16, 2003. NAMENDA is indicated for the treatment of moderate to severe dementia of the Alzheimer's type.

NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, are currently listed in the "Discontinued Drug Product List" section of the Orange Book.

Newcastle Bioscience LLC submitted a citizen petition dated June 5, 2026 (Docket No. FDA-2026-P-6538), under 21 CFR 10.30, requesting that the Agency determine whether NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, were voluntarily withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, from sale. We have also independently evaluated

relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list NAMENDA (memantine hydrochloride) tablets, 5 mg and 10 mg, in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to these drug products. Additional ANDAs for these drug products may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026-17812 Filed 8-31-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Microbiome Subcommittee of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria; Correction

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice; Correction. 1st Public Meeting of the Microbiome Subcommittee of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria.

SUMMARY: The Department of Health and Human Services published a document in the **Federal Register** of August 26, 2026 concerning the first public meeting of the Microbiome Subcommittee of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB). The document contained incorrect time for the meeting.

FOR FURTHER INFORMATION CONTACT:

Sarah McClelland, M.P.H., Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S.

Department of Health and Human Services, Email: CARB@hhs.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 26, 2026, in FR Doc. 2026-17404, on page 1, correct the **DATES** caption to read:

DATES: The meeting is scheduled to be held on September 2, 2026, from 9:30 a.m. to 12:30 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the PACCARB at <http://www.hhs.gov/paccarb> when this information becomes available.

Dated: August 27, 2026.

Sarah McClelland,

Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health.

[FR Doc. 2026-17793 Filed 8-31-26; 8:45 am]

BILLING CODE 4150-44-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Imaging Guided Interventions and Surgery Study Section, October 15, 2026, 09:00 a.m. to October 16, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on August 13, 2026, 91 FR 52311.

This meeting is being amended to change the contact person from Steven A. Ripp to Ella Jones, Ph.D., Scientific Review Officer, Center for Scientific Review, NIH, 6701 Rockledge Drive, Bethesda MD 20892, Ph. (301) 496-0777. The meeting is closed to the public.

Dated: August 27, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17850 Filed 8-31-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be held as a virtual meeting and is open to the public, as indicated below. Individuals who plan to view the virtual meeting and need special assistance such as sign language interpretation or other reasonable accommodations to view the meeting, should notify Dr. Gillian Acca via email at gillian.acca@nih.gov four days in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website at <http://videocast.nih.gov/>.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: September 8, 2026.

Closed: 10:30 a.m. to 11:45 a.m.

Agenda: To review and evaluate grant applications.

Open: 1:00 p.m. to 4:30 p.m.

Agenda: Presentations and other business of the Council.

Meeting Format: Virtual Meeting.

Place: National Institutes of Health, National Institute on Drug Abuse, Three White Flint North, 11601 Landsdown Street, Bethesda, MD 20852.

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, Three White Flint North, RM 09D08, 11601 Landsdown Street, Bethesda, MD 20852, 301-443-6480, sweiss@nida.nih.gov

Contact Person: Gillian Acca, Ph.D., Health Scientist Administrator, Division of Extramural Research, Office of Extramural Policy, National Institute on Drug Abuse, NIH, Three White Flint North, 11601 Landsdown Street, Bethesda, MD 20852, 301-827-5863, gillian.acca@nih.gov

Any interested person may file written comments with the committee by forwarding the statement to Dr. Gillian Acca via email at gillian.acca@nih.gov. The statement

should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.drugabuse.gov/NACDA/NACDAHome.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 28, 2026.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17879 Filed 8-31-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Disorders Study Section.

Date: October 6–7, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gek Ming Sia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-3341, gekming.sia@nih.gov.

Name of Committee: Social and Community Influences on Health Integrated Review Group; Health Promotion in Communities Study Section.

Date: October 13–14, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sonia Elena Nanesco, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-8693, sonia.nanesco@nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skin and Connective Tissue Sciences Study Section.

Date: October 13–14, 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: Chiguang Feng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (240) 552-4787, chiguang.feng@nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Translational Immuno-oncology Study Section TIO.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maria Elena Cardenas-Corona, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-867-5309, maria.cardenas-corona@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award—E Study Section.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vandana Kumari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-3290, vandana.kumari@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 28, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17896 Filed 8-31-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute on Alcohol Abuse and Alcoholism.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute On Alcohol Abuse And Alcoholism, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute on Alcohol Abuse and Alcoholism.

Date: September 28–29, 2026.

Time: 9:15 a.m. to 5:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20817.

Meeting Format: Virtual Meeting.

Contact Person: Bin Gao, Ph.D., MD Chief, Section on Liver Biology, Laboratory & Physiologic Studies, National Institutes on Alcohol Abuse and Alcoholism, National Institutes of Health, 5625 Fishers Lane, Room 2S-33, Bethesda, MD 20892-8115, (301) 443-3998, bgao@mail.nih.gov.

Information is also available on the Institute's/Center's home page: <https://www.niaaa.nih.gov/research/division-intramural-clinical-and-biological-research/office-scientific-director>, where an agenda and any additional information for the meeting will be posted when available.

Dated: August 28, 2026.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17897 Filed 8-31-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Advisory Allergy and Infectious Diseases Council, September 23, 2026, 08:00 a.m. to September 23, 2026, 05:00 p.m., Natl Institute for Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20892 which was published in the **Federal Register** on August 18, 2026, 91 FR 53420.

Amendment to add NIAID Reorganization as an agenda item for the open session. The meeting is partially open to the public.

Dated: August 27, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-17849 Filed 8-31-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Substance Abuse and Mental Health Services Administration****Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies**

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT:

Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240-276-2600 (voice); Anastasia.Flanagan@samhsa.hhs.gov (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice

listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** monthly, in accordance with Section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and Section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at <https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list>.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to

be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780-784-1190, (Formerly: Gamma-Dynacare Medical Laboratories)

Note: DOT does not allow IITFs to test DOT-regulated specimens.

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917

Desert Tox, LLC, 5425 E Bell Rd., Suite 125, Scottsdale, AZ 85254, 602-457-5411/623-748-5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800-235-4890

Dynacare, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

Carlos Castillo,

Public Health Analyst, OAS.

[FR Doc. 2026–17852 Filed 8–31–26; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2025–0377; OMB No. 1660–0085]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Crisis Counseling Assistance and Training Program

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day Notice of Extension and Request for Comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on an extension of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Crisis Counseling Assistance and Training Program, which provides Federal funding in response to a State or Federally recognized Tribe's request for Crisis Counseling services for a presidentially declared major disaster or emergency.

DATES: Comments must be submitted on or before October 1, 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:

Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address FEMA-Information-Collections-Management@fema.dhs.gov or Heather Spadaro, State-Led Disaster Services Section, Individual Assistance Division, FEMA, 202–646–3642, and FEMA-HQ-IA-SDB-SLDS@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: Section 416 of the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (Pub. L. 93–288, as amended and codified at 42 U.S.C. 5183) (Act, or Stafford Act) authorizes the President to provide professional counseling services, including financial assistance to States (which includes the fifty states, the District of Columbia, and the U.S. territories), Federally recognized Indian Tribal governments, local agencies or private mental health organizations, to survivors of major disasters to relieve mental health problems caused or aggravated by a major disaster or its aftermath. Additionally, the President is authorized to provide these same services under section 416 of the Act for a declared emergency pursuant to section 502(a)(6) of the Act, 42 U.S.C. 5192(a)(6). The implementing regulations for section 416 of the Stafford Act are at 44 CFR 206.171. Under 44 CFR 206.171 and by agreement, the U.S. Department of Health and Human Services—Center for Mental Health Services (HHS–CMHS), which has expertise in crisis counseling, coordinates with FEMA in administering the Crisis Counseling Assistance and Training Program (CCP). FEMA and HHS–CMHS provide program oversight, technical assistance, and training to States and Federally recognized Tribes applying for CCP funding for declared major disasters or emergencies. The information submitted in the application is disaster-specific. The information submitted is used in the consideration of the following: funding for community outreach services, public education on behavioral health matters, group and individual crisis counseling, and resource and referral information (including coping techniques).

This proposed information collection previously published in the **Federal Register** on February 11, 2026, at 91 FR 6241 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Crisis Counseling Assistance and Training Program.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0085.

FEMA Forms: FEMA Form FF–104–FY–21–148 (formerly 003–0–1), Crisis Counseling Assistance and Training Program (CCP), Immediate Services Program (ISP) Application; FEMA Form

FF-104-FY-21-149 (formerly 003-0-2), Crisis Counseling Assistance and Training Program (CCP) Regular Services Program (RSP) Application; CCP ISP Final Report Narrative; CCP RSP Quarterly Report Narrative; CCP Final RSP Report Narrative.

Abstract: The CCP consists of two grant programs, the ISP and RSP. The ISP and RSP provide supplemental funding to States and Federally recognized Tribes following a Presidentially declared major disaster or emergency under the Stafford Act. These grant programs provide funding for training and services, including community outreach, public education, and counseling techniques. States and Federally recognized Tribes are required to submit an application that provides information on needs assessment, plan of service, program management, and an accompanying budget. The information being collected from both forms will be used to determine if existing resources are adequate to meet the behavioral health needs of disaster survivors and to determine if supplemental funds for crisis counseling services are necessary. Additionally, the information gathered from these forms will help to ensure the program's objectives are met and grants are properly administered in accordance with all applicable laws and regulations.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 90.

Estimated Number of Responses: 108.

Estimated Total Annual Burden

Hours: 1,728.

Estimated Total Annual Respondent Cost: \$189,718.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$202,505.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Russell Bard,

Acting Senior Director for Information Management, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2026-17816 Filed 8-31-26; 8:45 am]

BILLING CODE 9111-24-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Revision of Agency Information Collection Activity Under OMB Review: Cybersecurity Measures for Surface Modes

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0074, abstracted below, to OMB for a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the designation of a Cybersecurity Coordinator; the reporting of cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency; the development of a cybersecurity contingency/recovery plan to address cybersecurity gaps; and the completion of a cybersecurity assessment.

DATES: Send your comments by October 1, 2026. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive,

Springfield, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on April 16, 2026, 91 FR 20475.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

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

(2) Evaluate the accuracy of the agency's estimate of the burden;

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

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Cybersecurity Measures for Surface Modes.

Type of Request: Revision.

OMB Control Number: 1652-0074.

Form(s): TSA Optional Forms.

Affected Public: Owner/Operators with operations identified in 49 CFR part 1580 (Freight Rail), 49 CFR part 1582 (Mass Transit and Passenger Rail), and 49 CFR part 1584 (Over-the-Road Bus).

Abstract: Under the authorities of 49 U.S.C. 114, TSA may take immediate action to impose measures to protect transportation security without providing notice or an opportunity for comment.¹ On December 17, 2021, TSA

¹ TSA issues SDs for surface transportation operators under the statutory authority of 49 U.S.C. 114(l)(2)(A). This provision, from section 101 of the Aviation and Transportation Security Act, Public Law 107-71 (115 Stat. 597; Nov. 19, 2001), states: "Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis), if the Administrator determines that a regulation or SD

issued the Security Directive (SD) 1580–21–01 series, *Enhancing Rail Cybersecurity*, and the SD 1582–21–01 series, *Enhancing Public Transportation and Passenger Railroad Cybersecurity*, mandating TSA-specified Owner/Operators of higher risk railroads and rail transit systems, respectively, to implement an array of cybersecurity measures to prevent disruption and degradation to their infrastructure; these SDs became effective December 31, 2021. In addition, on October 18, 2022, TSA issued the SD 1580/82–2022–01 series, *Rail Cybersecurity Mitigation Actions and Testing*, which applies to Owner/Operators of the “Higher Risk” freight railroads identified in 49 CFR 1580.101 and additional TSA-designated freight and passenger railroads. This SD, which is complementary to the requirements in the previous directives, took effect on October 24, 2022. On December 17, 2021, TSA also issued Information Circular (IC) 2021–01, *Enhancing Surface Transportation Cybersecurity*, which recommended voluntary implementation of actions and reporting by Owner/Operators not covered by the SDs. On October 25, 2025, TSA issued IC Surface–2025–01, *Notifying TSA of Significant Cybersecurity Incidents*, which recommends voluntary reporting of cybersecurity incidents to TSA and Owner/Operators not covered by the SDs.

On January 15, 2026, TSA revised the SD 1580–21–01 series, SD 1582–21–01 series, to require that any non-U.S. citizen serving as a primary or alternate Cybersecurity Coordinator must be a current member of NEXUS, Global Entry, or another program determined by TSA to include a comparable security threat assessment. TSA is revising the collection to include this new requirement.

A. SD 1580–21–01 Series, SD 1582–21–01 Series, Surface Transportation IC–2021–01, and IC Surface–2025–01

These SDs and ICs remain in effect and include the following information collection requirements for the SDs and voluntary collection under the ICs:

1. Designate a primary and at least one alternate Cybersecurity Coordinator; ensure any non-U.S. citizen serving as a primary or alternate Cybersecurity Coordinator is a current member of NEXUS, Global Entry, or another program determined by TSA to include a comparable security threat assessment

must be issued immediately in order to protect transportation security, the Administrator shall issue the regulation or SD without providing notice or an opportunity for comment and without prior approval of the Secretary.”

and submit documentation of such membership to TSA. This requirement is a revision to the original collection as discussed above, stemming from the revision of these SD series. TSA expects that fewer than 10 Owner/Operators will respond to the information collection annually. However, this new requirement burden is covered under OMB control number 1651–0121 Trusted Traveler Programs and U.S. APEC Business Travel Card;

2. Report cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency no later than 72 hours after the Owner/Operator identifies a cybersecurity incident;

3. Develop a Cybersecurity Incident Response Plan to TSA; and

4. Complete a cybersecurity vulnerability assessment using the TSA-issued form and submit the completed assessment to TSA.²

The collection of information is also being revised to remove mandatory requirements associated with the SD 1580–21–01 series and the SD 1582–21–01 series, specifically the cybersecurity vulnerability assessment for rail Owner/Operators subject to these SDs. These rail Owner/Operators have satisfied these SD requirements and TSA expects that fewer than 10 Owner/Operators will respond to the collection annually.

In addition, TSA is revising the collection to include updates to the Cybersecurity Incident Response Plan requirements. Owner/Operators have developed their initial Cybersecurity Incident Response Plans, satisfying the SD requirements, and TSA expects fewer than 10 new Owner/Operators will need to submit a plan annually. However, TSA also requires these Owner/Operators to maintain up-to-date Cybersecurity Incident Response Plans, which necessitates periodic updates. TSA is revising the collection to include these updates.

IC Surface–2025–01 recommends that Owner/Operators should notify TSA’s Transportation Security Operations Center via telephone (1–866–655–7023) as soon as possible, and no more than 12 hours after discovery of an actual or potential significant cybersecurity incident.

B. SD 1580/82–2022–01 Series

This SD series includes the following information collection:

1. Submission of a Cybersecurity Implementation Plan to TSA for approval that identifies how the Owner/

Operator will achieve the required security outcomes in the SD;

2. Submission of a Cybersecurity Assessment Plan and submission of an annual Cybersecurity Assessment Plan report; and

3. Documentation provided to TSA upon request as necessary to establish compliance.

The ICs also include the following recommendation but is not a requirement in the SDs: Owner/Operators should notify TSA’s Transportation Security Operations Center as soon as possible, and no more than 12 hours after discovery of an actual or potential significant cybersecurity incident.

The collection of information is also being revised to include updates and reports to the mandatory requirements associated with the SD 1580–21–01 series and the SD 1582–21–01 series, specifically the Cybersecurity Implementation Plan and Cybersecurity Assessment Plan for rail Owner/Operators subject to these SDs. These rail Owner/Operators have satisfied the Cybersecurity Implementation Plan requirements and TSA expects fewer than 10 new Owner/Operators will respond to the collection annually. However, TSA estimates that annually about half of Owner/Operators will provide updates to their Cybersecurity Implementation Plan. TSA is revising the collection to include these updates.

In addition, TSA is revising the collection to include updates to the Cybersecurity Incident Response Plan requirements. Owner/Operators have developed their initial Cybersecurity Incident Response Plans, satisfying the SD requirements, and TSA expects fewer than 10 new Owner/Operators will need to submit a plan annually. However, TSA also requires these Owner/Operators to maintain up-to-date Cybersecurity Incident Response Plans, which necessitates periodic updates. TSA is revising the collection to include these updates.

The collection of information is also being revised to include updates and reports to the Cybersecurity Implementation Plan and Cybersecurity Assessment Plan for rail Owner/Operators subject to these SDs. These rail Owner/Operators have satisfied the Cybersecurity Implementation Plan requirements and TSA expects fewer than 10 new Owner/Operators will respond to the collection annually. However, TSA estimates that annually about half of the Owner/Operators will provide updates to their Cybersecurity Implementation Plan. TSA is revising the collection to include these updates.

² This is a non-recurring cybersecurity vulnerability assessment. Owner/Operators are required to provide the requested information on a single occasion only.

In addition, TSA is revising the collection to include Cybersecurity Assessment Plan Reports. In October 2023, SD 1580/82–2022–01 required Owner/Operators to submit an annual report. These Owner/Operators are also required to conduct annual assessments of their cybersecurity measures and submit to TSA an annual report of the results of these assessments. TSA is updating the collection to include these reports.

Portions of the responses that are deemed sensitive security information are protected in accordance with procedures meeting the transmission, handling, and storage requirements of sensitive security information set forth in 49 CFR part 1520.³

Estimated Number of Respondents: 67.⁴

Estimated Annual Burden Hours: 22,167.

Dated: August 28, 2026.

Christina A. Walsh,

*Paperwork Reduction Act Officer,
Information Technology, Transportation
Security Administration.*

[FR Doc. 2026–17894 Filed 8–28–26; 4:15 pm]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6553–N–03]

Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs, Fiscal Year 2027

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, HUD.

ACTION: Notice of fiscal year (FY) 2027 fair market rents (FMRs).

SUMMARY: HUD is required to publish FMRs not less than annually, adjusted

to be effective on October 1 of each year. This notice describes the methods used to calculate the FY 2027 FMRs and lists the procedures for public housing agencies (PHAs) to request reevaluations of their FMRs as required by the Housing Opportunity Through Modernization Act of 2016 (HOTMA).

DATES: *Comment Due Date:* October 1, 2026.

Effective Date of FY 2027 FMRs: October 1, 2026, unless HUD receives a valid request for reevaluation of specific area FMRs as described below.

ADDRESSES: HUD invites interested persons to submit comments regarding the FMRs and to request reevaluation of the FY 2027 FMRs. Communications must refer to the above docket number and title and should contain the information specified in the “Request for Public Comments and FMR Reevaluations” section. There are two methods for submitting public comments or reevaluation requests:

1. *Electronic Submission of Comments.* Interested persons may submit comments or reevaluation requests electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. HUD strongly encourages commenters to submit comments or reevaluation requests electronically. Electronic submission of comments or reevaluation requests allows the author maximum time to prepare and submit a comment or reevaluation request, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the <https://www.regulations.gov> website can be viewed by other submitters and interested members of the public. Commenters or reevaluation requestors should follow the instructions provided on that site to submit comments or reevaluation requests electronically.

2. *Submission of Comments by Mail.* Members of the public may submit comments or requests for reevaluation by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as public comments or reevaluation requests, comments or requests must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments or Reevaluation Requests. HUD does not accept facsimile (FAX) comments or requests for FMR reevaluation.

FOR FURTHER INFORMATION CONTACT:

Adam Bibler, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402–6057 (this is not a toll-free number).

For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD User information line at 800–245–2691 or access the information on the HUD User website at <https://www.huduser.gov/portal/datasets/fmr.html>. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Questions related to the use of FMRs or voucher payment standards should be directed to the respective local HUD program staff or the Office of Public and Indian Housing Customer Service Center at <https://www.hud.gov/contactus/css>. Questions on how to conduct FMR surveys may be addressed to the electronic mailbox for the Program Parameters and Research Division at pprd@hud.gov.

Electronic Data Availability. This **Federal Register** notice will be available electronically from the HUD User page at <https://www.huduser.gov/portal/datasets/fmr.html>. **Federal Register** notices also are available electronically from <https://www.federalregister.gov/>, the U.S. Government Printing Office website. Complete documentation of the methodology and data used to compute each area's FY 2027 FMRs is available at https://www.huduser.gov/portal/datasets/fmr.html#2027_query. FY 2027 FMRs are available in a variety of electronic formats at <https://www.huduser.gov/portal/datasets/fmr.html>, including in PDF and Microsoft Excel. Small Area FMRs for all metropolitan and non-metropolitan areas are also available in electronic format at: <https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html>. For informational purposes, HUD also publishes 50th percentile rents for all FMR areas at <https://www.huduser.gov/portal/datasets/50per.html>.

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to

³ In addition, all data in TSA systems are statutorily required to comply with the Federal Information Security Modernization Act 2014 following the National Institute of Standards and Technology Special Publication 800.37 REV2 or Risk Management Framework, and other federal information security requirements including Federal Information Processing Standards 199 and Executive Order 14028. All systems, networks, servers, clouds and endpoints under the Federal Information Security Modernization Act 2014 boundary are hardened to meet the Department of Defense Security Technical Implementation Guidelines, as well as DHS Policy (4300.A) and TSA policy (TSA IA Handbook).

⁴ After publishing the 60-day notice, TSA reviewed and updated the number of respondents from 846 to 67 and updated the estimate of the annual time burden from 210,684 hours to 22,167 hours.

aid low-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher (HCV) Program, the FMR is the basis for determining the “payment standard” used to calculate the maximum monthly subsidy for an assisted family. See 24 CFR 982.503. In addition, the year-over-year FMR change is one measure of rent inflation used to calculate the Renewal Funding Inflation Factors that affect PHAs’ HCV funding eligibility for the calendar year. HUD also uses the FMRs to determine initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy Program, rent ceilings for rental units in both the HOME Investment Partnerships Program and the Emergency Solution Grants Program, calculation of maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and calculation of flat rents in public housing units. The FMR is also used to determine the Performance-Based Contract Administration Fee in Multifamily Housing. In general, the FMR for an area is the amount that a tenant would need to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities. HUD’s FMR calculations represent HUD’s best effort to estimate the 40th percentile gross rent paid by recent movers into standard quality units in each FMR area.

On August 22, 2025, HUD published a Notice of Fiscal Year (FY) 2026 Fair Market Rents (FMRs) that included Notice of Proposed Material Changes for FY 2027 FMRs (90 FR 41096). For FY 2027 FMRs, HUD is implementing the proposed change described in that notice. The change affects how HUD calculates the utility portion of the gross rent inflation factors and trend factor forecasts. As described in the FY 2026 notice, HUD is adopting this change following the decision by the Bureau of Labor Statistics to discontinue publication of the local housing fuels and utilities Consumer Price Index, which HUD formerly used in the gross rent inflation factor. The methodology used to calculate the gross rent inflation factors and trend factor forecasts is discussed in section III, subsections E and F below.

II. Publication of FMRs

Section 8(c)(1) of the USHA,¹ as amended by HOTMA (Pub. L. 114–201, enacted July 29, 2016), requires the Secretary of HUD to publish FMRs not less than annually. Section 8(c)(1)(A) states that each FMR “shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply”. Section 8(c)(1)(B) requires that HUD publish, not less than annually, new FMRs on the World Wide Web or in any other manner specified by the Secretary, and that HUD must also notify the public of when it publishes FMRs by **Federal Register** notice. After notification, the FMRs “shall become effective no earlier than 30 days after the date of such publication,” and HUD must provide a procedure for the public to comment and request a reevaluation of the FMRs in a jurisdiction before the FMRs become effective. Consistent with the statute, HUD is issuing this notice to notify the public that FY 2027 FMRs are available at <https://www.huduser.gov/portal/datasets/fmr.html> and will become effective on October 1, 2026. This notice also provides procedures for FMR reevaluation requests.

III. FMR Methodology

This section provides a brief overview of how HUD computed the FY 2027 FMRs.

For complete information on how HUD derives each area’s FMRs, see the online documentation at https://www.huduser.gov/portal/datasets/fmr.html#2027_query.

A. Geographic Area Definitions

The FY 2027 FMRs are based on the updated metropolitan statistical area (MSA) definitions published by the Office of Management and Budget (OMB) on July 21, 2023, and first adopted by HUD for FMRs in FY 2026. However, in many cases, HUD has split metropolitan statistical areas into smaller subareas, which HUD designates as “HUD Metropolitan Fair Market Rent Areas (HMFAs).” This is meant to minimize volatility in the year-to-year change in FMRs based on geographic revisions, and to tailor FMRs to local housing markets. For more information on how HUD determines HMFAs, see the FY 2026 FMR **Federal Register** notice (90 FR 41096) or HUD’s online FMR methodology documentation.

¹ 42 U.S.C. 1437f.

B. Base Year Rents

For FY 2027 FMRs, HUD uses the U.S. Census Bureau’s 5-year ACS data collected between 2020 and 2024 as the “base rents” for the FMR calculations. These data are the most current ACS data available at the time that HUD calculates the FY 2027 FMRs. To evaluate the statistical reliability of the ACS data used in the FMR calculations, HUD pairs a “margin of error” test² with an additional requirement based on the number of survey observations supporting the estimate. The Census Bureau does not provide HUD with an exact count of the number of observations supporting the ACS estimate; rather, the Bureau provides HUD with categories of the number of survey responses underlying the estimate, including whether the estimate is based on more than 100 observations. Using these categories, HUD requires that, in addition to meeting the “margin of error” test, ACS rent estimates must be based on at least 100 observations to be used as base rents.

For areas in which the 5-year ACS data for two-bedroom, standard quality³ gross rents do not pass the statistical reliability tests (*i.e.*, have a margin of error ratio greater than 50 percent or fewer than 100 observations), HUD uses an average of the 5-year ACS estimates over the three most recent years⁴ (provided that there is data available for at least two of these years),⁵ or if such data are not available, using the two-bedroom rent data within the next largest geographic area. For a metropolitan subarea, the next largest area is its containing metropolitan area. For a non-metropolitan area, the next largest area is the State non-metropolitan portion.

C. Recent-Mover Factors

Following the assignment of the standard quality two-bedroom rent described above, HUD applies a recent-

² HUD’s margin of error test requires that the margin of error of the ACS estimate is less than half the size of the estimate itself.

³ The definition of a standard quality unit is one with complete plumbing and kitchen facilities; meals not included in rent; and situated on ten acres or less of land. HUD no longer excludes new construction units from the standard quality universe pursuant to the amended regulations at 24 CFR 888.113.

⁴ For FY 2027, the 3 years of ACS data in question are 2022, 2023 and 2024. HUD adjusts the 2022 and 2023 data to be denominated in 2024 dollars using the growth in Consumer Price Index (CPI)-based gross rents measured between those years and 2024.

⁵ To be used in the 3-year average calculation, the 5-year estimates must be minimally statistically qualified; that is, the margin of error of the estimates must be less than half the size of the estimate.

mover factor to these rents. HUD calculates the recent-mover factor as the change between the 5-year 2020–2024 standard quality two-bedroom gross rent and the 1-year 2024 recent mover gross rent for the recent mover factor area. HUD does not allow recent-mover factors to lower the standard quality base rent; therefore, if the 5-year standard quality rent is larger than the comparable 1-year recent mover rent, HUD sets the recent-mover factor to 1. When the recent-mover factor is greater than one and calculated for the same geographic area as the base rent, HUD is, in effect, replacing the base rent with the recent-mover rent for that area.

In determining the recent mover factor, HUD first considers the rents of households who moved into their unit only in the current ACS year. For ACS 2024, this means that the maximum length of time for a household to have lived in its current unit and still be considered a recent mover under this definition would be 11 months. HUD applies the same two statistical reliability checks to each ACS recent mover estimate as it does for the base rent estimate. First, the estimate must be supported by at least 100 sample cases from the ACS. Second, the estimate must have a margin of error that is smaller than half the estimate itself. HUD first considers the estimate for two-bedroom units, then for units of all bedroom counts. For areas without an ACS estimate meeting these criteria, HUD next checks the estimate tabulated from two-year recent movers. If the local two-year recent mover estimates are not reliable, HUD considers the estimates for increasingly larger areas of geography.

D. Other Rent Survey Data

HUD calculates base rents for the territorial island areas not covered by the ACS using data collected during the 2020 decennial census of American Samoa, Guam, the Northern Mariana Islands, and the US Virgin Islands.⁶ HUD updates the 2020 base year data to 2024 using the growth in national ACS data over that period.

HUD does not use ACS data to establish the base rent or recent-mover factor in cases where it has locally collected survey data which are more recent than the 2024 ACS. For larger metropolitan areas that have valid ACS 1-year recent-mover data, survey data

may not be any older than the midpoint of the calendar year for the ACS 1-year data. Since the ACS 1-year data used for the FY 2027 FMRs is from 2024, in larger areas with valid 1-year recent mover data HUD does not use other survey data collected before June 30, 2024. In areas without statistically reliable 1-year ACS data, HUD continues to use local survey data until the mid-point of the 5-year ACS data is more recent than the local survey, which is June 30, 2022 for the 2024 5-year ACS. For FY 2027 FMRs, the following are MSAs, HUD Metro FMR Areas, or non-metropolitan counties that have FMRs based on local ad hoc surveys:

(1) HUD uses survey data from 2022 to calculate the FMRs for Hawaii County, HI; Hood River County, OR; and Wasco County, OR.

(2) HUD uses survey data from 2024 for Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area; New York, NY HUD Metro FMR Area; Santa Maria-Santa Barbara, CA MSA; Santa Rosa, CA MSA; and all areas in the State of Montana.

(3) HUD uses survey data from 2025 for Albany, OR MSA; Asheville, NC HUD Metro FMR Area; Corvallis, OR MSA; Kahului-Wailuku-Lahaina, HI HUD Metro FMR Area; Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area; Napa, CA MSA; San Luis Obispo-Paso Robles-Arroyo Grande, CA MSA; and Transylvania County, NC.

(4) HUD uses survey data from 2026 for San Benito County, CA HUD Metro FMR Area and Santa Cruz-Watsonville, CA MSA.

E. Gross Rent Inflation Factors

The ACS recent mover rent estimates as described above produce a rent value that is “as of” 2024. To account for inflation, HUD adjusts this value using a gross rent inflation factor that captures rent growth from 2024 to 2025. This gross rent inflation factor itself consists of two components: a shelter rent inflation factor and a utility inflation factor.

1. Shelter Rent Inflation Factors

HUD calculates two measures of shelter rent inflation: one based on the year-to-year change in rent as measured by private data providers, and one based on the year-to-year change in rent as measured by the Consumer Price Index (CPI) rent of primary residence series. HUD uses both private data and the CPI in an attempt to fully and accurately measure recent mover rent inflation. Research has shown that private data often provide a timelier measure of recent mover rent inflation than the CPI,

which is constructed by measuring the rents of both in-place and new tenants. However, the CPI provides other advantages as a measure of rent inflation, such as consisting of a representative sample of all housing units, measuring rent in the same units over time (a “repeat rent” sample), and adjusting for the aging of units.

The private measures of rent used by HUD are the Apartment List Rent Estimate of median rent, CoStar Group average effective rent, Cotality, Inc., single-family combined three-bedroom median rent, Moody’s average market rent, RealPage average effective rent per unit, and Zillow Observed Rent Index. In calculating a measure of inflation from these data, HUD first takes the annual average of each statistic, then its year-to-year change. HUD then takes the mean of the changes from all available sources for each area. HUD uses a local measure of private rent inflation for markets that are covered by at least three of the six available sources of private rent data. For markets that are not covered by at least three sources, HUD uses the rental unit-weighted regional average of private inflation factors for the Census region in which the area is located. This ensures the rent inflation factor for smaller areas not covered directly by private sources still take into account current rental market conditions. Similarly, HUD uses the local metropolitan area CPI rent of primary residence for the 23 areas where such data exist, or the regional CPI rent in areas without a local index.

2. Utility Inflation Factors

In order to produce a gross rent inflation factor, HUD combines these year-to-year change in rent with the change in utility costs. Newly for FY 2027, HUD uses a weighted average composite of four household fuel and utility components (electricity, natural gas, fuel oil, and water/sewer/trash) to produce a utility inflation factor. This utility inflation factor is designed to replicate the CPI-based utility index for each of the 23 self-representing Primary Sampling Units (PSUs) in the CPI sample, as well as the four Class B/C Census regions. The weighted average composite uses State-level data from the U.S. Energy Information Administration (EIA) surveys for residential electricity, natural gas, and fuel oil prices, along with national-level data on changes in residential water, sewer, and trash collection costs from the BLS.

Because EIA data is primarily available at the State level, HUD assigns State-level prices to each PSU based on the State in which the PSU is located. For PSUs that span multiple States,

⁶ The ACS is not conducted in the Pacific Islands (Guam, Northern Mariana Islands and American Samoa) or the US Virgin Islands. As part of the 2020 Decennial Census, the Census Bureau conducted “long-form” sample surveys for these areas. HUD uses the results gathered by this long form survey for the FY 2027 FMRs.

HUD assigns a utility price based on a population-weighted average of the relevant State-level utility prices, using the population of each county within the PSU as weights. For example, the Washington-Arlington-Alexandria, DC-VA-MD-WV PSU spans three States and the District of Columbia and includes 25 counties; HUD calculates a weighted average utility price for each component using aggregated county population data from these States and the District of Columbia. Similarly, for the Class B/C Census regions, HUD computes a population-weighted average utility price across all non-self-representing PSU areas, consistent with the BLS approach to constructing the regional CPI for Class B/C areas.

Once each PSU and Census region is assigned utility prices, HUD calculates the year-over-year change in each of the four utility components. HUD then produces composite utility inflation factors using national CPI-U relative importance weights from the household fuels and utilities (SAH2) series. The final composite utility inflation factors are also used for the trend factor forecasts as described in section III, subsection F.

3. Gross Rent Inflation Factors

HUD then combines these utility inflation factors with the private and CPI shelter rent inflation factors by taking a weighted average of the two, using the utility share of gross rent expenditures from the ACS as weights. This produces two gross rent inflation factors, one based on the private shelter rent measure and one based on the CPI measure. Next, HUD takes an average of these two measures, where the private-sector factor is weighted at approximately 55 percent and the CPI rent inflation measure is weighted at approximately 45 percent. HUD has determined and updated these weights by comparing the national average of the private rent changes and changes in CPI rent of primary residence to changes in the national average of recent mover rents from the ACS from 2018 through 2024. HUD weights the private data averages and overall CPI rent of primary residence in such a way as to minimize the root mean squared error between the resulting average and the ACS recent mover rents. For future FMRs, HUD will continue to update the weights by adding the most recent years of ACS recent mover rents, private rent data, and CPI rent of primary residence to the analysis.

HUD multiplies this overall gross rent inflation factor by the recent mover rent, and the resulting estimates are “as of” 2025.

F. Trend Factor Forecasts

Following the application of the local or regional gross rent inflation factor, HUD trends the gross rent estimate from 2025 to FY 2027 using a trend factor which is based on local or regional forecasts of CPI gross rent data. HUD derived a trend factor for each Class A CPI area and Class B/C CPI region using time series models based on national inputs (National Input Model or NIM), local inputs (Local Input Model or LIM), and historical values of the predicted series (Pure Time Series—PTS). Starting in FY 2027, these trend factors include the composite utility inflation factors described in Section III, subsection E above. HUD chose the actual model used for each CPI area’s trend factor based on which model generates the lowest Root Mean Square Error (RMSE) statistic and applied the trend factors to the corresponding FMR areas. HUD established the type of model for each forecast (NIM, LIM, or PTS) for the FY 2020 FMRs. HUD had previously stated it would reassess the model selections during the calculation of the FY 2025 FMRs. However, due to the high degree of volatility that occurred in rental markets from 2020–2024, HUD believes that evaluating model performance during this period will not result in the best long term model selection and, therefore, did not reevaluate for the FY 2027 FMRs. More details on the trend factor forecasts are available in the June 5, 2019, **Federal Register** notice (84 FR 26141) and are available at <https://www.federalregister.gov/documents/2019/06/05/2019-11763/proposed-changes-to-the-methodology-used-for-estimating-fair-market-rents>.

G. Bedroom Rent Adjustments

HUD uses two-bedroom units for its primary calculation of FMR estimates. This is generally the most common size of rental unit and, therefore, the most reliable to survey and analyze. After estimating two-bedroom FMRs, HUD calculates bedroom ratios for each FMR area, which relate the prices of smaller and larger units to the cost of two-bedroom units. The bedroom ratios HUD uses in the calculation of FY 2027 FMRs are calculated from three 5-year ACS data series (2018–2022, 2019–2023, and 2020–2024). HUD only uses estimates with a margin of error ratio of less than 50 percent. If an area does not have reliable estimates in at least two of the previous three ACS releases, HUD uses the bedroom ratios for the area’s larger parent geography.

To ensure an adequate distributional fit in these bedroom ratio calculations for individual FMR areas, HUD

establishes bedroom interval ranges which set upper and lower limits for bedroom ratios nationwide, based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. In the calculation of FY 2027 FMR estimates, HUD sets the bedroom interval ranges as follows: efficiency FMRs are constrained to fall between approximately 0.70 and 0.88 of the two-bedroom FMR; one-bedroom FMRs must be between 0.76 and 0.92 of the two-bedroom FMR; three-bedroom FMRs (prior to the adjustments described below) must be between 1.10 and 1.27 of the two-bedroom FMR; and four-bedroom FMRs (again, prior to adjustment) must be between 1.22 and 1.55 of the two-bedroom FMR. Given that these interval ranges partially overlap across unit bedroom counts, HUD further adjusts bedroom ratios for a given FMR area, if necessary, to ensure that higher bedroom-count units have higher rents than lower bedroom-count units within that area.

HUD further adjusts the rents for three-bedroom and larger units to reflect HUD’s policy to set higher rents for these units.⁷ This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates.

HUD derives FMRs for units with more than four bedrooms by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. Similarly, HUD derives FMRs for single-room occupancy units by subtracting 25 percent from the zero-bedroom FMR (*i.e.*, they are set at 0.75 times the zero-bedroom [efficiency] FMR).⁸

H. Minimum FMRs

All FMRs are subject to a minimum rent based on State or national non-metropolitan area median rent. HUD calculates a population-weighted

⁷ As mentioned above, HUD applies the interval ranges for the three-bedroom and four-bedroom FMR ratios prior to making these adjustments. In other words, the adjusted three- and four-bedroom FMRs can exceed the interval ranges but the unadjusted FMRs cannot.

⁸ As established in the interim rules implementing the provisions of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276) in 24 CFR 982.604.

median two-bedroom FMR across all non-metropolitan counties or county-equivalents of each State, which, for the purposes of FMRs, is the State minimum rent. HUD also calculates the population weighted median FMR rent across all non-metropolitan areas of the country, which, for the purposes of FMRs, is the national non-metropolitan rent. For FY 2027, the national non-metropolitan rent is \$1,014. The applicable minimum rent for a particular area is the *lower* of the State or national non-metropolitan median. Each area's two-bedroom FMR must be no less than the applicable minimum rent.

I. Limit on FMR Decreases

HUD's regulations at 24 CFR 888.113 include a limit on the amount that FMRs may annually decrease. The current year's FMRs resulting from the application of the bedroom ratios, as discussed in section (E) above, may be no less than 90 percent of the prior year's FMRs for units with the same number of bedrooms. Accordingly, if the current year's FMRs are less than 90 percent of the prior year's FMRs as calculated by the above methodology, HUD sets the current year's FMRs equal to 90 percent of the prior year's FMRs. For areas where HUD has required the use of Small Area FMRs in the administration of their voucher programs, the FY 2027 Small Area FMRs may be no less than 90 percent of the FY 2026 Small Area FMRs. For all other metropolitan areas, the FY 2027 Small Area FMRs may be no less than 90 percent of the greater of the FY 2026 metropolitan area wide FMRs or the applicable FY 2026 Small Area FMR.

PHAs operating in areas where the calculated FMR is lower than the published FMR (*i.e.*, those areas where HUD has limited the decrease in the annual change in the FMR to 10 percent) may request payment standards below the basic range (24 CFR 982.503(e)) and reference the "unfloored" rents (*i.e.*, the unfinalized FMRs calculated by HUD prior to application of the 10-percent-decrease limit) depicted in the FY 2027 FMR Documentation System (available at: https://www.huduser.gov/portal/datasets/fmr.html#2027_query).

IV. Small Area FMRs (SAFMRs)

A. SAFMR Methodology

The methodology for calculating SAFMRs is unchanged from FY 2026. First, HUD calculates Small Area FMRs directly from the standard quality gross rents provided to HUD by the Census Bureau for ZIP Code Tabulation Areas

(ZCTAs) when such data are statistically reliable. The ZCTA two-bedroom equivalent 40th percentile gross rent is analogous to the standard quality base rents set for metropolitan areas and non-metropolitan counties. For each ZCTA with statistically reliable gross rent estimates, HUD calculates a two-bedroom equivalent 40th percentile gross rent using the first statistically reliable gross rent estimate from the following data sets (in this order): two-bedroom gross rents, one-bedroom gross rents, and three-bedroom gross rents. If either the one-bedroom or three-bedroom gross rent data are used because the two-bedroom gross rent data are not statistically reliable, HUD converts the one-bedroom or three-bedroom 40th percentile gross rent to a two-bedroom equivalent rent using the bedroom ratios for the ZCTA's parent metropolitan or non-metropolitan area. To increase stability of these Small Area FMR estimates, HUD averages the latest 3 years of gross rent estimates.⁹

For ZCTAs without usable gross rent data by bedroom count, HUD calculates Small Area FMRs using the rent ratio method. To calculate Small Area FMRs using a rent ratio, HUD divides the median gross rent across all bedrooms for the ZCTA by the similar median gross rent for the metropolitan or non-metropolitan area of the ZCTA. If a ZCTA does not have reliable rent data at the all-bedroom level, HUD will then check to see if the ZCTA borders other ZCTAs that themselves have reliable rent data. If at least half of a ZCTA's "neighbors" have such data, HUD will use the weighted average of those estimates as the basis for the Small Area FMR rather than a county proxy, where the weight is the length of the shared boundary between the ZCTA and its neighbor. In small areas where the neighboring ZCTA median gross rents are not statistically reliable, HUD substitutes the median gross rent for the county containing the ZIP Code in the numerator of the rent ratio calculation. HUD multiplies this rent ratio by the current two-bedroom FMR for the metropolitan or non-metropolitan area containing the small area to generate the current year two-bedroom FMR for the small area.

HUD continues to use a rolling average of ACS data in calculating the Small Area FMR rent ratios. HUD believes coupling the most current data with previous year's data minimizes

excessive year-to-year variability in Small Area FMR rent ratios due to sampling variance. Therefore, for FY 2027 Small Area FMRs, HUD has updated the rent ratios to use an average of the rent ratios calculated from the 2018–2022, 2019–2023, and 2020–2024 5-year ACS estimates.

HUD limits each two-bedroom Small Area FMR to be no more than 150 percent of the two-bedroom FMR for the metropolitan or non-metropolitan area where the ZIP Code is located.

B. SAFMR Mandatory Use

On November 16, 2016, HUD published a final rule entitled "Establishing a More Effective Fair Market Rent (FMR) System; Using Small Area Fair Market Rents (Small Area FMRs) in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs" (81 FR 80567) ("final rule" or "Small Area FMRs final rule"). Based on that rule, HUD has required PHAs operating in certain metropolitan areas to use Small Area Fair Market Rents in determining payment standards used in the Housing Choice Voucher Program.

On October 25, 2023, HUD published the notice "Small Area Fair Market Rents in the Housing Choice Voucher Program—Metropolitan Areas Subject to Small Area Fair Market Rents" (88 FR 73352), which requires 41 additional metropolitan areas to use Small Area FMRs in the administration of the HCV Program.

Additionally, geographic changes for the FY 2026 FMRs changed the boundaries of two mandatory SAFMR areas: Calvert County, MD was removed from the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area, and the towns of Bristol, Burlington, Hartland, and Union were removed from Hartford-West Hartford-East Hartford, CT HUD Metro FMR Area. Additionally, the towns of Clinton, Deep River, Essex, Killingworth, Lyme, Old Lyme, Old Saybrook and Westbrook were newly added to the Hartford-West Hartford-East Hartford, CT MSA. PHAs in all these areas are required to use Small Area FMRs in determining payment standards.

HUD lists Small Area FMRs for all areas in the Small Area FMR Schedule. PHAs operating in areas where the use of Small Area FMRs is not mandated must notify HUD of their voluntary use of Small Area FMRs in the operation of their HCV Program.

⁹For example, for FY 2027 Small Area FMRs, HUD averages the gross rents from 2022, 2023, and 2024 5-Year ACS estimates. The 2022 and 2023 gross rent estimates would be adjusted to 2024 dollars using the metropolitan area's gross rent CPI adjustment factors.

V. Request for Public Comments and FMR Reevaluations

HUD accepts public comments on the methods HUD uses to calculate FY 2027 FMRs and requests for reevaluation of FMRs for specific areas until the comment deadline specified in this notice. HUD lacks the resources to conduct local surveys of rents to address comments filed regarding the FMR levels for specific areas. PHAs may continue to fund such surveys independently, as specified below, using ongoing administrative fees or their administrative fee reserve if they so choose. HUD continually strives to calculate FMRs that meet the statutory requirement of using “the most recent available data” while also serving as an effective program parameter.

A. FMR Reevaluation Comment Instructions and Timeline

Section 8(c)(1)(B) of the USHA includes the following: “The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rentals in a jurisdiction before such rentals become effective.”

Typically, PHAs request a reevaluation of FMRs solely to ensure that they can establish adequate payment standards. HUD reminds PHAs that FMRs are also an underlying component of their annual HCV Renewal Funding Inflation Factors (RFIFs), and potential concerns regarding the adequacy of the RFIF are important considerations when determining whether to request an FMR reevaluation.

PHAs or other parties interested in requesting HUD’s reevaluation of their area’s FY 2027 FMRs, as provided for under section 8(c)(1)(B) of USHA, must follow the following procedures:

(1) By the end of the 30-day comment period, PHAs must submit reevaluation requests through <https://www.regulations.gov/> or directly to HUD as described in the Addresses section above. The area’s PHA or, in multi-jurisdictional areas, PHA(s) representing at least half of the voucher tenants in the FMR area, must agree that the reevaluation is necessary.

(2) The requestor(s) must supply HUD with data more recent than the 2024 ACS data used in the calculation of the FY 2027 FMRs. HUD requires data on gross rents paid in the FMR area for occupied standard quality rental housing units. Occupied recent mover units (defined as those who moved in

the past 24 months, although a shorter definition may also be used at the requestor’s discretion) provide the best data. The data delivered must be sufficient for HUD to calculate a 40th percentile two-bedroom gross rent. Should this type of data not be available, requestors may gather this information using the survey guidance available at <https://www.huduser.gov/portal/datasets/fmr/NoteRevisedAreaSurveyProcedures.pdf> and <https://www.huduser.gov/portal/datasets/fmr/PrinciplesforPHA-ConductedAreaRentSurveys.pdf>.

(3) Areas where valid reevaluation requests are submitted *may* continue to use FY 2026 FMRs, or *may* use the FY 2027 FMRs. Commenters should indicate whether they wish to maintain the FY 2026 or implement the FY 2027 FMR during the reevaluation period as part of their reevaluation request. Following the comment period, HUD will post a list, at <https://www.huduser.gov/portal/datasets/fmr.html>, of the areas requesting reevaluations where FY 2026 FMRs remain in effect.

(4) PHAs or other parties must supply data for reevaluations to HUD no later than Friday, January 8, 2027. All survey responses of rental units gathered as part of the survey efforts should be delivered to HUD via email. As in FY 2026, HUD requests that survey responses include the ZIP Code or comparable small-area identifier (such as Census tract) of the housing unit. In addition to the survey data, HUD requires a current utility schedule to evaluate the survey responses. Finally, HUD encourages PHAs to evaluate their survey data to ensure the survey supports their request. Should PHAs or their contractors undertake this evaluation, HUD requests that this analysis also be submitted.

HUD will use the data delivered by January 8, 2027, to reevaluate the FMRs and following the reevaluation, HUD will post revised FMRs in April of 2027 with an accompanying **Federal Register** notice stating the revised FMRs are available, which will include HUD’s responses to comments filed during the comment period for this notice. By January 15, 2027, HUD will post at <https://www.huduser.gov/portal/datasets/fmr.html> a listing of the areas that requested FMR reevaluations and continued effect of the FY2026 FMRs, but did not deliver data, making the FY 2027 FMRs effective in these areas. HUD will incorporate any data supporting a change in FMRs supplied after January 8, 2027, into the FY 2028 FMRs. Questions on how to conduct FMR surveys may be addressed to the

Program Parameters and Research Division at pprd@hud.gov.

B. FMR Reevaluation Survey Procedures

PHAs conducting FMR reevaluation surveys should refer to the guidelines at: https://www.huduser.gov/portal/datasets/fmr.html#survey_info. In general, PHAs must sponsor or conduct an address-based mail survey that mirrors the rent and housing characteristics portion of the ACS. Other survey methods are acceptable in providing data to support reevaluation requests if the survey method can provide statistically reliable, unbiased estimates of gross rents paid throughout the entire FMR area and small area identifiers for the survey responses. In general, recommendations for FMR changes and supporting data must reflect the rent levels that exist within the entire FMR area and should be statistically reliable.

PHAs in large metropolitan areas should target sample sizes of at least 200–300 units; PHAs in non-metropolitan areas are required to obtain 100 eligible survey responses. In both cases the sample frame will be considerably larger, taking into account survey non-response rates and the fact that some units will fail to qualify. PHAs may conduct surveys of groups of non-metropolitan counties to increase the number of rental units that are surveyed, but HUD must approve all county-grouped surveys in advance. HUD cautions that the resulting FMRs may not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, HUD advises that in counties where FMRs are based on the combined rents in the cluster of FMR areas, HUD will not revise their FMRs unless the grouped survey results show a revised FMR statistically different from the combined rent level.

Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The current 5-year ACS data should be used as a means of verifying if a sample is representative of the FMR area’s rental housing stock. HUD staff are available to work with PHAs in areas requesting re-evaluations to provide the

minimum number of survey cases required to ensure that data submitted for re-evaluation represent a statistically valid sample. In cases where a submitted sample is not representative, HUD may attempt to weight the sample cases prior to calculating 40th percentile rent estimates.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements.

VI. Environmental Impact

This notice involves the establishment of FMR schedules, which do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, the FMR schedules, which will not be codified in 24 CFR part 888, are available at <https://www.huduser.gov/portal/datasets/fmr.html>.

Reid Wilson,

Deputy Chief of Staff to the Secretary, Performing the Delegable Duties of the Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2026-17891 Filed 8-31-26; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6542-N-02]

Tribal Intergovernmental Advisory Committee Request for Member Nominations

AGENCY: Office of Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice seeks nominations for HUD's Tribal Intergovernmental Advisory Committee (TIAC).

DATES: Nominations for potential representatives of the TIAC are due on or before: November 2, 2026.

Electronic Submission of Nominations. Interested persons are invited to submit nominations for potential representatives of the TIAC. Nominations must be submitted to HUD electronically through the Federal Rulemaking Portal at

www.regulations.gov. Electronic submission allows the maximum time to prepare and submit nominations, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Individuals should follow the instructions provided on the website to submit nominations. To be considered, all submissions must refer to the docket number and title. Nominations should not be submitted by mail or fax.

FOR FURTHER INFORMATION CONTACT:

Hilary Atkin, Acting Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

HUD established the TIAC in 2022 to further enhance consultation and collaboration with Tribal governments. It has provided critical support to HUD as it formulates policies with a direct impact on Tribes and tribally designated housing entities (TDHEs). TIAC members serve 2-year terms. At the end of calendar year 2026, seven of the representatives' terms will end.

II. Nominations for TIAC Membership

HUD is requesting nominations for Tribal representatives to serve on the TIAC, starting in January 2027, for 2-year terms. Nominations are due on or before: November 2, 2026. Nominations are encouraged from all regions of the continental United States and Alaska. If you are interested in serving as a member or in nominating another person to serve as a member, you may submit a nomination to HUD in accordance with the Electronic Submission of Nominations section of this notice. Your nomination for TIAC membership must include:

1. The name of the nominee, a description of the interests the nominee would represent, and a description of the nominee's experience and interest in American Indian and Alaska Native (AIAN) housing and community development;

2. Evidence that the nominee is a duly elected or appointed Tribal leader and is authorized to represent a federally recognized Tribal government or Alaska Native Corporation; and

3. A written commitment from the nominee that they will actively engage and participate in TIAC meetings.

HUD will appoint TIAC members from the pool of nominees submitted in response to this notice. HUD will announce the final selections for TIAC membership in a future **Federal Register** notice. Members will be selected based on proven experience and interest in AIAN housing and community development and whether their interest could be represented adequately by other members. In addition to regional members, at-large members will be selected based on their ability to represent specific interests that might not be represented by the selected regional members. For membership requirements, see section III.C.

III. Purpose of TIAC and Meetings

A. Purpose and Role of TIAC

The purposes of the TIAC are:

(1) To further facilitate intergovernmental communication between HUD and Tribal leaders of federally recognized Tribes on all HUD programs;

(2) To make recommendations to HUD regarding current program regulations that may require revision, as well as suggest rulemaking methods to develop such changes. The TIAC will not, however, negotiate changes to regulations subject to negotiated rulemaking under section 106 of the Native American Housing Assistance and Self-Determination Act and will not serve in place of any future negotiated rulemaking committee established by HUD; and

(3) To advise in the development of HUD's AIAN housing priorities. The role of the TIAC is to provide recommendations and input to HUD and to provide a vehicle for regular, meaningful consultation and collaboration with Tribal officials. It does not replace other means of Tribal consultations, but, rather, supplements them. HUD maintains the responsibility to exercise program management, including drafting of HUD notices, guidance documents, and regulations.

B. Meetings and Participation

Subject to availability of Federal funding, the TIAC plans to meet in-person twice per year (once at HUD's office in Alexandria, VA and once at another location) to discuss agency policies and activities with HUD, set shared priorities, and facilitate further consultation with Tribal leaders. HUD will pay for these meetings, including members' travel costs. The TIAC may meet on a more frequent basis virtually

or other forms of communication. Additional in-person meetings may be scheduled at HUD's discretion. Participation at TIAC meetings is limited to TIAC members or their alternates. Alternates must be designated in writing by the member's Tribal government to officially act on their behalf. TIAC members may bring one technical advisor to the meeting at their expense. Meeting summaries are available on HUD's website.

C. TIAC Membership

The TIAC is comprised of HUD representatives and 15 Tribal delegates from across the country, representing small, medium, and large Tribes. The Secretary will appoint the HUD representatives of the TIAC, including the Secretary (or their designee) as well as the Assistant Secretaries for the Office of Public and Indian Housing; Office of Policy, Development, and Research; Office of Fair Housing and Equal Opportunity; Office of Field Policy Management; Office of Housing; Government National Mortgage Association; and Office of Community Planning and Development (or their designees). Two Tribal delegates represent each of the six Office of Native American Program regions, while the three remaining Tribal delegates serve at-large.

Only elected officers of a Tribal government acting in their official capacities with authority to act on behalf of the Tribal government may serve as TIAC delegates or alternate delegates. Tribal employees are eligible if appointed by a duly elected Tribal leader of a federally recognized Tribe and are authorized to officially act on the Tribal government's behalf. Elected officials representing Alaska Native Corporations, or designated employees, may also serve on TIAC at HUD's discretion provided they demonstrate that they meet the criteria specified in the statutory exemption to the Federal Advisory Committee Act (FACA) found in the Unfunded Mandates Reform Act (UMRA) at 2 U.S.C. 1534(b).

Because TIAC operates under the Tribal government statutory exemption of FACA found in the UMRA, HUD will not consider nominees solely representing TDHEs, State-recognized Tribes, or national or regional organizations. However, HUD will consider nominations from associations that represent elected officials of Tribes designated by an elected Tribal leader to participate in TIAC.

TIAC Tribal delegates serve a 2-year term. Should a delegate's tenure as a Tribal leader end during their appointment to the TIAC, the delegate's

Tribe will nominate a replacement or designate a current alternate to represent the Tribe.

Benjamin Hobbs,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2026–17881 Filed 8–31–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5994–N–07]

Revision of Operations Notice for the Expansion of the Moving to Work Demonstration Program

AGENCY: Office of Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: This Notice provides revisions to the Notice entitled Operations Notice for the Expansion of the Moving to Work Demonstration Program published in the **Federal Register** on August 28, 2020, with technical revisions published in the **Federal Register** on March 20, 2025.

DATES: *Comment due date:* November 2, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this Notice. All submissions must refer to the above docket number and title. There are two methods for submitting public comments. To receive consideration as public comments, comments must be submitted through one of the two methods specified below:

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the <https://www.regulations.gov> website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

No Facsimile Comments. Facsimile (Fax) comments will not be accepted or considered.

Public Inspection of Public Comments. HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

FOR FURTHER INFORMATION CONTACT: Pravin Krishnan, Director, Moving to Work Demonstration Program, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email address: mtw-info@hud.gov, telephone number 202–402–3965 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

The Moving to Work (MTW) demonstration program was established under Section 204 of Title II of section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104–134 (approved April 26, 1996). The MTW demonstration was significantly expanded under Section 239 of Division L, Title II of the Consolidated Appropriations Act, 2016, Public Law 114–113 (approved December 18, 2015) (2016 MTW Expansion Statute). The 2016 MTW Expansion Statute authorized HUD to expand the MTW demonstration program from 39 PHAs by an additional 100 PHAs over a period of seven years.

On January 23, 2017, HUD published a notice seeking public comment in the **Federal Register** (82 FR 8056), entitled “Operations Notice for the Expansion of the Moving to Work Demonstration

Program Solicitation of Comment.” On May 4, 2017, the notice was republished with three technical revisions and an extension of the comment period (82 FR 20912). HUD considered all relevant comments received. On October 5 and 11, 2018, HUD republished the notice (83 FR 50387 and 83 FR 51474) with revisions based on public comments and policy determinations and provided an additional comment period. On August 28, 2020, HUD published the last version of the notice (85 FR 53444) after the addition of information in the “Additional activities and waivers” section and was effective immediately. On March 20, 2025, HUD published technical revisions to the notice that made no material changes that were effective immediately (90 FR 13189).

This notice makes additional revisions as described in more detail below. A future update of the “Operations Notice for the Expansion of the Moving to Work Demonstration Program” will provide updates with regard to HOTMA. Before that publication, public housing agencies should follow other applicable Departmental guidance on the interaction of HOTMA and the Moving to Work Program.

II. Revisions to Operations Notice for the Expansion of the Moving to Work Program

A. Updates were made throughout the notice to change references from the “MTW Supplement” to the “MTW Plan-Expansion.”

B. Technical updates were made throughout the notice to enhance clarity and to update information.

C. *Changes to Section 2—Background:* In Section (b) 2016 Expansion of the MTW Demonstration and Section (c) Eligibility and Selection for the Expansion of the MTW Demonstration, the deadline to designate MTW agencies was corrected from 2022 to 2028 to coincide with seven years from when the first MTW agencies were designated under the 2016 MTW Expansion Statute.

D. *Changes to Section 5—MTW Funding Flexibility:*

(1) In Section (b) Calculation of Funding, (iii) Housing Choice Voucher Funding, (c) Housing Assistance Payment Renewal Sources of Funds, edits were made to clarify sources of funds that may be used towards renewal.

(2) In Section (b) Calculation of Funding, (iii) Housing Choice Voucher Funding, (j) Local, Non-Traditional Activities, edits were made to eliminate the requirement that Local Non-

Traditional activities not exceed 10% of Housing Assistance Payment budget.

E. *Changes to Section 7—Program Administration and Oversight:* Throughout Section (a) Planning and Reporting, edits were made to reflect decoupling the “MTW Plan-Expansion” (formerly the “MTW Supplement”) from the PHA Plan.

F. *Changes to Section 9—Applying MTW Flexibilities to Special Purpose Vouchers (SPVs)* was revised to reflect renewal process.

G. *Changes to Section 13—Administrative and Contact Information:* The contact information in Section 13.b was revised to reflect Pravin Krishnan, the current MTW Director.

H. *Changes to Appendix I—MTW Waivers:*

(1) For waiver and associated activities 1.c and 1.d on Stepped Rent, Safe Harbor (viii) was edited to no longer require the stepped rent to be tied to unit size.

(2) For waiver and associated activities 1.p and 1.q on Imputed Income, Safe Harbor (i) was edited to increase the maximum hours per individual to 40 hours per week. The Safe Harbor (ii) for maximum hours per household was deleted.

(3) For waiver and associated activities 1.v and 1.w on Alternative Income Inclusions/Exclusions, Safe Harbor (i) was edited to allow the policy to apply to elderly and/or disabled individuals when there is no detrimental effect.

(4) For waiver and associated activities 7.a and 7.b on Term-Limited Assistance, Safe Harbor (i) was edited to decrease the minimum term of assistance to two years.

(5) For waiver and associated activity 11 on MTW Self-Sufficiency Programs, language regarding the consideration of disparate impact was deleted.

(6) For waiver and associated activities 12.a and 12.b on Work Requirements, Safe Harbor (i) was edited to increase the maximum hours per individual to 40 hours per week. The Safe Harbor (ii) for maximum hours per household was deleted. The Safe Harbor (iii) was edited to decrease the required notice to three months.

(7) For waiver and associated activities 17.a, 17.b and 17.c on Local Non-Traditional Programs, the Safe Harbors restricting Local Non-Traditional activities to 10% of Housing Assistance Payment budget were deleted.

I. *Changes to Appendix II—Requirements for Safe Harbors—Impact Analysis:*

(1) The element to consider disparate impact in impact analyses was deleted.

III. Solicitation of Public Comments

HUD has engaged in extensive public engagement in formulating this notice, including six prior **Federal Register** publications with opportunity for public comment. HUD is providing additional opportunity to comment on the revisions detailed above. HUD will consider any additional comments submitted on these revisions going forward and will notify the public if there are any changes to the notice as a result. HUD will allow 60 days for public comment on the revisions, followed by an additional 30-day public comment period.

IV. Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection on <https://www.regulations.gov>.

V. MTW Operations Notice

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1. Purpose and Applicability

This Moving to Work (MTW) Operations Notice (MTW Operations Notice) establishes requirements for the implementation and continued operation of the expansion of the MTW demonstration program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, Public Law 114–113 (2016 MTW Expansion Statute). The MTW Operations Notice applies to all public housing agencies (PHAs) designated as MTW pursuant to the 2016 MTW Expansion Statute and to any previously-designated MTW agency that elects to operate under the terms of this notice, collectively referred to in this MTW Operations Notice as an “MTW agency.”

The MTW demonstration program allows PHAs to design and test innovative, locally-designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g) (1937 Act) more flexibly and, as approved by HUD, with certain exemptions from existing public housing and HCV program requirements.

Through the MTW Amendment to the Annual Contributions Contract(s) (ACC),¹ an MTW agency agrees to comply with the program requirements and terms and conditions detailed in the MTW Operations Notice for the term of the MTW agency’s participation in the MTW demonstration. Unless otherwise explicitly provided in the MTW Operations Notice, an MTW agency’s MTW program applies to all of the MTW agency’s public housing units (including MTW agency-owned properties and units comprising a part of mixed-income, mixed finance communities), tenant-based HCV assistance, project-based HCV assistance under Section 8(o) of the 1937 Act, and

homeownership units developed using Section 8(y) HCV assistance of the 1937 Act.

This MTW Operations Notice *does not* apply to HCV assistance that is required: (1) to make payments to other PHAs under HCV portability billing procedures; (2) to meet particular purposes for which HUD has expressly committed the assistance to the MTW agency;² or (3) to meet existing contractual obligations of the MTW agency to a third party (such as Housing Assistance Payment (HAP) contracts with owners under the MTW agency’s HCV program), unless a third party agrees to Project-Based Voucher (PBV) activities implemented under the MTW program with the MTW agency.

Any significant updates,³ as determined by HUD, to the MTW Operations Notice will be preceded by a public comment period. However, HUD may supplement the MTW Operations Notice with Office of Public and Indian Housing (PIH) Notices without public comment if it determines a need to provide more detailed guidance, including with respect to implementing future appropriations act provisions and revisions to financial policies and procedures. Further, HUD will develop informational materials to address various program elements, which HUD will post on the MTW website.

2. Background

a. MTW Demonstration Program

The MTW demonstration program was first established under Section 204 of Title II of section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104–134, 110 Stat. 1321–281; 42 U.S.C. 1437f note (1996 MTW Statute)⁴ to provide certain statutory and regulatory flexibility⁵ to participating PHAs to

² Mainstream Vouchers, HUD-Veterans Affairs Supportive Housing (HUD-VASH) Vouchers, Non-Elderly Disabled (NED) Vouchers, Mobility Demonstration Vouchers, Family Unification Program (FUP) Vouchers, and Melania Trump Foster Youth to Independence Vouchers are not part of the MTW demonstration program, however certain MTW flexibilities may be applied to these voucher types, as further described in section VI.9 of this MTW Operations Notice.

³ Significant amendments could include adding or removing MTW Waivers found in Appendix I.

⁴ “PHAs currently operating an MTW demonstration program” are PHAs with an active MTW Agreement as of December 15, 2015. “PHAs currently operating an MTW program” does not include PHAs that previously participated in the MTW demonstration and later left the demonstration.

⁵ For more information on the history of the MTW demonstration program, please go to <https://www.hud.gov/mtw>.

further the following three statutory objectives:

- Reduce cost and achieve greater cost effectiveness in federal expenditures;
- Give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- Increase housing choices for eligible low-income families.

To achieve these objectives, PHAs selected for participation in the MTW demonstration are given exemptions from some existing public housing and HCV rules and are offered more flexibility with how they use their federal funds. MTW agencies use this opportunity presented by the MTW demonstration to better address local housing needs and encourage self-sufficiency among those families receiving HUD-assisted housing. HUD considers the experience of MTW agencies when developing new housing policy recommendations that can positively impact assisted housing delivery for PHAs and incentivize low-income families to gain self-sufficiency across the nation.

In addition to statutory and regulatory relief,⁶ MTW agencies have the flexibility to apply fungibility among three core funding programs’ funding streams—public housing Operating Funds, public housing Capital Funds, and HCV assistance (to include both HAP and Administrative Fees)—hereinafter referred to as “MTW Funding.”⁷ Throughout participation in the MTW demonstration program, MTW agencies must continue to meet five statutory requirements established by the 1996 MTW Statute, which are described further in section VI.7.c.i of this MTW Operations Notice.

As of December 15, 2015, the date the 2016 MTW Expansion Statute was signed into law, there were 39 agencies⁸

⁶ For more information about the MTW demonstration program and the specific activities of existing MTW agencies, please refer to the MTW website at <https://www.hud.gov/mtw>.

⁷ Funds awarded under Sections 8(o), 9(d), and 9(e) of the 1937 Act are eligible for expanded uses pursuant to MTW fungibility, with the exception of funds provided for specific non-MTW HCV sub-programs. Other funds a PHA may receive (*i.e.*, grant funds under another obligating document) are likewise not covered by MTW flexibilities and must be tracked and reported under the applicable rules and requirements.

⁸ The 39 agencies are: Alaska Housing Finance Corporation; Atlanta Housing; Housing Authority of the City of Baltimore; Boulder Housing Partners; Cambridge Housing Authority; Housing Authority

¹ OMB Approval Number 2577–0294.

participating in the MTW demonstration program. The administrative structure for these 39 agencies is outlined in the Standard MTW Agreement, an agreement between each existing MTW agency and HUD. The 2016 MTW Expansion Statute extended the term of the Standard MTW Agreement through each of the existing MTW agencies' 2028 fiscal year. In Section 241 of Title II of the Consolidated Appropriations Act, 2024, Public Law 118–42 (approved March 9, 2024) the term of the Standard MTW Agreement was extended further through each of the existing MTW agencies' 2038 fiscal year.

b. 2016 Expansion of the MTW Demonstration Program

Through the demonstration expansion authorized by the 2016 MTW Expansion Statute, HUD will extend MTW flexibility to a broader range of PHAs regarding diversity of size and geographic location, balancing the flexibility inherent in MTW with the need for measurement, evaluation, and prudent oversight. Overall, in expanding the MTW demonstration, HUD intends to build on the successes and lessons learned from the demonstration thus far to improve the delivery of Federally assisted housing and promote self-sufficiency among assisted low-income families across the nation.

As the 2016 MTW Expansion Statute directs, HUD is authorized to expand the MTW demonstration program from the current level of 39 agencies by adding an additional 100 agencies over a period of seven years, ending in 2028. The 2016 MTW Expansion Statute requires that the 100 new MTW agencies be high-performing at the time of application to the demonstration in

either HUD's Public Housing Assessment System (PHAS) or its Section Eight Management Assessment Program (SEMAP), and MTW agencies must represent geographic diversity across the country.⁹ Further, the 2016 MTW Expansion Statute imposes strict size limitations¹⁰ on these 100 PHAs and requires that five of the 100 PHAs be agencies with portfolio-wide awards under the Rental Assistance Demonstration (RAD).¹¹

c. Eligibility and Selection for the Expansion of the MTW Demonstration

As required by the 2016 MTW Expansion Statute, HUD designated 100 new agencies for the expansion of the MTW designation in cohorts over a period of seven years, ending in 2028. If applicable, HUD may backfill any vacant MTW designation pursuant to the 2016 MTW Expansion Statute through 2028. For each cohort of MTW agencies selected, the 2016 MTW Expansion Statute requires HUD to direct one specific policy change to be implemented by the MTW agencies, which HUD will evaluate rigorously. MTW agencies may implement additional policy changes, as long as those policy changes do not conflict or interfere with the cohort study. As required by the 2016 MTW Expansion Statute, the HUD-appointed MTW Research Advisory Committee (the Committee), described further below, advised HUD on the policy changes to be tested through the new cohorts of MTW agencies and the methods of research and evaluation.

HUD is planning to issue separate PIH Notices for each cohort to solicit applications from eligible PHAs for participation in the MTW demonstration. These notices will outline the specific application submission requirements, evaluation criteria, and process HUD will use when selecting PHAs for MTW designation.

d. MTW Research Advisory Committee

The 2016 MTW Expansion Statute required HUD to form and consult with the Committee, which was established

of Champaign County; Charlotte Housing Authority (INLIVIAN); Chicago Housing Authority; Housing Authority of Columbus, Georgia; District of Columbia Housing Authority; Delaware State Housing Authority; Fairfax County Redevelopment and Housing Authority; Holyoke Housing Authority; Keene Housing; King County Housing Authority; Lawrence-Douglas County Housing Authority; Lexington-Fayette Urban County Housing Authority; Lincoln Housing Authority; Louisville Metropolitan Housing Authority; Massachusetts Department of Housing and Community Development; Minneapolis Public Housing Authority; Elm City Communities/Housing Authority of the City of New Haven; Oakland Housing Authority; Orlando Housing Authority; Philadelphia Housing Authority; Housing Authority of the City of Pittsburgh; Portage Metropolitan Housing Authority; Home Forward (Portland, OR); Reno Housing Authority; San Antonio Housing Authority; Housing Authority of the County of San Bernardino; San Diego Housing Commission; Housing Authority of the County of San Mateo; Housing Authority of the County of Santa Clara/ City of San Jose; Seattle Housing Authority; Tacoma Housing Authority; Housing Authority of Tulare County; and Vancouver Housing Authority.

in May 2016.¹² The purpose of the Committee is to provide independent advice to HUD with respect to the policies and methods of research in the evaluation of the MTW expansion. The Committee is specifically charged with advising HUD on the following:

- Policy proposals and evaluation methods for the MTW demonstration to inform the one specific policy change required for each cohort of agencies;
- Rigorous research methodologies to measure the impact of policy changes studied;
- Policy changes adopted by MTW agencies that have proven successful and can be applied more broadly to all PHAs; and
- Statutory or regulatory changes (specific waivers and associated activities, and program and policy flexibility) necessary to implement policy changes for all PHAs.

The Committee has no role in reviewing or selecting the 100 PHAs to participate in the expansion of the MTW demonstration.

Based on the advice of the Committee, HUD will study, by cohort of MTW agencies, the following four policies (which are in no particular order except for the first two cohorts): Impact of MTW Flexibility on small sized PHAs;¹³ Rent Reform; Work Requirements; and Landlord Incentives. HUD may determine that additional policies be studied through the MTW expansion and will consider the advice of the Committee.

3. Term of Participation

The term of each MTW agency's MTW designation will be twenty years (PHA fiscal years) starting from the time of its designation as an MTW agency. All waivers and associated activities provided through the MTW Operations Notice expire at the end of the MTW agency's term of participation, unless otherwise discontinued in accordance with section VI.4.f of this notice. However, if HUD determines that additional time beyond the end of the MTW agency's MTW term is needed to evaluate a cohort-specific policy change, or if the MTW agency requests to extend a particular waiver, HUD may, if allowed by applicable law, approve an extension of any specific waiver(s).

Once an MTW agency has implemented an activity pursuant to the authority of the MTW Operations

⁹ Geographic diversity will be considered based on both MTW agencies designated pursuant to the 2016 MTW Expansion Statute and the existing 39 MTW agencies.

¹⁰ No less than 50 with 1,000 or fewer aggregate housing voucher and public housing units; no less than 47 with 1,001–6,000 aggregate units; no more than 3 with 6,001–27,000 aggregate units; no PHA shall be granted MTW designation if it administers more than 27,000 aggregate units.

¹¹ A portfolio award is defined for these purposes as a conversion of a PHA's entire public housing inventory to RAD. All RAD conversions must be closed and the former public housing units removed from IMS/PIC in order to satisfy the portfolio-wide requirement.

¹² The Committee is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

¹³ For the purpose of the MTW expansion, small is defined as managing or administering 1,000 or fewer units.

Notice, the MTW agency may continue to implement that activity throughout the term of its participation in the demonstration, subject to the terms of this notice regarding discontinuation of MTW activities, or, any amendments to this notice, or any successor notice. The MTW agency must end all activities requiring MTW-authorized waivers upon expiration of its MTW participation since HUD cannot guarantee that it will be able to extend any waivers and associated activities beyond that point. For this reason, when entering into contracts with third parties that draw upon MTW flexibility, the MTW agency must disclose that such flexibility is only available during the term of the MTW agency's participation in the MTW demonstration as permitted in this notice. An exception is third-party contracts that relate to the cohort-specific policy change and associated waiver(s).

4. Waivers

Pursuant to the 1996 MTW Statute and 2016 MTW Expansion Statute, Appendix I of this notice provides waivers of certain provisions of the 1937 Act as well as the implementing regulations. These waivers and associated activities afford MTW agencies the opportunity to use their MTW authority to pursue locally driven policies, procedures, and programs in order to further the goals of the demonstration. In addition, the MTW agency may request, and be granted, Safe Harbor Waivers and Agency-Specific Waivers, described further below, to implement innovative MTW activities unique to its community. MTW agencies may update their leases to reflect the MTW flexibilities used through these waivers. When implementing MTW waivers through MTW activities, MTW agencies must ensure assisted families are made aware of the impacts the activity(s) may have on their tenancy.

The following are the categories of waivers that MTW agencies may pursue:

□ **MTW Waivers**—MTW agencies may conduct any permissible activity in the MTW Waivers category within the defined range of flexibility, characterized in this notice as a “safe harbor.” Safe harbors contain the additional requirements (beyond those specified in the activity description) the agency must follow in order to implement the activity once it is included in an approved MTW Plan-Expansion.¹⁴ Prior to implementation,

the MTW Waivers must be included in an approved MTW Plan-Expansion (see section VI.7.a). MTW Waivers are detailed in Appendix I.

□ **Safe Harbor Waivers**—MTW agencies may request to implement activities in a manner inconsistent with the safe harbors of an MTW Waiver's activity through the submission of a Safe Harbor Waiver request.

□ **Agency-Specific Waivers**—MTW agencies may seek an Agency-Specific Waiver in order to implement additional activities not contained in the MTW Waivers and to request to waive a statutory or regulatory requirement not included in Appendix I.

□ **Cohort-Specific Waivers**—MTW agencies may be provided with Cohort-Specific Waivers if additional waivers not included in Appendix I are necessary to allow for the implementation of the required cohort study. Cohort-Specific Waivers will be detailed in the applicable Selection Notice for that cohort study.

a. MTW Waivers

Appendix I, MTW Waivers, is a simplified guide for MTW agencies seeking to adopt MTW initiatives that have been implemented by existing MTW agencies; it is not intended to be the complete listing of what an MTW agency can and cannot do (see Safe Harbor Waivers and Agency-Specific Waivers). MTW agencies may implement any activity contained in Appendix I without further activity-specific HUD review and approval as long as it is included in the MTW Plan-Expansion (described in section VI.7.a of this notice) and implemented within the associated safe harbor(s). MTW agencies may combine activities together at the PHA level in order to create more comprehensive initiatives.

Appendix I includes the waiver name, waiver description, statutes and regulations waived, permissible activities, and safe harbors associated with each of the MTW Waivers. The waiver description defines the authorization provided to the MTW agency, subject to the terms of this notice. The list of statutes and regulations waived details the citations of the 1937 Act requirements that may be waived by an MTW agency in order to implement an activity. The list of waivers and list of activities are organized by program type (*i.e.*, public housing and/or HCV program). The safe harbors section contains the additional requirements (beyond those specified in the activity description) that the MTW

agency must follow in implementing activities without further HUD approval.

b. Safe Harbor Waivers

Since the safe harbors, as written in Appendix I, may not align with local priorities or market conditions at some MTW agencies, MTW agencies may request to expand an activity that is in Appendix I outside of the listed safe harbor(s).¹⁵ Elements that are required to be provided in the request to waive Appendix I safe harbors will be identified in the MTW Plan-Expansion form.

MTW agencies must work closely with their residents and stakeholders when developing the Safe Harbor Waivers; therefore, when submitting a Safe Harbor Waiver, the MTW agency must, in addition to following the PHA Plan public process requirements, also hold a meeting to specifically discuss the Safe Harbor Waivers. The MTW agency must consider, in consultation with the Resident Advisory Board (RAB) and tenant association, as applicable, all of the comments received at the public hearing. The comments received by the public, RABs, and tenant associations must be submitted by the MTW agency, along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Plan-Expansion. This public comment and review period affords the residents and community stakeholders the opportunity to provide input on the proposed Safe Harbor Waivers prior to its submission to HUD.

Following approval of the MTW Plan-Expansion, an MTW agency must update its Administrative Plan and Admissions and Continued Occupancy Policy (ACOP), as applicable, prior to implementing the Safe Harbor Waiver. Disapproval of Safe Harbor Waivers will be communicated via the approval letter of the MTW Plan-Expansion. The MTW agency must follow the instructions provided by HUD in the letter regarding updating the MTW Plan-Expansion. Any such disapproval would only apply to a specific Safe Harbor Waiver, as noted in the approval letter, and would not apply to the entire MTW Plan-Expansion. Where additional review time may be needed by HUD, the approval letter of the MTW Plan-Expansion will state that the waiver decision is pending and the MTW agency must await further instructions from HUD prior to implementing the Safe Harbor Waiver.

¹⁴ MTW PHAs designated prior to December 15, 2015 (see footnote 8) submit an MTW Plan and MTW Report annually. MTW PHAs designated

pursuant to the MTW Expansion statute submit an MTW Plan-Expansion only.

¹⁵ Certain safe harbors, such as impact analyses and hardship policies, are not waivable, as noted in Appendix I.

Reasons that HUD may object to a Safe Harbor Waiver include, but are not limited to, the following:

- ☐ The information required in the MTW Plan-Expansion, or equivalent form as approved by OMB, is not provided or is deemed insufficient;
- ☐ The MTW agency's proposed Safe Harbor Waiver is inconsistent with requirements outside of the 1937 Housing Act or is otherwise not permissible under MTW authority;
- ☐ There are other good cause factors for objection, such as material misrepresentation, in the submission;
- ☐ The Safe Harbor Waiver conflicts with any of the five statutory MTW requirements, as determined by HUD; or
- ☐ The Safe Harbor Waiver is determined to have potential significant negative impacts on families or the MTW agency's operation of its assisted housing programs using Section 8 and 9 funds, as determined by HUD.

c. Agency-Specific Waivers

The MTW demonstration program is intended to foster innovation and HUD encourages MTW agencies, in consultation with their residents and stakeholders, to be creative in their approach to solving affordable housing issues facing their local communities. For this reason, flexibilities beyond those provided for in Appendix I may be needed. Agency-Specific Waivers may be requested if an MTW agency wishes to implement additional activities, waive a statutory or regulatory requirement not included in Appendix I.¹⁶

In order to pursue an Agency-Specific Waiver, an MTW agency must include the Agency-Specific Waiver request in the MTW Plan-Expansion, for HUD review and approval. In order to pursue an Agency-Specific Waiver, an MTW agency must include an Agency-Specific Waiver request, an impact analysis, and a hardship policy (if the activity poses a potential risk to the continued tenancy of households), in the MTW Plan-Expansion. Other required elements to be provided in the request will be identified in the MTW Plan-Expansion form.

Specific requirements for conducting impact analyses and creating hardship policies are provided in Appendix II. When developing Agency-Specific Waiver requests, an agency must determine whether to implement additional hardship criteria beyond the criteria contained in Appendix II. Any additional hardship criteria must be included in the waiver request.

MTW agencies must work closely with their residents and stakeholders when developing the Agency-Specific Waivers; therefore, similar to submitting a Safe Harbor Waiver, when submitting an Agency-Specific Waiver, the MTW agency must not only follow the PHA Plan public process requirements, but it must also have an additional public meeting to specifically discuss the Agency-Specific Waivers.¹⁷ The MTW agency must consider, in consultation with the RAB and tenant association, as applicable, all of the comments received at the public hearing. The comments received by the public, RABs, and tenant associations must be submitted by the MTW agency, along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Plan-Expansion. This public comment and review period provides the residents and community stakeholders the opportunity to provide input on the proposed Agency-Specific Waiver prior to its submission to HUD.

Following approval of the MTW Plan-Expansion, an MTW agency must update its Administrative Plan and ACOP, as applicable, prior to implementing the Agency-Specific Waiver. Disapproval of Agency-Specific Waivers will be communicated via the approval letter of the MTW Plan-Expansion; the MTW agency must follow the instructions provided by HUD in the letter regarding updating the MTW Plan-Expansion. HUD may object to an Agency-Specific Waiver for the same reasons it may object to a Safe Harbor Waiver. Any disapproval would only apply to a discrete Agency-Specific Waiver, as noted in the approval letter, and would not apply to the entire MTW Plan-Expansion. In rare instances where additional review time may be needed, the approval letter of the MTW Plan-Expansion will state that the waiver decision is pending and the MTW agency must await further instructions from HUD prior to implementing the Agency-Specific Waiver.

Statutory or regulatory waiver(s) derived from the 1937 Act or its implementing regulations that are outside those listed in Appendix I cannot be granted by the MTW Office alone; therefore, the MTW Office will coordinate the approval of those waivers with the appropriate signatory (e.g., Assistant Secretary, General Deputy Assistant Secretary, etc.). HUD is committed to providing a timely review of Agency-Specific Waivers.

d. Cohort-Specific Waivers

Cohort-Specific Waivers include statutory or regulatory waivers and associated activities, outside of those included in Appendix I, that are unique to a specific cohort to allow them to complete their required cohort evaluation. Depending upon the evaluation design, HUD may restrict certain activities within the MTW Waivers or provide additional Cohort-Specific Waivers that are not included in Appendix I, and this would be articulated in the Selection Notice for the applicable cohort. Any restriction would only be in place during the evaluation period, as specified in the Selection Notice, and once the evaluation is concluded, the MTW agency would have access to all of the MTW Waivers. Specific policy changes to be tested through a given cohort may not require any Cohort-Specific Waivers. Any MTW activities that would impact or conflict with the cohort-specific policy change will be identified in the respective Selection Notice so that the MTW agency is aware of this potential restriction on its use of waivers before it enters the MTW demonstration program. Cohort-Specific Waivers and the associated MTW activities may only be used to the extent allowed under the applicable evaluative framework provided by HUD in the applicable Selection Notice.

e. Requirements Outside of the Scope of MTW Waiver Authority

The MTW demonstration program may only waive certain provisions of the 1937 Act and its implementing regulations. The MTW demonstration program does not permit waivers of statutes outside of the 1937 Act or regulations and requirements promulgated under authority outside of the 1937 Act. Accordingly, HUD and the MTW agencies may not waive or otherwise deviate from compliance with Fair Housing and Civil Rights laws and regulations, discrimination laws, labor standards, or environmental statutes and executive orders, or any other applicable statutes and regulations. Other subject matter prohibited from waivers or restricted with respect to waivers is discussed in section VI.10 of this notice. All applicable federal, state, and local requirements shall continue to apply even in the event of a conflict between such a requirement and a waiver or activity granted by this notice.

Additionally, the five statutory requirements established under the 1996 MTW Statute, hereinafter referred to as the "five statutory MTW requirements," cannot be waived. The

¹⁶ The MTW demonstration program may only waive certain provisions of the 1937 Act and its implementing regulations.

¹⁷ This can be the same meeting to discuss Safe Harbor Waivers (i.e., a combined meeting).

following are the five statutory MTW requirements (discussed in more detail later in this Notice): very low-income requirement, reasonable rent policy, substantially the same requirement, comparable mix requirement, and housing quality standards. In implementing MTW activities, MTW agencies remain subject to all other terms, conditions, and obligations under this notice, and all other federal requirements applicable to the public housing program, the HCV program, federal funds, and PHAs.

f. Discontinuation of MTW Activity

To the extent any MTW activity conflicts with any of the five statutory MTW requirements or other applicable requirements, as determined by HUD, HUD reserves the right to require the MTW agency to discontinue the activity or to revise the activity to comply with such applicable contemporary requirements.

HUD also reserves the right to require an MTW agency to discontinue any activity derived from a waiver should it have significant negative impacts on families or the MTW agency's operation of its assisted housing programs using Section 8 and 9 funds, as determined by HUD. The factors that may be considered when determining whether an activity should be discontinued include, but are not limited to, the following: rate of port-outs, attrition rates, occupancy and/or utilization levels, voucher leasing success rates, rent burdens, local market conditions, impact analyses, and number of hardship requests. Prior to requiring a discontinuation of an activity, HUD may take intermediary steps to work with the MTW agency and its residents to provide technical assistance, discuss the activity, and determine whether a discontinuation is in fact necessary.

In the event the MTW Operations Notice is updated to remove a specific Appendix I waiver, the MTW agency may continue to implement any activity that has been implemented related to that waiver through the term of the PHA's MTW designation, so long as it does not conflict with any of the five statutory MTW requirements (see section VI.7.c.i) or other applicable current requirements or have significant negative impacts on families or the MTW PHA's operation of its assisted housing programs using funds provided under Section 8 and 9 of the 1937 Act, as determined by HUD, as described in the preceding paragraph.

5. MTW Funding Flexibility and Financial Reporting

During the term of the demonstration, subject to changes in future years' appropriations, HUD will provide an MTW agency with public housing Operating Fund Program (OFP) grants, public housing Capital Fund Program (CFP) grants, and/or HCV HAP and Administrative Fee assistance as detailed in this notice. CFP grants may include Formula grants; Demolition or Disposition Transitional Funding (DDTF), which are included in regular Formula grants; and/or funds from older Replacement Housing Factor (RHF) grants (a program later superseded by DDTF). The HCV funding amount for MTW agencies may be increased by additional allocations of vouchers that the MTW agency is awarded over the term of its participation in the MTW demonstration. MTW Funding provided to an MTW agency, including public housing OFP grants, public housing CFP grants, and HCV HAP and Administrative Fee assistance, is subject to any laws promulgated in future years, which include without limitation: statutes, appropriations acts, notices implementing appropriations acts, regulations, and executive orders.

a. MTW Funding Flexibility

MTW agencies will have the flexibility to apply fungibility among public housing Operating Fund, public housing Capital Fund, and HCV HAP and Administrative Fee assistance. These flexibilities expand the eligible uses of each covered funding stream, but do not negate the need for both the PHA and HUD to be able to account for the funding from its original source to the date of its ultimate eligible use¹⁸ by the PHA, comply with federal grant and financial management requirements, and use funds effectively and efficiently for their eligible purposes. As HUD continues to implement program-specific financial management policies in its core housing programs, MTW agencies will be subject to the same requirements and procedures as non-MTW agencies. Therefore, the requirements and procedures described in this notice may change as new financial management policies are implemented over time. HUD will update existing guidance and issue new reporting requirements, as appropriate, to allow HUD to meet its monitoring and oversight responsibilities while ensuring MTW agencies fully utilize

¹⁸ The date of the "ultimate eligible use" means the date of disbursement by the PHA for an eligible purpose, which would remove the funding from the PHA's account and the PHA's control.

and benefit from the flexibilities established by Congress for these funds pursuant to the MTW demonstration and the 2016 MTW expansion. HUD will also update existing guidance and issue new reporting requirements, as appropriate, to ensure compliance with 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including with respect to Federal financial management.

An MTW agency participating in the MTW demonstration program may flexibly use public housing Operating and Capital Funds provided under Sections 9(d) and 9(e) of the 1937 Act and HCV HAP and Administrative Fee program funds provided under Section 8 of the 1937 Act, referred to collectively as MTW Funding. Certain provisions of Sections 8 and 9 of the 1937 Act and implementing requirements are waived as necessary to implement this flexibility. Once the MTW agency receives its MTW designation through the execution of the MTW ACC Amendment, this flexibility in the use of MTW Funding does not require prior HUD approval.

The MTW agency may use MTW Funding covered by MTW flexibility for any eligible activity under Sections 9(d)(1), 9(e)(1) and Section 8(o) of the 1937 Act and for the local, non-traditional activities specified in Appendix I of this notice. All MTW agency expenditures must be consistent with the MTW agency's charter, approved 5-Year and Annual PHA Plans, and the approved MTW Plan-Expansion.

Under appropriations law, any reserves the MTW agency has accumulated prior to signing an MTW ACC Amendment (including public housing Operating and Capital Reserves and HCV HAP and Administrative Fee Reserves) must be used for their originally appropriated purposes and shall not be used flexibly except for when Congress provides an exception to this requirement. Subject to HUD's annual appropriations act, Congress provides temporary relief from this requirement, by allowing an MTW agency to use any reserves accumulated prior to the MTW designation flexibly. This additional flexibility will expire at the end of each Federal fiscal year (for example in Federal Fiscal Year 2026, September 30, 2026) unless Congress includes it again in subsequent appropriations acts. MTW agencies should be aware that this relief is not permanent and may not continue into the future. MTW agencies are responsible for being aware of each year's appropriations act and shall

maintain careful recordkeeping to ensure they remain in compliance with the requirement. HUD will monitor the status of this flexibility closely.

b. Calculation of Funding

i. Public Housing Operating Grants

(a) *Funding Calculation.* The calculation of an MTW agency's Operating Fund subsidy grant eligibility will continue in accordance with operating subsidy formula law, regulations, and appropriations act requirements, as they may be amended.

(b) *Eligible Uses.* The MTW agency may use these funds for any eligible activity permissible under Section 9(e)(1) of the 1937 Act or, if the agency proposes to use the funding under its MTW flexibility, it may also use these funds for any eligible activity permissible under Section 8(o), Section 9(d)(1), and for the local, non-traditional activities specified in Appendix I of this notice.

(c) *Central Office Cost Center (COCC).* For an MTW agency's COCC, which collects fees for administrative services, an MTW agency may freely use the earned fees for any eligible activity but cannot move non fee-based funds into the COCC.

ii. Public Housing Capital Fund Formula and Grants

(a) *Funding Calculation.* The MTW agency's public housing Capital Fund formula characteristics and grant amounts, including DDTF and RHF, will continue to be calculated in accordance with public housing law, regulations, and appropriations act requirements, as they may be amended.

(b) *Financial Management Requirements Apply.* MTW agencies must continue to follow the immediate need requirements applicable to all Capital funds and may not accelerate their drawdown of Capital funds for the purpose of funding reserves or for any other purpose.¹⁹ All Capital funds, including funds in Budget Line Item (BLI) 1410 (Administrative Costs) and BLI 1492 (MTW), must be drawn down only when funds are due and payable.

(c) *Eligible Uses.* The MTW agency may use these funds for any eligible activity permissible under Section 9(d)(1) of the 1937 Act or, if the MTW agency proposes to use the funding under its MTW flexibility, it may also use these funds for any eligible activity permissible under Section 8(o), Section

9(e)(1), and for the local, non-traditional activities specified in Appendix I of this notice. CFP funds used for activities under Section 9(d)(1) are subject to all requirements relevant to non-MTW agency CFP funding, including eligible activities and cost limits.

(d) *Requisitioning Funds.* In requisitioning Capital Fund grant funds, the MTW agency will request funds using traditional Capital Fund BLIs for funds to be used for activities under section 9(d) and using the available MTW Budget Line (BLI 1492) items for activities under section 9(e), section 8(o), or local, non-traditional activities. MTW agencies shall not use the Transfer to Operations Budget Line (BLI 1406) since funds for all non-Section 9(d) activities shall be included in the MTW Budget Line (BLI 1492). The MTW agency will provide to HUD information on all capital activities funded by the MTW Funding as necessary to ensure compliance with requirements outside the scope of MTW, including environmental review requirements and Energy and Performance Information Center (EPIC) reporting requirements.

(e) *Obligation and Expenditure Requirements.* The MTW agency remains subject to the requirements of Section 9(j) of the 1937 Act with respect to Capital Fund grants. Section 9(d) funds remain subject to the obligation and expenditure deadlines and requirements provided in Section 9(j) despite the fact that they may be used flexibly. Capital Funds awarded to MTW agencies must be obligated within two years and expended within four years of award. Funds not obligated or expended within those timeframes will be subject to recapture. As with all agencies, an MTW agency may requisition CFP funds from HUD only when such funds are due and payable, unless HUD approves another payment schedule.

iii. Housing Choice Voucher Funding

(a) *Funding Calculation.* As is the case for non-MTW PHAs under current appropriations law, HAP renewal funding eligibility for MTW agencies will be calculated based on each MTW agency's actual expenses for the previous calendar year (known as the re-benchmark year). Unique to MTW agencies, however, the MTW agency's actual expenses are: (1) the previous Calendar Year's HAP expenses reported in the Voucher Management System (VMS), and (2) the previous CY's eligible non-HAP MTW expenses

reported in VMS.²⁰ For both HAP and non-HAP MTW expenses, the reported expenses must have been paid from an eligible source of funds as described in paragraph (c) below to be included in the HAP renewal funding formula. In addition, MTW HAP renewal funding is subject to an MTW Renewal Eligibility Cap derived from the number of units authorized under the MTW agency's ACC, as described in paragraph (d) below. The lower of the total combined HAP and non-HAP expenses or the MTW Renewal Eligibility Cap will then be adjusted by the Renewal Funding Inflation Factor (RFIF) and any national proration that applies to the HCV renewal appropriation to determine the MTW agency's actual CY HAP renewal funding.

Example: An MTW agency executes its MTW ACC Amendment in September 2020. In CY 2020, the MTW agency expended \$3,600,000 on HAP and \$400,000 on eligible non-HAP MTW expenses. The MTW agency's HCV HAP renewal funding for CY 2021 will be \$4 million (assuming the HAP Renewal Eligibility Cap is greater than \$4 million), adjusted by the RFIF and any applicable national proration.

(b) *Eligible Uses.* The MTW agency may use HCV renewal funds for any eligible activity permissible under Section 8(o) of the 1937 Act or, if the MTW agency proposes to use the funding under its MTW flexibility, it may also use these funds for any eligible activity permissible under Section 9(e)(1), Section 9(d)(1), and for the local, non-traditional activities specified in Appendix I of this notice.

(c) *HAP Renewal Sources of Funds.* Only HAP and non-HAP MTW expenses that are paid for with funds from one of the following sources will be included in the MTW HAP renewal formula:

(i) HCV budget authority (first made available to the PHA for the re-benchmark year),

(ii) HUD-held HAP reserves (undisbursed budget authority from prior years),

(iii) PHA-held HAP reserves (*i.e.*, Restricted Net Position (RNP)),

(iv) Any funds received via the HAP Set-aside (after PHA application and HUD approval),

(v) *Other sources of funds that HUD explicitly authorizes, in a separate HCV funding or other notice, to be included in the MTW HAP renewal formula, and*

¹⁹ HUD will publish a rule that will govern the establishment and maintenance of a Capital Reserve pursuant to Section 109 of HOTMA that may give PHAs authorization to draw down funds in advance of need in certain limited circumstances.

²⁰ MTW funds awarded to an MTW agency under Sections 8, 9(d), and 9(e) of the 1937 Act can be utilized per statute and regulation on the eligible activities listed at Sections 9(d)(1), 9(e)(1), and 8(o) of the 1937 Act and for local, non-traditional activities.

(vi) *For HAP expenses only:* Administrative fee reserves (*i.e.*, Unrestricted Net Position). Expenditures of administrative fee reserves are eligible to be included in the MTW agency's MTW HAP renewal calculation, but only if the administrative fee reserve funds are used for HAP expenses. MTW PHAs must report the use of HCV Unrestricted Net Position (UNP) for HAP and for non-HAP expenses in Expense 1–5 fields in VMS. Non-HAP MTW expenses paid from the administrative fee reserve are not eligible for renewal funding. Furthermore, when determining HAP renewal eligibility, the use of the administrative fee reserves is always first attributed to the MTW agency's non-HAP MTW expenses incurred during the calendar year before it is considered to be the source of funds for HAP expenses. If total HAP and non-HAP MTW expenses paid out of administrative fee reserves is greater than the total amount of non-HAP MTW expenses, then the difference is assumed to have been spent on HAP and is considered in the HAP renewal calculation. Note that there is no restriction against using administrative fee reserves for non-HAP MTW expenses, just that those non-HAP MTW expenses are not eligible to be renewed under the MTW HAP renewal formula. Expansion MTW PHAs may not bring in outside sources of funds to cover administrative costs in order to increase their expenditure of HCV Administrative Fee Reserves to cover HAP costs.

HAP expenses or non-HAP MTW expenses that were paid for with any other funding source (for example, public housing Operating Funds and Capital Funds, and current year HCV Administrative Fee funds) will not be included in the MTW agency's HCV renewal funding calculation, unless HUD explicitly authorizes such inclusion in a separate funding or other notice.

(d) *HAP Renewal Eligibility Cap.* The MTW agency's renewal eligibility for all MTW Years will be limited by the HAP Renewal Eligibility Cap. The calculation multiplies (1) the MTW agency's total number of ACC authorized units in the re-benchmark year (the CY immediately preceding the CY for which the MTW agency's renewal eligibility is being calculated)²¹ by (2) the MTW agency's pre-MTW monthly per-unit cost (PUC) inflated to the re-benchmark year.

²¹ As noted above, the re-benchmark year is also the source year for the actual expense data used in the MTW agency's HAP renewal formula.

(i) The number of ACC authorized units is measured in unit months available (UMAs).²²

(ii) The inflated pre-MTW PUC is projected using, as a base, the monthly PUC for the CY in which the MTW agency signed its MTW ACC Amendment. HUD applies the RFIF to this base PUC to estimate what the MTW agency's HCV PUC would be, had the MTW agency not joined the MTW program, as of the re-benchmark year.

After the calculation of the HAP Renewal Eligibility Cap, it is compared with the MTW agency's actual total combined HAP and non-HAP MTW expenses. The lower of these two amounts—(1) the HAP Renewal Eligibility Cap or (2) the MTW agency's actual total combined HAP and non-HAP MTW expenses adjusted by the RFIF and any national proration factor—is then used to determine the MTW agency's CY renewal funding. If HAP expenses alone exceed the HAP Renewal Eligibility Cap, any HAP expenses over the cap will also be included in the MTW agency's renewal eligibility.

(iii) *Example:* If an MTW agency signs its MTW ACC Amendment in September 2020, CY 2021 will be the MTW agency's first full Calendar Year in the MTW demonstration. In calculating the MTW agency's HCV renewal funding for CY 2021, the following information applies:

□ The MTW PHA's average monthly PUC for CY 2019 was \$700.

□ The CY 2020 inflation rate is two percent.

□ The number of ACC authorized units during CY 2020 is 800 units. (In this example all units were under ACC as of 1/1/2020, so the number of UMAs is simply 800 units multiplied by twelve months, or 9,600 UMAs).

□ The HAP Renewal Eligibility Cap for CY 2021 is calculated by first determining the estimated PUC for CY 2020, which is \$714 (the monthly PUC for CY 2019 inflated for CY 2020, or $\$700 \times 1.02$). The estimated PUC for CY 2020 is then multiplied by the MTW agency's CY 2020 ACC authorized UMAs²³ ($\$714 \times 9,600$ UMAs) to

²² Authorized units in the HCV program context are measured in terms of unit months available. For example, if an authorized unit is under ACC as of January 1, the authorized unit equals twelve unit months available for that CY. On the other hand, if the authorized unit was added to the ACC under a new funding increment effective March 1, the authorized unit is equal to ten unit months available for that CY.

²³ As noted earlier, these are the MTW agency's CY 2019 UMAs that are subject to the MTW renewal formula. UMAs attributable to SPVs such as HUD-VASH and FUP are included in this count.

determine the HAP Renewal Eligibility Cap, which is \$6,854,400.

□ The HAP Renewal Eligibility Cap (\$6,854,400) is then compared to the MTW agency's total combined HAP and non-HAP MTW expenses for the re-benchmark year that originated from the eligible funding sources described earlier in this notice. If the total combined HAP and non-HAP MTW expenses do not exceed \$6,854,400, the MTW agency's CY 2021 renewal funding will be the total combined HAP and non-HAP MTW expenses adjusted by the RFIF and any national proration. If the total combined HAP and non-HAP MTW expenses exceed \$6,854,400, the MTW agency's CY 2021 renewal funding will be \$6,854,400 plus an adjustment for HAP expenses if HAP expenses alone exceeded \$6,854,400, adjusted by the RFIF and any national proration.

(e) *Financial Management Requirements Apply.* The same financial management requirements that apply to non-MTW agencies also apply to MTW agencies (*e.g.*, Cash Management Requirements for the HCV Program with Notice PIH 2017–06 and successor notices).

(f) *Administrative Fees.* The Administrative Fee rates used to calculate fee eligibility for MTW agencies shall be established according to the same methodology used to establish Administrative Fee rates for all agencies, including non-MTW agencies. Under current appropriations law, as is the case for all agencies, administrative fees will be calculated on the basis of units leased as of the first day of each month; this data will be extracted from VMS at the close of each reporting cycle. Administrative fees for MTW agencies are also subject to the national proration factor and any other appropriations act requirements.

(g) *Adjustments for the First-Time Renewal of Certain Vouchers.* If the MTW agency receives incremental HCV vouchers and funding (including tenant protection vouchers), other than SPVs, renewal funding for those vouchers will be included in the MTW HCV renewal funding eligibility calculation for the following year. (See section VI.9 of this notice for further discussion of tenant protection and other SPVs). The renewal amount for the following year is based on HAP costs reported for these increments in VMS in the prior year, which will be adjusted by the RFIF. Should the initial increment(s) be funded for less than twelve months due to lack of appropriations, HUD will adjust for the missing months upon renewal, by selecting the funded PUC for the initial increment times the

number of units,²⁴ then adjusted by the RFIF. The aggregate renewal eligibility is always subject to the national proration factor.

(h) *Applicable Inflation Factor and Proration.* The same applicable RFIFs that apply to non-MTW agencies will be applied each CY to determine the MTW agency's HAP funding renewal eligibility. Likewise, the MTW agency's HAP funding renewal eligibility is subject to the same national proration as non-MTW agencies' renewal eligibility.

(i) *Reserves.* Reserves are subject to offsets as part of future Congressional appropriations acts.

(j) *Local, Non-Traditional Activities.* The MTW agency may spend its HCV HAP funding on local, non-traditional activities, as described in Appendix I, without prior HUD approval. HUD has the authority to request information and complete risk-based monitoring of the MTW agency's implementation of local, non-traditional activities for compliance with applicable statutory requirements, this Notice, and other program requirements. If HUD determines a use of local, non-traditional flexibility is inconsistent with these requirements, HUD may require the MTW agency to modify or discontinue the activity and take other corrective action.

(k) *Rental Assistance Demonstration (RAD).* Any vouchers received as part of a RAD Component I conversion shall be added to the ACC for the remainder of the CY in which they are awarded. HUD will issue a new increment of voucher funding in support of those vouchers for the first full CY following a RAD Component I conversion. In subsequent years, voucher funding for RAD-converted units will be renewed under the MTW HCV renewal funding calculation, adjusted by the renewal funding inflation factor and the applicable proration factor. Tenant protection vouchers provided for RAD Component II conversions are renewed in accordance with section VI.5.b.iii.g of this notice, Adjustment for the first-time renewal of certain vouchers, above. Administrative fees for RAD vouchers will be calculated based on the same methodology used to establish administrative fees for non-MTW agencies. Fees for RAD vouchers will be prorated at the same level that applies to all non-MTW agencies.

(l) *Voucher Programs Not Included in MTW Renewal Funding Calculation.* The only SPV programs that are not included in the MTW renewal funding

calculation are Emergency Housing Vouchers (EHVs) and the Section 8 Moderate Rehabilitation Program. Mainstream Vouchers were excluded prior to 2026, but starting in CY 2026 Mainstream Vouchers will be renewed as part of the calculation of renewal funding for the HCV program overall. Congress instituted this change in the renewal funding provisions for Tenant-Based Rental Assistance in the Consolidated Appropriations Act, 2026. SPVs are discussed in more detail in section VI.9 of this MTW Operations Notice. MTW funding flexibility is not permitted in the Section 8 Moderate Rehabilitation Program, and these funds may not be used for MTW activities.

c. Financial Reporting and Auditing

MTW agencies must submit year-end unaudited financial information to the Department no later than two months after their fiscal year end using the Financial Data Schedule (FDS) contained in the Real Estate Assessment Center's (REAC) Financial Assessment Subsystem (FASS-PH), or its successor system. Current financial reporting requirements for MTW agencies are posted on the REAC website. These requirements may be updated in the future.

MTW agencies are also required to electronically submit their audited financial information, if applicable, to HUD no later than nine months after their fiscal year end. MTW agencies must include public housing project level financial information in the FDS and must follow the Asset Management guidelines established in PIH Notice 2007-9 Supplement to Financial Management Handbook PIH Revised April 2007, and any subsequent updates to this Handbook or PIH Notice. MTW agencies will conform to the cost requirements of 2 CFR part 200 and any HUD implementation thereof.

MTW agencies must procure an Independent Public Accountant (IPA) to perform an annual audit pursuant to federal requirements at 2 CFR part 200 and 24 CFR 990.190, or successor, as well as any audit compliance supplements developed specifically for use with the MTW demonstration.

Completed IPA audits must be submitted to HUD in accordance with current HUD regulations. HUD will review the IPA audits of MTW agencies to determine appropriate action relative to any findings, prepare recommendations for audit finding resolution, and follow up with MTW agencies to ensure finding closure. If there are audit findings related to the MTW program itself, HUD will monitor the resolution of all audit findings.

6. Evaluation

As a condition of participating in the MTW demonstration, MTW agencies agree to cooperate fully with HUD and its contractors in the monitoring and evaluation of the MTW demonstration. MTW agencies shall keep records and submit reports and other information as required by HUD. This includes any data collection required for the use of waivers and associated activities, for the uses of MTW funds within and across funding streams, and any evaluation efforts that HUD undertakes. Any additional information requests will follow the Paperwork Reduction Act requirements. HUD envisions three types of evaluation: program-wide evaluation, cohort-specific evaluation, and ad hoc evaluation.

a. Program-Wide Evaluation

An MTW demonstration-wide evaluation would seek to assess whether or not, and to what extent, MTW agencies achieve the statutory objectives of the MTW demonstration by using federal dollars more efficiently, helping residents find employment and become self-sufficient, and/or increasing housing choices for low-income families. Program-wide evaluation would also seek to determine any effects, positive or negative, of MTW waivers and funding flexibilities on residents. HUD intends to develop a method for program-wide evaluation that is based, to the extent possible, on information already being collected through existing HUD administrative data systems, although additional reporting may be necessary to effectively evaluate MTW.

b. Cohort-Specific Evaluation

The specific evaluation methods and requirements for participating MTW agencies will vary in each cohort based on the policy changes to be tested in that cohort.²⁵ The cohort-specific policy change and evaluation methods will be described in the applicable Selection Notice such that the MTW agency is aware, in advance of application to the MTW demonstration program, of the policy it will be required to implement and the evaluation requirements. The MTW agency is required to participate in the evaluation for the full timeframe designated by HUD. HUD's Office of Policy Development and Research will take the lead on evaluating cohort-specific policy changes, and separate

²⁴ The MTW PUC is equal to MTW HAP expenses divided by the number of MTW units leased. (Non-HAP MTW expenses are not included in the MTW PUC calculation).

²⁵ For example, some cohorts of MTW agencies may be required to participate in randomized control trials, while others may be required to participate in detailed process studies or ethnographic research.

funds are appropriated by Congress for these evaluations. In all cases, the purpose of the evaluation will be to measure the outcomes associated with the specific policy change(s) in order to offer policy recommendations for implementing the policy change(s) across all PHAs.

c. Ad Hoc Evaluation

HUD reserves the right to request, and the MTW agency shall provide upon request, any additional information required by law or required for the sound administration or evaluation of the MTW agency.

7. Program Administration and Oversight

In general, MTW agencies will be subject to the same planning and reporting protocols as non-MTW agencies, including the PHA Plan (5-Year Plan and Annual PHA Plan) and Capital Fund planning. MTW agencies must also report data into HUD data systems, as required.

New protocols and instruments will be developed for assessing an MTW agency's performance and will be incorporated into PHAS and SEMAP, or successor assessment systems, or an alternative assessment system developed by HUD, explained further in section VI.7.b of this MTW Operations Notice. In addition, HUD will employ standard program compliance and monitoring approaches including assessment of relative risk and on-site monitoring conducted by HUD or by entities contracted by HUD.

a. Planning and Reporting

i. The Annual PHA Plan

MTW agencies must adhere to Annual PHA Plan regulations at 24 CFR part 903, any implementing HUD Notices and guidance, as well as any succeeding regulations. The Annual PHA Plan consists of the 5-Year Plan that a PHA must submit to HUD once every five PHA fiscal years and the Annual PHA Plan that the PHA must submit to HUD for each PHA fiscal year. Annual and 5-Year Plans must be submitted in a format prescribed by HUD. Currently, submission format requirements are outlined in Notice PIH 2015-18, issued October 23, 2015, which is effective until amended, superseded or rescinded.

Any HUD assistance that the MTW agency is authorized to use under the MTW demonstration must be used in accordance with the Annual PHA Plan, as applicable.

ii. MTW Plan-Expansion (Under Development)

All MTW agencies will submit an MTW Plan-Expansion on an annual basis.²⁶ The MTW Plan-Expansion form has not been finalized at the time of the publication of this MTW Operations Notice; it will be made available for public review and comment, per Paperwork Reduction Act requirements.²⁷

MTW agencies must submit to HUD the MTW Plan-Expansion no later than 75 days prior to the start of the agency's fiscal year. HUD will notify the MTW agency in writing if any edits to provisions or additional information is required in the MTW Plan-Expansion. Absent unforeseen circumstances, when the MTW agency submits its MTW Plan-Expansion 75 days in advance of its fiscal year, HUD will respond to the MTW agency within 75 days or the MTW Plan-Expansion, with the exception of any Agency-Specific Waivers or Safe Harbor Waivers, is automatically approved.

Prior to submitting to HUD, the MTW Plan-Expansion must go through a public process. The MTW agency may elect to put the MTW Plan-Expansion through public process along with the Annual PHA Plan. This will allow the MTW agency to inform the community of any programmatic changes and give the public an opportunity to comment. The MTW agency must have at least a 45-day public review period of its MTW Plan-Expansion, after publishing a notice informing the public of its availability and conducting reasonable outreach to encourage participation in the process, followed by a public hearing. MTW agencies must consider, in consultation with the RABs and tenant associations, as applicable, all of the comments received at the public hearing. The comments received by the public and RABs and tenant associations must be submitted by the agency as a required attachment to the MTW Plan-Expansion. MTW agencies must also include a narrative describing their analysis of the recommendations and any decisions made based on these recommendations.

iii. Admissions and Continued Occupancy Policy and Administrative Plan

The MTW agency must update its ACOP and/or Administrative Plan, as

applicable, to be consistent with the MTW activities and related waivers that it implements. The MTW agency may not implement an MTW activity or waiver until the relevant sections of the ACOP and/or Administrative Plan are updated. MTW agencies must provide HUD with electronic versions of the ACOP and/or Administrative Plan upon request. If the MTW agency implements an activity using the local, non-traditional uses of funds waiver, the MTW agency must create and update an implementing document specifically for such activity. Additionally, the MTW agency must update its ACOP and/or Administrative Plan upon terminating an MTW activity.

iv. Capital Planning and Reporting

MTW agencies must adhere to CFP regulations at 24 CFR part 905, any implementing HUD Notices and guidance, as well as any successor regulations. As noted previously, MTW agencies are funded in accordance with CFP regulations and formula funds are calculated and distributed in the same manner as non-MTW agencies.

MTW agencies have the authority and flexibility to utilize their CFP funds for expanded uses as part of their MTW funding flexibility. HUD will award Capital Fund grants to MTW agencies in keeping with the standard process for all PHAs. The Department will spread budget line items in eLOCCS in accordance with Annual Statements/Budgets submitted in EPIC for Capital Fund grants awarded. As with all PHAs, an MTW agency may draw down Capital Funds from HUD only when such funds are due and payable, unless HUD approves another payment schedule.²⁸ To the extent that the MTW agency plans to use CFP funding for other MTW-eligible (non-CFP) activities, the agency must create a separate work activity (or activities) in the EPIC system that select the "MTW (1492)" work category. CFP funds entered on BLI 1492 would not need to be broken out and itemized in the part II supporting pages of the HUD-50075.1. However, regardless of the BLI utilized, funds may not be drawn down until the PHA has an immediate need for the funds. An MTW agency may not accelerate drawdowns of funds in order to fund reserves or to otherwise increase locally held amounts, as discussed in section 5.a. of this notice.

An MTW agency is not required to use all or any portion of its CFP grant

²⁶ MTW agencies designated pursuant to the 2016 Expansion Statute are not required to submit the Annual MTW Plan or Annual MTW Report. They instead submit only the MTW Plan-Expansion (OMB Control No.: 2577-0216).

²⁷ 83 FR 50676 (October 9, 2018).

²⁸ HUD will publish a rule that will govern the establishment and maintenance of a Capital Reserve pursuant to Section 109 of HOTMA that may give PHAs authorization to draw down funds in advance of need in certain limited circumstances.

for non-CFP activities. To the extent that the MTW agency wishes to dedicate all or a portion of its CFP grant to specific capital improvements, the agency shall record CFP funding in work activities in EPIC as in the standard program.

v. Inventory Management System/PIH Information Center Reporting

Data from HUD's Inventory Management System/PIH Information Center (IMS/PIC), or successor systems, is critical to all aspects of program administration, including HUD monitoring and tracking of MTW agency progress in meeting the MTW statutory objectives. IMS/PIC data is used to establish funding eligibility levels for both Operating Subsidy Fund and Capital Fund grants. Further, HUD relies on IMS/PIC data to provide a thorough and comprehensive view of PHA program performance and compliance.

MTW agencies are required to submit the following information to HUD via IMS/PIC (or its successor system):

- ☐ Family data to IMS/PIC using Form HUD-50058 MTW Expansion (or successor forms) or Form HUD-50058 for SPV purposes, and in compliance with HUD's standard 50058 submission requirements for MTW agencies. MTW agencies must report information on all families receiving some form of tenant-based or project-based housing assistance, either directly or indirectly, as well as all public housing families, to be current to at least a 95 percent level.

- ☐ Current building and unit information in the development module of IMS/PIC (or successor system).

- ☐ Basic data about the PHA (address, phone number, email address, etc.).

HUD will monitor MTW agency reporting to IMS/PIC (or successor system) to ensure compliance and provide technical assistance to MTW agencies as needed. In order to participate in the MTW expansion, PHAs must have the information technology capability to upgrade their IMS/PIC software to accommodate MTW flexibilities. PHAs that currently use HUD Family Reporting Software (FRS) must upgrade their software to an approved system that supports the submission of MTW IMS/PIC data. HUD does not anticipate modifying the FRS to accommodate the submission of MTW data.

vi. Voucher Management System Reporting

MTW agencies are required to report voucher utilization in VMS, or its successor system. There are several areas in which VMS reporting is different for MTW agencies. These areas are highlighted in the VMS User's

Manual, which details the VMS reporting requirements.²⁹

HUD will monitor each MTW agency's VMS reporting to ensure compliance and provide technical assistance to MTW agencies as needed.

vii. General Reporting Requirement

In addition to the reporting requirements outlined in this MTW Operations Notice, MTW agencies are required to comply with any and all HUD reporting requirements not specifically waived by HUD for participation in the MTW demonstration program.

b. Performance Assessment

Assessing the performance of PHAS (both MTW and non-MTW) helps with the delivery of services in the public housing and voucher programs and enhances trust among PHAs, assisted households, HUD, and the general public. To facilitate this effort, HUD will provide management tools for effectively and fairly assessing the performance of a PHA in essential housing operations and program administration.

Currently, HUD uses PHAS and SEMAP to assess risk and identify underperforming PHAs in the traditional public housing and voucher programs. However, since some of the MTW flexibilities make it difficult to accurately assess the performance of MTW agencies under the existing systems, HUD will develop an alternative, MTW-specific assessment system, which may be incorporated into PHAS and SEMAP (or successor assessment system(s)). MTW agencies may not opt out of the MTW-specific successor system(s). Until the successor system is implemented, HUD will monitor MTW agency performance through PHAS sub-scores. Additionally, HUD may consider data provided through other HUD systems in its assessment of an MTW agency's activities.

i. Public Housing Assessment System

MTW agencies will not be scored in PHAS unless and until such time as HUD develops an MTW-specific system that is incorporated into PHAS, or successor system, but they can elect to be scored if they choose to opt in. MTW agencies continue to receive PHAS sub-scores even if they do not receive the overall score. An MTW agency will maintain its PHAS performance designation (*i.e.*, high performer, standard performer, substandard

performer, troubled, Capital Fund-troubled) at the time of MTW designation, up until a successor system is established. If an MTW agency elects to receive its overall PHAS score, the agency must continue to be scored for the duration of the demonstration, or until the agency is assessed under the alternative, MTW-specific assessment system(s), whichever comes first. Once developed, all MTW agencies, including MTW agencies that elect not to receive an overall PHAS score, must be assessed under the MTW-specific assessment system(s).

Pursuant to the 1996 MTW Statute, when providing public housing, the MTW agency must ensure that the housing is safe, decent, sanitary, and in good repair, according to the physical inspection protocols established and approved by HUD. Thus, MTW agencies continue to be subject to HUD physical inspections. To the extent that HUD physical inspections reveal deficiencies, the MTW agency must continue to address these deficiencies in accordance with existing physical inspection requirements. If an MTW agency does not maintain public housing adequately, as evidenced by the physical inspection performed by HUD, and is determined to be troubled in this area, HUD will determine appropriate remedial actions.

ii. Section 8 Management Assessment Program

MTW agencies will not be scored in SEMAP unless and until such time as HUD develops an MTW-specific system that is consistent with SEMAP, or successor system, but they can elect to be scored if they choose to opt in. An MTW agency will maintain its SEMAP performance designation (*i.e.*, high performer, standard performer, troubled) at the time of MTW designation, up until a successor system is established. If an MTW agency elects to receive its overall SEMAP score, the agency must continue to be scored for the duration of the demonstration, or until the agency is assessed under the MTW-specific assessment system, whichever comes first. Once developed, all MTW agencies, including MTW agencies that opt out of SEMAP, must be assessed under the MTW-specific assessment system(s).

c. Monitoring and Oversight

MTW agencies remain subject to the full range of HUD monitoring and oversight efforts including, but not limited to, annual risk assessments, on-site monitoring reviews, monitoring reviews relating to VMS reporting and rent reasonableness, review of the accuracy of data reported into HUD data

²⁹ <https://portal.hud.gov/hudportal/documents/huddoc?id=instructions.pdf>.

systems, and use of HUD data systems to assess agency program performance, among other activities.

i. Five Statutory MTW Requirements

Throughout participation in the MTW demonstration program, all MTW agencies must continue to meet five statutory MTW requirements established under the 1996 MTW Statute. Specific enforcement processes of the five statutory MTW requirements will be included in the MTW ACC Amendment (see also, section VI.12 of this notice). HUD will monitor and determine MTW agencies' compliance with these five statutory MTW requirements as follows:

(a) *Very Low-Income Requirement.* MTW agencies must ensure that at least 75 percent of the families assisted are very low-income families, in each fiscal year, as defined in Section 3(b)(2) of the 1937 Act. *HUD Verification Approach:* Initial household certification data recorded in IMS/PIC will be used for both the public housing and HCV programs for compliance monitoring purposes. The initial certification is comprised only of new admissions in the MTW agency's given fiscal year. Initial household certification data for families housed through local, non-traditional activities will be provided in a manner specified by the Department. An MTW agency's portfolio will then be weighted with respect to the number of households being served by each housing program type (*i.e.*, public housing, HCV, and local, non-traditional). While the verification approach for this statutory requirement will be conducted based on initial certification in the MTW agency's given fiscal year, MTW agencies must continue to assist low-income families, which MTW agencies must monitor through the reexamination process, as may be amended per Appendix I.

(b) *Reasonable Rent Policy.* MTW agencies must establish a reasonable rent policy which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent.

HUD Verification Approach: HUD defines rent reform as any change in the regulations on how rent is calculated for a household. Upon designation into the MTW demonstration, MTW agencies are to submit their planned policy to implement a reasonable rent policy in the MTW Plan-Expansion. All activities falling under any of the activities in the Tenant Rent Policies waiver or the Alternate Reexamination Schedule

waiver, as detailed in Appendix I, meet the definition of a reasonable rent policy because these activities constitute a change from regulations on how rent is calculated for a household. In addition, implementation of any voluntary alternative rent calculation that is available for all PHAs would count towards meeting this statutory requirement. Finally, an MTW agency may propose, for HUD's approval, an Agency-Specific Waiver to establish a rent policy that is different from those listed in Appendix I. If approved, this alternative rent policy approved through an Agency-Specific Waiver would also meet this statutory requirement. An MTW agency must implement one or multiple reasonable rent policies during the term of its MTW designation.³⁰

(c) *Substantially the Same Requirement.* MTW agencies must continue to assist substantially the same total number of eligible low-income families as would have been served absent the MTW demonstration. *HUD Verification Approach:* Appendix III details the requirements for the Substantially the Same (STS) methodology which: ensures substantially the same number of families are housed; allows for local flexibility; is responsive to changing budgetary climates; is feasible for HUD to administer; is easy for MTW agencies to predict compliance; is straightforward to understand; is calculated each year; and has publicly available results. Please refer to Appendix III for the specific requirements.

(d) *Comparable Mix Requirement.* MTW agencies must maintain a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration. *HUD Verification Approach:* In order to establish a comparable mix baseline, HUD will pull data, by family size, for occupied public housing units and leased vouchers at the time of entry into the demonstration. HUD will rely upon MTW agency-reported data into HUD systems (*i.e.*, IMS/PIC, VMS). This information will be used to establish baseline percentages, by family size, to which the agency is measured by for the remainder of participation. Following entry into the demonstration, agencies will provide comparable mix data and, if applicable, associated justifications in the MTW Plan-Expansion. HUD deems an acceptable level of variation to be no more than 10 percent from the baseline.

³⁰ MTW agencies in the rent reform cohort may have prescribed deadlines to implement their reasonable rent policies.

Justifications or explanations for fluctuations greater than 10 percent are required and subject to HUD's review.

(e) *Housing Quality Standards (HQS).* MTW agencies must ensure that housing assisted under the demonstration meets HQS established or approved by the Secretary.

HUD Verification Approach: In order to demonstrate that the MTW agency meets housing quality standards, HUD will verify compliance for each housing program type as follows: (1) HCV—Program regulations at 24 CFR part 982 set forth basic HQS for housing assisted under the HCV program. These housing quality standards, or successor regulations, are the standards used to determine if the MTW agency is fulfilling its responsibilities to ensure owners are maintaining the units in accordance with HQS in the evaluation of an agency. MTW agencies with an HCV program must certify in the MTW Plan-Expansion that they have fulfilled their responsibilities to comply with and ensure enforcement of HQS under this requirement in accordance with the HQS regulations in 24 CFR part 982, as modified where applicable through the implementation of the discrete MTW Waivers approved by HUD provided in Appendix 1 or through an Agency-Specific Waiver. (2) Public Housing—HUD will verify this requirement through its review of public housing physical inspection scores. Overall scores falling below 60 percent will be identified as non-compliant with the statutory requirement.

(3) Local, Non-Traditional—In the MTW Plan-Expansion, MTW agencies must certify that local, non-traditional units meet HQS performance requirements (as provided in 24 CFR 982.401) as required in PIH Notice 2011-45, or successor notice.

ii. *Income Integrity and Enterprise Income Verification System (EIV) Reviews*

MTW agencies are required to comply with the final rule regarding EIV issued December 29, 2009, or successor, and utilize EIV for all income and employment verifications. EIV has been modified for MTW agencies so that family information submitted in IMS/PIC will not expire for 40 months in order to accommodate agencies choosing to extend recertification periods for up to three years.

MTW agencies are subject to HUD review to ensure compliance with EIV requirements as well as monitor the accuracy and integrity of the MTW agencies' income and rent determination policies, procedures, and outcomes.

iii. MTW Site Visit

HUD will periodically conduct site visits to monitor the implementation of MTW flexibilities provided under the MTW Operations Notice, provide guidance, discuss the MTW agency's activities, and offer any needed technical assistance regarding its program. The purpose of a site visit will be to monitor agency-reported MTW activities, to review the status and effectiveness of the MTW agency's strategies, to provide technical assistance, to problem-solve regarding any local barriers the agency is facing, and to identify and resolve outstanding MTW related issues.

The MTW agency shall give HUD access, at reasonable times and places, to all requested sources of information including access to files, access to units, and an opportunity to interview agency staff and assisted participants.

Where travel funding or staff resources are not available to facilitate in-person site visits, HUD may exercise the option to conduct remote site visits via telephone, videoconference, or webinar. To the extent possible, HUD will coordinate the MTW site visit with other site visits to be conducted by HUD.

iv. Housing Choice Voucher Utilization

HUD will monitor HCV utilization at MTW agencies and will ensure that HCV funds are utilized in accordance with section VI.5.b.iii and Appendix III of this notice. At its discretion, HUD may take any appropriate actions to direct an MTW agency to increase HCV leasing and utilization.

v. Public Housing Occupancy

HUD will monitor public housing occupancy rates for MTW agencies. In instances where the MTW agency's public housing occupancy rate falls below 96 percent, HUD may require, at its discretion, that the MTW agency enter into an Occupancy Action Plan to address the occupancy issues. The Occupancy Action Plan will include the cause of the occupancy issue, the intended solution, and reasonable timeframes to address the cause of the occupancy issue.

vi. Additional Monitoring and Oversight

HUD may, based on the MTW agency's risks and at HUD's discretion, conduct management, programmatic, financial, or other reviews of the MTW agency. The MTW agency shall respond to any findings with appropriate corrective action(s).

In addition, HUD will make use of all HUD data systems and available information to conduct ongoing remote

monitoring and oversight actions for MTW agencies, consistent with the results of the PIH risk assessment.

8. Rental Assistance Demonstration Program

MTW agencies converting public housing program units to Section 8 assistance under the RAD program are able to retain MTW regulatory and statutory flexibilities in the management of those units, subject to RAD requirements, if the conversion is to Section 8 PBV assistance. MTW agencies converting projects under RAD to PBV may continue to undertake flexibilities except to the extent limited by RAD, as described in the RAD Notice, Notice PIH 2012–32, REV–4 or its successor notice.³¹

9. Applying MTW Flexibilities to SPVs

SPVs are specifically provided for by Congress in line item appropriations. Except for enhanced vouchers and tenant-protection vouchers (described below), SPVs are not part of the MTW demonstration and are not part of the MTW agency's total available flexible MTW Funding. Funding (both the initial increment and renewal funding) for SPVs may only be used for eligible SPV purposes.³²

MTW agencies may use non-HAP sources to cover shortfalls, following the procedures outlined in Notice PIH 2013–28, or successor.³³ MTW agencies are also permitted to use HAP reserve funds, including HAP originated reserves subject to fungibility provisions, to address SPV funding shortfalls. This flexibility extends to addressing shortfalls in PHAs' Mainstream Vouchers, which starting in 2026 are being renewed under HCV program contract renewal appropriations.³⁴ Approved MTW flexibilities may be applied towards SPVs according to HUD's current guidance.³⁵ However, MTW agencies may use SPV funding (including HUD VASH, FUP, and Mainstream Vouchers) only for the intended SPV purposes and SPV is not subject to MTW agencies funding flexibilities.

³¹ Notices and laws related to RAD can be found at <https://www.hud.gov/RAD/library/notices>.

³² Expansion MTW PHAs' Renewal Enclosures do not separate out renewal SPV funding. Expansion MTW PHAs should maintain internal accounting records regarding SPV fund balances.

³³ A shortfall is defined as a situation where PHAs would terminate participating families from the HCV program due to insufficient funds despite taking reasonable cost reduction measures.

³⁴ This information will be available on the MTW website.

³⁵ This process is explained further in the SPV FAQ on the MTW website.

a. HUD-Veterans Affairs Supportive Housing (VASH) Vouchers

HUD–VASH vouchers have separate operating requirements and must be administered in accordance with the requirements found in the HUD–VASH Operating Requirements. The operating requirements waive and alter many of the standard HCV statutes and regulations at 24 CFR part 982. Unless stated in the HUD–VASH operating requirements, however, the regulatory requirements at 24 CFR part 982 and all other HUD directives for the HCV program are applicable to HUD–VASH vouchers. MTW agencies may submit a request to HUD to operate HUD–VASH vouchers in accordance with MTW administrative flexibilities.

b. Family Unification Program (FUP) Vouchers

The FUP NOFA language allows vouchers to be administered in accordance with MTW flexibilities unless MTW provisions are inconsistent with the appropriations act or requirements of the FUP NOFA. In the event of a conflict between the MTW Operations Notice and the appropriations act or FUP NOFA language, the act and NOFA govern.

c. Melania Trump Foster Youth to Independence Initiative (Melania Trump FYI) Vouchers

The Melania Trump FYI NOFA language allows vouchers to be administered in accordance with MTW flexibilities unless MTW provisions are inconsistent with the appropriations act or requirements of the Melania Trump FYI NOFA. In the event of a conflict between the MTW Operations Notice and the appropriations act or Melania Trump FYI NOFA language, the act and NOFA govern.

d. Non-Elderly Persons With Disabilities (NED) Vouchers

The NED NOFA language allows vouchers to be administered in accordance with MTW operations unless MTW provisions are inconsistent with the appropriations act or requirements of the NED NOFA. In the event of a conflict between the MTW Operations Notice and the appropriations act or NED NOFA language, the act and NOFA govern.

e. Mainstream Vouchers

The Mainstream NOFA language allows vouchers to be administered in accordance with MTW flexibilities unless MTW provisions are inconsistent with the appropriations act or requirements of the Mainstream NOFA. In the event of a conflict between the

MTW Operations Notice and the appropriations act or Mainstream NOFA language, the act and NOFA govern.

f. Enhanced Vouchers and Tenant Protection Vouchers

MTW agencies may apply any MTW flexibilities as authorized by this notice to replacement TPVs to the extent that the MTW flexibilities used do not infringe upon the protections applied to those families.³⁶ However, funding fungibility may only be applied to replacement TPV funds once the initial funding increment is renewed. No MTW flexibilities may be applied to relocation TPVs. MTW agencies should review PIH Notice 2020–04 and any future successor notices for more information on re-issuance of TPVs.

The statutory enhanced voucher requirements under Section 8(t) of the 1937 Act (*e.g.*, the HAP calculation) apply to an enhanced voucher family until the family either moves from the project or leaves the HCV tenant-based program for any reason. MTW agencies must follow the procedures described in Notice PIH 2013–27, or its successor notice, for a recipient of an enhanced voucher to voluntarily agree to relinquish their tenant-based assistance in exchange for PBV assistance. When an enhanced voucher family moves from the project, either after initially receiving the voucher or anytime thereafter, the Section 8(t) enhanced voucher requirements no longer apply. The voucher is then administered in accordance with the regular HCV program requirements, as modified by the agency's individual MTW waivers and MTW policies for its tenant-based HCV program.

10. Applicability of Other Federal, State, and Local Requirements

Notwithstanding the waivers and associated activities provided in this MTW Operations Notice, the following provisions of the 1937 Act continue to apply to MTW agencies and the assistance received pursuant to the 1937 Act:

□ The terms “low-income families” and “very low-income families” shall continue to be defined by reference to Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2));

□ Section 12 of the 1937 Act (42 U.S.C. 1437j), as amended, shall apply to housing assisted under the demonstration, governing labor standards and community service requirements, other than housing

assisted solely due to occupancy by families receiving tenant-based assistance;

□ Section 18 of the 1937 Act (42 U.S.C. 1437p, as amended by Section 1002(d) of Public Law 104–19, Section 201(b)(1) of Public Law 104–134, and Section 201(b) of Public Law 104–202), governing demolition and disposition, shall continue to apply to public housing notwithstanding any use of the housing under MTW; and

□ Section 8(r)(1) of the 1937 Act on HCV portability shall continue to apply unless provided as a cohort-specific waiver and associated activity(s) in an evaluative cohort as necessary to implement comprehensive rent reform and occupancy policies. Such a cohort-specific waiver and associated activity(s) would contain, at a minimum, exceptions for requests to port due to employment, education, health and safety and reasonable accommodation.

Notwithstanding anything contained in this notice, federal, state and local requirements applicable to public housing or HCV assistance other than those provisions of the 1937 Act or its implementing requirements that are specifically waived pursuant to the MTW Operations Notice will apply. MTW authority may also be limited by any laws promulgated in future years, which include without limitation: statutes, appropriations acts, notices implementing appropriations acts, regulations, and executive orders.

The MTW ACC Amendment will place in HUD the authority and discretion to determine whether any future law conflicts with any MTW-related agreement or notice. If a future law conflicts, the future law shall be implemented. Additionally, no money damages are contemplated for action by HUD with respect to the MTW demonstration program.

If any requirement applicable to PHAs, public housing, or HCV assistance other than those provisions of the 1937 Act or its implementing requirements that may be waived pursuant to MTW authority and that are specifically waived pursuant to the MTW Operations Notice, contains a provision that conflicts or is inconsistent with any MTW Waiver, Safe Harbor Waiver, and/or Agency-Specific Waiver granted by HUD, the MTW agency remains subject to the terms of that requirement. Such requirements include, but are not limited to:

□ *Requirements for Federal Funds:* Notwithstanding the flexibilities described in this notice, the public housing and voucher funding provided

to MTW agencies remain federal funds and are subject to any and all other federal requirements outside of the 1937 Act (*e.g.*, including but not limited to competitive HUD NOFAs under which the MTW agency has received an award, state and local laws, federal statutes other than the 1937 Act (including appropriations acts), and OMB Circulars and requirements), as modified from time to time. The MTW agency's expenditures must comply with 2 CFR part 200 and other applicable federal requirements, which provide basic guidelines for the use of federal funds, including the requirements of this notice.

□ *National Environmental Policy Act (NEPA):* MTW agencies must comply with NEPA, 24 CFR part 50 or part 58, as applicable, and other related federal laws and authorities identified in 24 CFR part 50 or part 58, as applicable. Information and guidance on the environmental review process and requirements is provided in PIH Notice 2016–22, or successor notice.

□ *Fair Housing and Equal Opportunity:* As with the administration of all HUD programs and all HUD-assisted activities, fair housing, and civil rights issues apply to the administration of MTW demonstration programs. This includes actions that discriminate on the basis of race, color, sex, national origin, religion, disability, or familial status (see 24 CFR part 1 and part 100, subpart G) or that may impede, obstruct, prevent, or undermine efforts to affirmatively further fair housing. Annual PHA Plans must include a civil rights certification required by Section 5A of the 1937 Act and implemented by regulation at 24 CFR 903.7(o) and 903.15.

All PHAs, including MTW agencies, are obligated to comply with non-discrimination and equal opportunity laws and implementing regulation, including those in 24 CFR 5.105. Specific laws and regulations must be viewed in their entirety for full compliance, as this MTW Operations Notice does not incorporate a complete discussion of all legal authorities. For example, PHAs, including MTW agencies, are required to comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, Executive Order 11063: Equal Opportunity in Housing, Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, HUD's Equal Access Rule (24 CFR 5.105(a)(2)), Age Discrimination Act of 1975, and Title IX

³⁶ For examples of restrictions in applying MTW flexibilities to tenant protection vouchers, please visit the MTW website.

of the Education Amendments Act of 1972, as well as HUD and government-wide regulations implementing these authorities. MTW agencies should review PIH Notice 2011–31, or its successor, for more details.

☐ *Court Orders and Voluntary Compliance Agreements:* MTW agencies must comply with the terms of any applicable court orders or Voluntary Compliance Agreements that are in existence or may come into existence during the term of the MTW ACC Amendment. The MTW agency must cooperate fully with any investigation by the HUD Office of Inspector General or any other investigative and law enforcement agencies of the U.S. Government.

11. MTW Agencies Admitted Prior to 2016 MTW Expansion Statute

The 39 MTW agencies that entered the MTW demonstration prior to the 2016 MTW Expansion Statute adhere to an administrative structure outlined in the Standard MTW Agreement, an agreement between each current agency and HUD. The 2016 MTW Expansion Statute extended the term of the Standard MTW Agreement for these existing MTW agencies through each agency's 2028 fiscal year.

Some agencies that entered the MTW demonstration prior to the 2016 MTW Expansion Statute may wish to opt out of their Standard MTW Agreement and administer their MTW program pursuant to the MTW Expansion and the requirements in this MTW Operations Notice. HUD will support an existing MTW agency's request to join the MTW Expansion provided that the agency:

☐ makes the change at the end of its fiscal year, so that it does not have part of a fiscal year under the Standard Agreement and part under the MTW Operations Notice;

☐ follows the same public comment and Board resolution process as would be required for amending the Standard MTW Agreement;

☐ executes its MTW ACC Amendment to authorize participation in the MTW demonstration consistent with the MTW Operations Notice; and

☐ executes the MTW ACC Amendment and terminates its Standard MTW Agreement, thereby becoming subject to all the terms and conditions that apply to MTW agencies admitted pursuant to the 2016 MTW Expansion Statute, including all of the provisions of this Operations Notice and the accompanying MTW ACC Amendment.

Should an existing MTW agency elect to administer its MTW program pursuant to the framework described in

this MTW Operations Notice, it will not be required to implement the cohort-specific policy change associated with any of the MTW cohorts and it will not be required to participate in the evaluation of that specific policy change. All other requirements in this MTW Operations Notice will apply.

12. Sanctions, Terminations, and Default

If the MTW agency violates any of the requirements outlined in this notice, HUD is authorized to take any corrective or remedial action permitted by law. Sanctions, terminations, and default are covered in the agency's MTW ACC Amendment.

13. Administrative and Contact Information

a. Paperwork Reduction Act

The information collection requirements contained in this document are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The OMB control number is 2577–0216. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

b. Contact Information

For further information, contact: Pravin Krishnan, Director, Moving to Work Demonstration Program; email: mtw-info@hud.gov; telephone number 202–402–3965, (this is not a toll-free number), or visit the MTW demonstration program website at <https://www.hud.gov/mtw>. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Benjamin Hobbs,

Assistant Secretary for Public and Indian Housing.

Appendix I

Appendix I, MTW Waivers, is a simplified guide for MTW agencies seeking to develop MTW initiatives that have already been executed by existing MTW agencies. MTW agencies may implement any activity contained in Appendix I without further HUD approval as long as it is included in the MTW Plan-Expansion (described in section VI.7 of this Notice) and implemented within the associated safe harbor(s). MTW activities

are listed by specific waiver name in Appendix I; however, MTW agencies may use the MTW Plan-Expansion to combine activities together in order to create more comprehensive initiatives.

This appendix contains the MTW Waivers and their associated activities. The appendix includes the waiver name, waiver description, statutes and regulations waived, permissible activities, and safe harbors. The waiver description defines the authorization provided to the MTW agency, subject to the terms of this notice. The statutory and regulatory citations that may be waived by an MTW agency in order to implement an activity are included below the activity. The list of waivers and list of activities are organized by program type. The safe harbors contain the additional requirements (beyond those specified in the activity description) the agency must follow in order to implement the activity without additional HUD approval once it is included in an approved MTW Plan-Expansion. Consistent with applicable federal, state, and local lease requirements, MTW agencies should update their leases as necessary to adopt MTW flexibilities authorized by these MTW Waivers.

Appendix I is an exclusive list of activities an MTW agency can implement without further HUD approval once it is included in an approved MTW Plan-Expansion; however, is not intended to be the complete listing of what an MTW agency can and cannot do. If an MTW agency wishes to request the ability to implement an activity in a manner inconsistent with the safe harbor(s) of an MTW activity in this appendix, the MTW agency must go through the Safe Harbor Waiver request process explained in section VI.4 of the MTW Operations Notice. If an MTW agency wishes to implement activities or request waivers not included in this appendix, it must go through the Agency-Specific Waiver process explained in section VI.4 of the MTW Operations Notice. As described in Appendix II, the MTW agency shall submit an impact analysis for all Safe Harbor Waiver requests, and the MTW agency shall describe any hardship policy, as applicable.

Safe harbors marked with an asterisk () cannot be waived through either the Safe Harbor Waiver process or the Agency-Specific Waiver process.*

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1. Tenant Rent Policies		
The agency is authorized to adopt and implement the activities listed below for setting tenant rents in public housing, including but not limited to establishing definitions of income and adjusted income that differ from those in the current 1937 Act and its implementing regulations. The agency is authorized to adopt and implement the activities listed below to establish total tenant payments (TTP) ¹ in the HCV program, and/or tenant rents for tenant-based and project-based voucher (PBV) assistance that differ from the currently mandated program requirements in the 1937 Act and its implementing regulations. The agency is authorized to adopt and implement the activities listed below to calculate the tenant portion of the rent in a way that differs from the currently mandated program requirements in the 1937 Act and its implementing regulations. The agency must determine initial eligibility in accordance with 24 CFR 5.609 and must comply with section 3(b)(2) of the United States Housing Act of 1937 Act (1937 Act) (42 U.S.C. §1437). For voucher activities, the Department has developed a standard rider to the HAP contract that reflects any MTW authorizations that amend the current requirements of the HAP contract.		
1.a.,1.b. Tiered Rent		
Activity	1.a. Tiered Rent (PH) - The agency may implement changes to the tenant rent calculation to create a system based upon income bands.	1.b. Tiered Rent (HCV) - The agency may implement changes to the TTP calculation to create a system based upon income bands.
Statutes and Regulations Waived	Tiered Rent (PH) - Certain provisions of sections 3(a)(1)-(2) of the 1937 Act and 24 CFR 5.628, 5.634(b) and 960.253.	Tiered Rent (HCV) - Certain provisions of sections 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.628.
Safe Harbors	1.a. and 1.b. i. Rents and/or TTP (as applicable) established under this system must be set using the lowest income in each band. For example, if an income band is \$2,500-\$5,000 then the rent for that band must be set using \$2,500. ii. The agency must adopt a flat rent and/or TTP (as applicable) policy within each income band instead of calculating rent based on adjusted or gross income.	
1.c.,1.d. Stepped Rent		
Activity	1.c. Stepped Rent (PH) – The agency may create a stepped rent model that increases the family’s rent payment on a fixed schedule in both frequency and amount. The fixed schedule/stepped rent model may be disaggregated from family income.	1.d. Stepped Rent (HCV) – The agency may create a stepped rent model that increases the family’s TTP on a fixed schedule in both frequency and amount. The fixed schedule/stepped rent model may be disaggregated from family income.
Statutes and Regulations Waived	Stepped Rent (PH) - Certain provisions of section 3(a)(1)-(2) of the 1937 Act and 24 CFR 5.628, 5.634(b) and 960.253.	Stepped Rent (HCV) - Certain provisions of sections 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.628.

¹ In the HCV tenant-based program, the housing assistance payment (HAP) is the lower of: (1) the payment standard minus the family’s TTP, or (2) the gross rent minus the TTP. The TTP is the minimum amount the family will pay as the family share. If the gross rent exceeds the payment standard, the family will pay TTP and the difference between the gross rent and the payment standard as the family share. In the HCV project-based program, the family always pays TTP minus any utility allowance (UA) as the tenant rent.

Safe Harbor(s)	1.c. and 1.d. i. Rent increases may not occur more than once per year. ii. Agency must conduct an annual impact analysis.* iii. Agency must exclude elderly and disabled families from rent policy.* iv. Agency must implement a hardship policy.* v. Services, or referrals to services, must be made available by the agency or a partner organization to support preparing families for the termination of assistance, if applicable. vi. At the Department's request, the agency shall make available the method used to determine that rents charged to families are reasonable when compared to similar unassisted units in the market area.* vii. Initial rents will be set at no more than 32% of a household's gross income, or 35% of a household's adjusted income. viii. The increase may be no more than 4% of the Fair Market Rent for the applicable area.

1.e.,1.f. Minimum Rent

Activity	1.e. Minimum Rent (PH) - The agency may set a minimum rent that is higher than allowed under current statute and regulation.	1.f. Minimum Rent (HCV) - The agency may set a minimum rent that is higher than allowed under current statute and regulation.
Statutes and Regulations Waived	Minimum Rent (PH) - Certain provisions of sections 3(a)(1)-(2) and 3(a)(3)(A) of the Act and 24 CFR 5.628 and 5.630.	Minimum Rent (HCV) - Certain provisions of sections 3(a)(3)(A) and 8(o)(2)(A)-(C) of the Act and 24 CFR 5.628 and 5.630.
Safe Harbor(s)	1.e. and 1.f. i. Minimum rent must not exceed \$130 per month. ii. Agency must exclude elderly and disabled families from rent policy. iii. Agency must conduct an impact analysis.* iv. Agency must implement a hardship policy.*	

1.g.,1.h. Tenant Payment as a Modified Percentage of Income

Activity	1.g. Tenant Payment as a Modified Percentage of Income (PH) - The agency may modify the percentage of income used in the TTP calculation.	1.h. Tenant Payment as a Modified Percentage of Income (HCV) - The agency may modify the percentage of income used in the TTP calculation.
Statutes and Regulations Waived	Tenant Payment as a Modified Percentage of Income (PH) - Certain provisions of sections 3(a)(1)-(2) and 3(b)(4)-(5) of the 1937 of the Act and 24 CFR 5.609, 5.611, 5.628, 960.253 and 960.255.	Tenant Payment as a Modified Percentage of Income (HCV) - Certain provisions of sections 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, and 982.516.
Safe Harbor(s)	1.g. and 1.h. i. The Tenant Payment in public housing and the Tenant Payment in HCV must not exceed 32% of income for non-elderly/non-disabled families if the agency is utilizing flexibility under activities 1.r., 1.t. and/or 1.v. (for 1.g.) or 1.s., 1.u. and/or 1.w. (for 1.h.). ii. The Tenant Payment in public housing and the Tenant Payment in HCV must not exceed 35% of income for non-elderly/non-disabled families if the agency is not utilizing flexibility under activities 1.r., 1.t. and/or 1.v. (for 1.g.) or 1.s., 1.u. and/or 1.w. (for 1.h.). iii. Agency must exempt elderly and disabled families from rent policy.	

	iv. Agency must conduct an impact analysis.* v. Agency must implement a hardship policy.*	
1i.,1.j. Alternative Utility Allowance		
Activity	1i. Alternative Utility Allowance (PH) - The agency may create a utility schedule(s) for all units.	1j. Alternative Utility Allowance (HCV) - The agency may create a utility schedule(s) for all HCV units based upon bedroom size, the unit location and/or the types of utilities paid by participant. The agency may establish a site-based utility allowance in PBV.
Statutes and Regulations Waived	Alternative Utility Allowance (PH) - Certain provisions of 24 CFR. 965.503-506.	Alternative Utility Allowance (HCV) - Certain provisions of section 8(o)(2)(D)(i) of the 1937 Act and 24 CFR 982.517 and 983.301(f)(2)(ii).
Safe Harbor(s)	1.i. and 1.j. i. The utility schedule must be based upon number of bedrooms, the property location, and/or the types of utilities paid by participant. ii. The agency must review its schedule of utility allowances each year and revise its allowance for a utility category if there has been a change of 10 percent or more of the cost from the prior year. The agency must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule. iii. The agency must not include items in the utility schedule that are excluded under HUD regulations.*	
1.k.,1.l. Fixed Rents/Subsidies		
Activity	1.k. Fixed Rents (PH) - The agency may establish fixed rents based on bedroom size.	1.l. Fixed Subsidy (HCV) - The agency may establish a fixed subsidy based on bedroom size. Under this model, the family pays the difference between the gross rent for the unit and the fixed subsidy as the family share/tenant rent.
Statutes and Regulations Waived	Fixed Rents (PH) - Certain provisions of sections 3(a)(1)- (2) and 3(a)(3)(A) of the 1937 Act and 24 CFR 5.628, 5.634(b), and 960.253.	Fixed Subsidy (HCV) - Certain provisions of sections 8(o)(2)(A)-(C) and 8(o)(3) of the 1937 Act and 24 CFR 5.628, 5.630, 982.505, 982.508, 983.351(c), 983.353(b)(1), and 983.353(d)(1).
Safe Harbor(s)	1.k. and 1.l. i. Tenant rent under the public housing portion of this activity must not exceed 30% of income under the HUD rent calculation as defined by the 1937 Act. ii. For the HCV portion of this activity, the fixed subsidy must not result in a family paying more than 30% of income under the HUD rent calculation as defined by the 1937 Act.	
1.m.,1.n. Utility Reimbursements		
Activity	1.m. Utility Reimbursements (PH) - The agency may eliminate utility reimbursement payments in the public housing program when the utility allowance is greater than the total	1.n. Utility Reimbursements (HCV) - The agency may eliminate utility reimbursement payments in the HCV program when the utility allowance is greater than the total tenant payment.

	tenant payment.	
Statutes and Regulations Waived	Utility Reimbursements (PH) - Certain provisions of section 3(a)(1) of the 1937 Act and 24 CFR 5.632.	Utility Reimbursements (HCV) - Certain provisions of sections 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 982.514 and 983.353(d).
1.o. Initial Rent Burden (HCV only)		
Activity	N/A	1o. Initial Rent Burden (HCV) - The agency may waive the maximum family share at initial occupancy of 40% of the family's monthly income.
Statutes and Regulations Waived	N/A	Initial Rent Burden (HCV) - Certain provisions of section 8(o)(3) of the 1937 Act and 24 CFR 982.508.
Safe Harbor(s)	N/A	1.o. i. Agency must implement an impact analysis.* ii. Agency must not allow the family share at initial occupancy to exceed 60% of the family’s monthly income.
1.p.,1.q. Imputed Income		
Activity	1.p. Imputed Income (PH) - Agency may base rent on an assumed number of hours worked per week.	1.q. Imputed Income (HCV) - Agency may base TTP on an assumed number of hours worked per week.
Statutes and Regulations Waived	Imputed Income (PH) - Certain provisions of sections 3(a)(1) and 3(b)(4)-(5) of the 1937 Act and 24 CFR 5.609, 5.611, 5.628, 960.255, 960.253, and 960.257.	Imputed Income (HCV) - Certain provisions of sections 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, 5.628, and 982.516.
Safe Harbor(s)	1.p. and 1.q. i. The rent calculation must be based on no more than 40 hours worked per adult, non-elderly, non-disabled person, per week at the Federal Minimum Wage. ii. Agency must conduct an impact analysis.* iii. Agency must exempt elderly and disabled families from rent policy.* iv. Agency must implement a hardship policy.*	
1.r.,1.s. Elimination of Deduction(s)		
Activity	1.r. Elimination of Deduction(s) (PH) - The agency may eliminate one, some, or all deductions.	1.s. Elimination of Deduction(s) (HCV) - The agency may eliminate one, some, or all deductions.
Statutes and Regulations Waived	Elimination of Deduction(s) (PH) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5) of the 1937 Act and 24 CFR 5.611, 960.253, 960.255, and 960.257.	Elimination of Deduction(s) (HCV) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.611, and 982.516.
Safe Harbor(s)	1.r. and 1.s. i. Agency must conduct an impact analysis.* ii. Agency must exempt elderly and disabled families from rent policy.* iii. Agency must implement a hardship policy.*	

1.t.,1.u. Standard Deductions

Activity	1.t. Standard Deductions (PH) - The agency may replace existing deduction(s) with a standard deduction(s).	1.u. Standard Deductions (HCV) - The agency may replace existing deduction(s) with a standard deduction(s).
Statutes and Regulations Waived	Standard Deductions (PH) - Certain provisions of sections 3(a)(1) and 3(b)(4)-(5) of the 1937 Act and 24 CFR 5.611, 960.253, 960.255, and 960.257.	Standard Deductions (HCV) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5), and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.611, and 982.516.
Safe Harbor(s)	1.t. and 1.u. i. Agency must conduct an impact analysis.* ii. Agency must implement a hardship policy.*	
1.v.,1.w. Alternative Income Inclusions/Exclusions		
Activity	1.v. Alternative Income Inclusions/Exclusions (PH) - The agency may establish alternative policies to include or exclude certain forms of participant income during the income review and rent calculation process.	1.w. Alternative Income Inclusions/Exclusions (HCV) - The agency may establish alternative policies to include or exclude certain forms of participant income during the income review and rent calculation process.
Statutes and Regulations Waived	Alternative Income Inclusions/Exclusions (PH) - Certain provisions of sections 3(a)(1) and 3(b)(4)-(5) of the 1937 Act and 24 CFR 5.609, 5.611, 960.253, 960.255, and 960.257.	Alternative Income Inclusions/Exclusions (HCV) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5), and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, and 982.516.
Safe Harbor(s)	1.v. and 1.w. i. Agency must exempt elderly and disabled individuals from this rent determination policy if it would have a detrimental effect on the household.	

2. Payment Standards and Rent Reasonableness

The agency is authorized to adopt and implement any reasonable policy to establish payment standards or rent reasonableness that differ from the currently mandated program requirements in the 1937 Act and its implementing regulations. For voucher activities, the Department has developed a standard rider to the HAP contract that reflects any MTW authorizations that amend the current requirements of the HAP contract.

2.a. Payment Standards – Small Area Fair Market Rents

Activity	2.a. Payment Standards – Small Area Fair Market Rents (HCV) - The agency is authorized to adopt and implement any reasonable policy to establish payment standards based upon Small Area Fair Market Rents (SAFMR). In lieu of establishing a unique payment standard for each ZIP code area within its jurisdiction, a PHA may use this flexibility to establish payment standards for “grouped” ZIP code areas.
Statutes and Regulations Waived	Payment Standards – Small Area Fair Market Rents (HCV) - Certain provisions of sections 8(o)(1)(B) and 8(o)(13)(H) of the 1937 Act and 24 CFR 982.503-505 and 983.301.
Safe Harbor(s)	2.a. i. Payment standard must be between 80% and 150% of the SAFMR.

	ii. The payment standard in effect for each grouped ZIP code area must be within the basic range of the SAFMR for each ZIP code area in the group.* iii. Agency must implement an impact analysis.* iv. Agency must implement a hardship policy.*
2.b. Payment Standards – Fair Market Rents	
Activity	2.b. Payment Standards – Fair Market Rents (HCV) - The agency is authorized to adopt and implement any reasonable policy to establish payment standards based upon Fair Market Rents (FMR).
Statutes and Regulations Waived	Payment Standards – Fair Market Rents (HCV- Tenant-Based Assistance) - Certain provisions of section 8(o)(1)(B) and 8(o)(13)(H) of the 1937 Act and 24 CFR 982.503-505 and 983.301.
Safe Harbor(s)	2.b. i. Payment standard must be between 80% and 120% of the FMR. ii. Agency must implement an impact analysis.* iii. Agency must implement a hardship policy.*
2.c. Rent Reasonableness	
Activity	2.c. Rent Reasonableness – Process (HCV) - The agency is authorized to develop a local process to determine rent reasonableness that differs from the currently mandated program requirements in the 1937 Act and its implementing regulations.
Statutes and Regulations Waived	Rent Reasonableness – Process (HCV) - Certain provisions of section 8(o)(10)(A) of the 1937 Act, 24 CFR 982.507 and 983.303.
Safe Harbor(s)	2.c. i. Through the Administrative Plan, the agency shall make available the method used to determine that rents charged by owners to voucher participants are reasonable when compared to similar unassisted units in the market area. * ii. At the Department’s request, the agency must obtain the services of a third-party entity to determine rent reasonableness for PHA-owned units.*
2.d. Rent Reasonableness – Third-Party Requirement	
Activity	2.d. Rent Reasonableness – Third-Party Requirement (HCV) - The agency is authorized to perform rent reasonable determinations and to assist the family on negotiating the rent to owner on units that it owns, manages, and/or controls.
Statutes and Regulations Waived	Rent Reasonableness – Third-Party Requirement (HCV) - Certain provisions of section 8(o)(11) of the 1937 Act, 24 CFR 982.352(b), 982.506 and 983.303.
Safe Harbor(s)	2.d. i. The agency shall establish and make available a quality assurance method to ensure impartiality.* ii. The agency shall make available the method used to determine that rents charged by owners to voucher participants are reasonable when compared to similar unassisted units in the market area.* iii. At the Department’s request, the agency must obtain the services of a third-party entity to determine rent reasonableness for PHA-owned units.*

3. Reexaminations

The agency is authorized to implement a reexamination program that differs from the reexamination program currently mandated in the 1937 Act and its implementing regulations. The

terms “low-income families” and “very low-income families” shall continue to be defined by reference to section 3(b)(2) of the 1937 Act. MTW agencies must continue to determine the initial eligibility of the family in accordance with provisions of 24 CFR 5.609.

3.a.,3.b. Alternative Reexamination Schedule for Households

Activity	3.a. Alternative Reexamination Schedule for Households (PH) - The agency may establish an alternative reexamination schedule for households.	3.b. Alternative Reexamination Schedule for Households (HCV) - The agency may establish an alternative reexamination schedule for households.
Statutes and Regulations Waived	Alternative Reexamination Schedule for Households (PH) - Certain provisions of sections 3(a)(1) and 3(a)(2)(E) of the 1937 Act and 24 CFR 960.257(a)-(b).	Alternative Reexamination Schedule for Households (HCV) - Certain provisions of section 8(o)(5) of the 1937 Act and 24 CFR 982.516 (a)(1) and 982.516(c)(2).
Safe Harbor(s)	3.a. and 3.b. i. Reexaminations must occur at least every three years. ii. The agency must allow at least one interim adjustment per year at the request of the household if the household gross income has decreased 10% or more. iii. Agency must implement an impact analysis.* iv. Agency must include a hardship policy.*	

3.c.,3.d. Self-Certification of Assets

Activity	3.c. Self-Certification of Assets (PH) - At reexamination, the agency may allow the self-certification of assets.	3.d. Self-Certification of Assets (HCV) - At reexamination, the agency may allow the self-certification of assets.
Statutes and Regulations Waived	Self-Certification of Assets (PH) - Certain provisions of sections 3(a)(1) and 3(a)(2)(E) of the 1937 Act and 24 CFR. 960.259(c)(2).	Self-Certification of Assets (HCV) - Certain provisions of section 8(o)(5) of the 1937 Act and 24 CFR. 982.516 (a)(3).
Safe Harbor(s)	3.c. and 3.d. i. At reexamination, the agency may allow the self-certification of assets only up to \$50,000.	

4. Landlord Leasing Incentives

The agency is authorized to determine a damage claim and/or vacancy loss policy and payment policy for units that differ from the policy requirements currently mandated in the 1937 Act and its implementing regulations. All policies are subject to state and local laws. The agency may combine activities 4a and 4b into one voucher leasing incentive. For voucher activities related to this waiver, the Department has developed a standard rider to the HAP contract that reflects MTW authorizations that amend the current provisions of the HAP contract.

4.a.,4.b.,4.c. Vacancy Loss, Damage Claims, and Other Landlord Incentives

Activity	4.a. Vacancy Loss (HCV - Tenant-Based Assistance) - To incentivize a landlord's continued participation in the HCV program, the agency is authorized to make additional payments to the landlord.
Statutes and Regulations Waived	Landlord Voucher Leasing Incentives (HCV - Tenant-Based Assistance) - Certain provisions of section 8(o)(9) of the 1937 Act, and 24 CFR 982.311 and 982.352(c).

Safe Harbor(s)	4.a. i. Payments made to the landlord must be equal to no more than one month of the contract rent. ii. The payment must be made to the landlord when the next HAP contract is executed between the owner and the PHA.* iii. The agency must update its Administrative Plan to reflect the vacancy loss policy.*
Activity	4.b. Damage Claims (HCV - Tenant-Based Assistance) - To incentive a landlord's continued participation in the HCV program, the agency may provide landlords with compensation.
Statutes and Regulations Waived	Landlord Voucher Leasing Incentives (HCV - Tenant-Based Assistance) - Certain provisions of section 8(o)(9) of the 1937 Act, and 24 CFR 982.311 and 982.352(c).
Safe Harbor(s)	4.b. i. If the tenant leaves the unit damaged, the amount of damage claims must not exceed the lesser of the cost of repairs or two months of contract rent. ii. In implementing this activity, the participant's security deposit must first be used to cover damages and the agency may provide up to two months of contract rent minus the security deposit to cover remaining repairs. iii. The payment must be made to a landlord when the next HAP contract is executed between the owner and PHA.* iv. The agency must update its Administrative Plan to reflect the damage claim policy.*
Activity	4.c. Other Landlord Incentives (HCV - Tenant-Based Assistance) - In order to incentivize new landlords to join the HCV program, the agency may provide incentive payments. Agencies may target incentive payments to landlords leasing properties in high opportunity neighborhoods or in areas located where vouchers are difficult to use as defined in an agency's Administrative Plan.
Statutes and Regulations Waived	Landlord Voucher Leasing Incentives (HCV - Tenant-Based Assistance) - Certain provisions of section 8(o)(9) of the 1937 Act, and 24 CFR 982.311 and 982.352(c).
Safe Harbor(s)	4.c. i. Payments made to the landlord must be equal to no more than one month of the contract rent. ii. The payment must be made to the landlord when the HAP contract is executed between the owner and the PHA.*

5. Housing Quality Standards (HQS)

Subject to state and local laws, the agency is authorized by the Secretary to develop flexibilities around an HQS inspection's timing and frequency, the independent-entity requirement, and penalties for failing an HQS inspection, as detailed below. Implementation of any of the below discrete HQS activities meets the requirements of the 1996 MTW Statute, which requires housing to meet HQS established or approved by the Secretary.

5.a. Pre-Qualifying Unit Inspections

Activity	5.a. Pre-Qualifying Unit Inspections (HCV) - The agency may allow pre-qualifying unit inspections (also known as a pre-inspection).
Statutes and Regulations Waived	Pre-Qualifying Unit Inspections (HCV) - Certain provisions of section 8(o)(8) of 1937 Housing Act and 24 CFR 983.103, 24 CFR 982.405.

Safe Harbor(s)	5.a. i. The pre-inspection must have been conducted within 90 days of the participant occupying the unit. ii. The participant must be able to request an interim inspection.* iii. HQS inspection standards must not be altered as found at 24 CFR 982.401.*
5.b. Reasonable Penalty Payments for Landlords	
Activity	5.b. Reasonable Penalty Payments for Landlords (HCV) - The agency is authorized to establish a reasonable penalty fee for landlords who failed HQS inspections to encourage positive HQS inspection outcomes and to reduce costs associated with re-inspections. Examples may include a fee imposed at the agency's discretion on a landlord for failed initial, annual, or re-inspections, or for a submission of a Request for Tenancy Approval on a unit that has failed its most recent inspection within a specified timeframe.
Statutes and Regulations Waived	Reasonable Penalty Payments for Landlords (HCV) - Certain provisions of section 8(o)(8) of 1937 Housing Act and 24 CFR 983.101, 24 CFR 983.103, and 24 CFR 982.405.
Safe Harbor(s)	5.b. i. The agency must establish its penalty process in its Administrative Plan.* ii. HQS inspection standards must not be altered as found at 24 CFR 982.401.* iii. All fees collected must be used for eligible MTW activities.*
5.c. Third-Party Requirement	
Activity	5.c. Third-Party Requirement (HCV) - The agency is authorized to perform HQS inspections on units that it owns, manages, and/or controls.
Statutes and Regulations Waived	Third-Party Requirement (HCV) - Certain provisions of section 8(o)(11) of the 1937 Act, 24 CFR 982.352(b)(iv) and 24 CFR 983.103(f).
Safe Harbor(s)	5.c. i. The agency shall establish and make available a quality assurance method to ensure an objective analysis.* ii. The participant must be able to request an interim inspection.* iii. HQS inspection standards must not be altered as found at 24 CFR 982.401.* iv. At the Department's request, the agency must obtain the services of a third-party entity to determine if PHA-owned units pass HQS.*
5.d. Alternative Inspection Schedule	
Activity	5.d. Alternative Inspection Schedule (HCV) - The agency is authorized to establish a local inspection schedule for all or a portion of its HCV units.
Statutes and Regulations Waived	Alternative Inspection Schedule (HCV) - Certain provisions of 24 CFR 983.103.
Safe Harbor(s)	5.d. i. Units must be inspected at least once every three years. ii. The participant must be able to request an interim inspection.* iii. HQS inspection standards as found at 24 CFR 982.401 must not be altered.* iv. The Department must be able to conduct or direct the agency to perform an inspection at any time for health and safety, as well as accessibility, purposes.*

6. Short-Term Assistance		
The agency may develop and adopt a Short-Term Assistance Program in HCV or PH for specific populations (i.e., hard to house, at-risk, homeless, etc.).³⁷ The agency will ensure that these programs do not adversely affect participation in, benefits of, or otherwise discriminate against persons on the basis of race, color, national origin, sex, religion, familial status, or disability or other protected bases. The agency's programs shall be operated in a manner that is consistent with the requirements of nondiscrimination and equal opportunity authorities, and will be accessible to persons with disabilities in accordance with the Fair Housing Act, section 504 of the Rehabilitation Act, Titles II and III of the Americans with Disabilities Act, as applicable, and the Architectural Barriers Act. More specifically, under no circumstances will participants of such programs be required to participate in supportive services that are targeted to persons with disabilities in general, or persons with any specific disability. In addition, admission to any of the programs or priority for supportive services developed under this section will not be conditioned on a diagnosis or specific disability of a member of an applicant or participant family. This section is not intended to govern the designation of housing that is subject to section 7 of the 1937 Act. The agency must determine initial eligibility in accordance with 24 CFR 5.609 and must comply with section 3(b)(2) of the Act.		
6.a.,6.b. Short-Term Assistance		
Activity	6.a. Short-Term Assistance (PH) - The agency may create a short-term housing assistance program with supportive services in one or more buildings in its public housing program.	6.b. Short-Term Assistance (HCV) - The agency may create a short-term housing assistance program with supportive services in its HCV program.
Statutes and Regulations Waived	Short-Term Assistance (PH) - Certain provisions of sections 6(l)(1) and 6(l)(5) of the 1937 Act and 24 CFR 966.4(a)(2)(i).	Short-Term Assistance (HCV) - Certain provisions of sections 8(o)(7)(A)-(C) of the 1937 Act and 24 CFR 982.303, 982.309(a)(1), 983.256(f), and 983.257.
Safe Harbor(s)	6.a. and 6.b. i. The term of assistance must not be shorter than 3 months. ii. The term of assistance must not be longer than 36 months. iii. The short-term housing assistance program must include supportive services in one or more buildings (which may be in collaboration with local community-based organization and government agencies). iv. Subject to availability, successful participants of the short-term housing assistance program must be given the option of transferring into whichever program (section 8 or 9) the short-term housing assistance program falls under. v. Under no circumstances will participants be required to participate in supportive services that are targeted to persons with disabilities in general, or persons with any specific disability.* vi. The agency must not require participation in supportive services as a condition for housing subsidy for elderly and disabled families.* vii. If the agency requires participation in supportive services as a condition for housing subsidy, an impact analysis must be developed and adopted in	

³⁷ Agencies seeking to create a short-term program that goes beyond section 8 or section 9 as modified by MTW may propose an activity under the Local Non-Traditional Activities Rental Subsidy Program Waiver.

	accordance with MTW guidance prior to the implementation of the activity.* viii. If the agency requires participation in supportive services as a condition for housing subsidy, a hardship policy must be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.* ix. The activity cannot be extended to an entire public housing or HCV program and must only serve specific populations.*

7. Term-Limited Assistance

The agency is authorized to implement term limits for families residing in public housing or receiving voucher assistance.

7.a.,7.b. Term-Limited Assistance

Activity	7.a. Term-Limited Assistance (PH) - The agency may limit the duration for which a family receives housing assistance.	7.b. Term-Limited Assistance (HCV) - The agency may limit the duration for which a family receives housing assistance.
Statutes and Regulations Waived	Term-Limited Assistance (PH) - Certain provisions of sections 6(l)(1) and 6(l)(5) of the 1937 Act and 24 CFR and 966.4(a)(2).	Term-Limited Assistance (HCV) - Certain provisions of sections 8(o)(7)(A)-(C) of the 1937 Act and 24 CFR 982.303, 982.309(a), 982.552(a), 983.256(f), and 983.257.
Safe Harbor(s)	7.a. and 7.b. i. The term of assistance may not be shorter than 2 years.* ii. Services, or referrals to services, must be provided by the agency or a partner organization to support preparing families for the termination of assistance. iii. Agency must conduct an annual impact analysis.* iv. Agency must exclude elderly and disabled families from term limit.* v. Agency must implement a hardship policy.*	

8. Increase Elderly Age

The agency is authorized to amend the definition of an elderly person to be an individual who is at most 65 years of age. The agency remains subject to HUD's regulations implementing the Age Discrimination Act of 1975 at 24 CFR part 146 in its entirety.

8. Increase Elderly Age

Activity	8. Increase Elderly Age (PH & HCV) - The agency may change HUD's definition of an elderly person to be at most 65 years of age.	
Statutes and Regulations Waived	Increase Elderly Age (PH & HCV) - Certain provisions of section 3(b)(3)(D) of the 1937 Act to read "[63, 64, or 65] years of age" in relevant part, 24 CFR 5.100 to read "[63, 64, or 65] years of age" in relevant part of the definition of Elderly Person, and 24 CFR 5.403 to read "[63, 64, or 65] years of age" in relevant part of the definition of <i>Elderly family</i> .	
Safe Harbor(s)	8. i. The definition of an elderly person must not set a threshold (minimum) age above 65 years old.* ii. The agency must still exclude persons 62 and older from activities for which the activity description or safe harbor exempts those exempted from the Community Service Requirement under section 12(c)(2)(A), (B), (D) and (E) of the 1937 Act (e.g. work requirements or mandatory FSS).*	

	iii. The agency must conduct an initial activity analysis consistent with 24 CFR part 146 and make the activity analysis available during the applicable public review period prior to the implementation of the MTW activity. The activity analysis must be updated at least annually during implementation of the activity and at the time the activity is closed out.* iv. The agency must retain records available for HUD inspection that cover the waiver, tenant consultation and public comment, results of the activity analysis, and specific policies and procedures to implement the waiver.* v. The implementation of this activity must apply only to new admissions after the effective date of the MTW Plan-Expansion in which the activity is authorized.*

9. Project-Based Voucher Program Flexibilities	
The agency is authorized to adopt and implement the activities listed below in the project-based voucher program. For voucher activities, the Department has developed a standard rider to the HAP contract that reflects any MTW authorizations that amend the current requirements of the HAP contract.	
9.a. Increase PBV Program Cap	
Activity	9.a. Increase PBV Program Cap (HCV) - The agency may increase the number of authorized units that it project-bases.
Statutes and Regulations Waived	Increase PBV Program Cap (HCV) - Certain provisions of section 8(o)(13)(B) of the 1937 Act and 24 CFR 983.6(a)-(b), as superseded by the Housing Opportunity through Modernization Act of 2016 (HOTMA) Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.a. i. The agency must not project-base more than 50% of the lower of either the total authorized units or annual budget authority.
9.b. Increase PBV Project Cap	
Activity	9.b. Increase PBV Project Cap (HCV) - The agency may raise the PBV cap within a project up to 100%.
Statutes and Regulations Waived	Increase PBV Project Cap (HCV) - Certain provisions of section 8(o)(13)(D) of the 1937 Act and 24 CFR 983.56(a)-(b), as superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.b. i. The agency is subject to Notice PIH 2013-27 where applicable, or successor.*
9.c. Elimination of PBV Selection Process for PHA-owned projects without improvement, development, or replacement	
Activity	9.c. Elimination of PBV Selection Process (HCV) - The agency may eliminate the selection process in the award of PBVs to properties owned by the agency that are not public housing without engaging in an initiative to improve, develop, or replace a public housing property or site.
Statutes and/or Regulations Waived	Elimination of PBV Selection Process (HCV) - Certain provisions of 24 CFR. 983.51 as it was superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.c. i. A subsidy layering review must be conducted.*

	ii. The agency must complete site selection requirements.* iii. HQS inspections must be performed by an independent entity according to 24 CFR 983.59(b) or 24 CFR 983.103(f), unless MTW waiver 5.c or a related Agency-Specific Waiver is implemented.* iv. The agency is subject to Notice PIH 2013-27 where applicable, or successor.* v. Property must be owned by a single-asset entity of the agency, see Notice PIH 2017-21.*
9.d. Alternative PBV Selection Process	
Activity	9.d. Alternative PBV Selection Process (HCV) - The agency may establish an alternative competitive process in the award of PBVs that are owned by non-profit, for-profit housing entities, or by the agency that are not public housing.
Statutes and/or Regulations Waived	Alternative PBV Selection Process (HCV) - Certain provisions of 24 CFR 983.51 as superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.d. i. If the selected project is PHA-owned, HQS inspections must be performed by an independent entity according to 24 CFR 983.59(b) or 24 CFR 983.103(f), unless MTW waiver 5.c or a related Agency-Specific Waiver is implemented.* ii. The agency is subject to Notice PIH 2013-27 where applicable, or successor.*
9.e. Alternative PBV Unit Types (Shared Housing and Manufactured Housing)	
Activity	9.e. Alternative PBV Unit Types (Shared Housing and Manufactured Housing) (HCV) - The agency may attach and pay PBV assistance for shared housing units and/or manufactured housing.
Statutes and/or Regulations Waived	Alternative PBV Unit Types (Shared Housing and Manufactured Housing) (HCV) - Certain provisions of 24 CFR 983.53(a)(1) as it was superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.e. i. PBV units must comply with HQS.* ii. PBV units must comply deconcentration and desegregation requirements under 24 CFR part 903.* iii. A subsidy layering review must be conducted.* iv. Shared housing units may not be owner occupied.*
9.f. Increase PBV HAP Contract Length (HCV)	
Activity	9.f. Increase PBV HAP Contract Length (HCV) - The agency may increase the term length of a PBV HAP Contract.
Statutes and/or Regulations Waived	Increase PBV HAP Contract Length (HCV) - Certain provisions of section 8(o)(13)(F) of the 1937 Act and 24 CFR 983.205 as it was superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.f. i. PBV HAP Contract length must not be shortened. ii. PBV HAP Contract length must not be greater than 50 years, including any extensions. iii. PBV HAP Contract is subject to appropriations and the ending of an agency's MTW authorization.*

9.g. Increase PBV Rent to Owner	
Activity	9.g. Increase Rent to Owner (HCV): The agency is authorized to develop a local process to determine the initial and re-determined rent to owner.
Statutes and Regulations Waived	Increase Rent to Owner (HCV) - See MTW Waiver #2.a. and 2.b. “Payment Standards” and associated activities, statutes and regulations waived, and safe harbors.
Safe Harbor(s)	9.g. i. Any policy must comply with rent reasonableness, unless modified by waiver(s) 2.c. and/or 2.d.*
9.h. Limit Choice Mobility for PBV Units	
Activity	9.h. Limit Choice Mobility for PBV Units (HCV) - The agency is authorized to waive the requirement to provide a tenant-based voucher at 12 months when requested by a PBV household.
Statutes and Regulations Waived	Limit Choice Mobility for PBV Units (HCV) - Certain provisions of section 8(o)(13)(E) of 1937 Act and 24 CFR 983.261 as it was superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2017-21).
Safe Harbor(s)	9.h. i. Portability under this activity must not be restricted for more than 24 months. ii. The agency must have a clear and uniform policy in place to address how move requests are received and how they are approved/denied for PBV households.* iii. Participants must still retain the ability to request a tenant-based voucher for reasonable accommodation according to existing rules.*

10. Family Self-Sufficiency Program with MTW Flexibility	
The agency is authorized to operate its Family Self-Sufficiency (FSS) Program, and any successor programs, exempt from certain HUD program requirements. If the agency receives dedicated funding for an FSS coordinator, such funds must be used to employ a self-sufficiency coordinator and in accordance with any requirements of any NOFA under which funds were received. Recruitment, eligibility, and selection policies and procedures must be consistent with the Department’s nondiscrimination and equal opportunity requirements. An agency may make its Self-Sufficiency Program participation mandatory for any household member that is non-elderly/non-disabled by waiving the statutory and regulatory definition of FSS family or participating family which is “a family that resides in public housing or receives assistance under the rental certificate or rental voucher programs, and that elects to participate in the FSS program” (24 CFR 984.103(b)). To the extent that Family Self-Sufficiency activities include supportive services, such services must be offered to elderly and disabled persons who are participants in the covered program and eligible for such services. Notwithstanding the above, any funds granted pursuant to a competition must be used in accordance with the NOFA.	
10.a.-10.e. FSS Program With MTW Flexibility Activities	
Activity	10.a. Waive Operating a Required FSS Program (PH & HCV) – If the agency is statutorily required to operate an FSS program, the agency is authorized to waive this requirement.
Activity	10.b. Alternative Structure for Establishing Program Coordinating Committee (PH & HCV) - The agency is authorized to create an alternative structure for securing local resources to support an MTW Self-Sufficiency Program.
Activity	10.c. Alternative Family Selection Procedures (PH & HCV) - The agency is

	authorized to develop its own recruitment and selection procedures for its MTW FSS Program. Alternatively, the agency may make participation in the MTW FSS Program mandatory for any household member that is non-elderly or non-disabled.
Activity	10.d. Modify or Eliminate the Contract of Participation (PH & HCV) - The agency is authorized to modify the terms of or eliminate the FSS Contract of Participation (HUD-52650), in lieu of a local form. The agency may modify the terms of the Contract of Participation to align with adjustments made to its MTW FSS Program using MTW flexibility. Further, the agency may discontinue use of the Contract of Participation and instead employ a locally-developed agreement that codifies the terms of participation.
Activity	10.e. Policies for Addressing Increases in Family Income (PH & HCV) - The agency is authorized to set its own policies for addressing increases in family income during participation in the MTW FSS Program. Consistent with the goals and structure of its MTW FSS Program, the agency may set policies for whether income increases are recognized for purposes of increasing rent (consistent with the agency's existing rent policy) or changing the amount of funds moved to escrow/savings through the program.
Statutes and Regulations Waived	FSS Program with MTW Flexibility (PH & HCV) - Certain provisions of sections 23(b)-(d), (f), and (n)(1) of the 1937 Act and 24 CFR 984.105, 984.202(b)-(c), 984.203(a)-(c)(2), 984.303(b)-(d), (f)-(h).
Safe Harbor(s)	10.a.-10.e. i. Agency must review FSS Guidance.^{38*} ii. The agency must execute a Contract of Participation, or other locally developed agreement, that is at least five years but not more than ten years, with each participant participating in their FSS program. iii. The agency, if implementing an FSS program, even with MTW modifications, must have an up to date, approved FSS Action Plan in accordance with 24 CFR 984.201 that incorporates all modifications to the FSS program approved under the MTW Contract.* iv. The agency must not require MTW FSS Program participation as a condition for housing subsidy for elderly and disabled families.* v. If the agency requires MTW FSS Program participation as a condition for housing subsidy, an impact analysis must be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.* vi. If the agency requires MTW FSS Program participation as a condition for housing subsidy, a hardship policy must be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.* vii. The agency must not make MTW FSS Program participation mandatory for individuals that do not meet the definition of an eligible family at section 23(n)(3) of the 1937 Act, and those exempted from the Community Service Requirement under section 12(c)(2)(A), (B), (D) and (E) of the 1937 Act.* viii. If an agency terminates the housing subsidy or tenancy of a family for alleged violation of mandatory MTW FSS Program participation, the

³⁸ As agencies are considering potential waivers to the FSS program, they are encouraged to consult the Promising Practices Guidebook and Online Training that can be found at <https://www.hudexchange.info/programs/fss/#1-introduction>. In addition, the HUD FSS team is available to review and provide feedback on proposed waivers. Please contact fss@hud.gov.

	family will be entitled to a hearing under the agency's Grievance Procedure (24 CFR part 966, subpart B) or the HCV informal hearing process (24 CFR 982.555).* ix. The agency must not use income increases during participation in the MTW FSS Program to change a family's eligibility status for purposes of participation in the MTW FSS Program or for the receipt public housing or HCV assistance.*

11. MTW Self-Sufficiency Program

The agency is authorized to operate any of its existing self-sufficiency and training programs, and any successor programs, exempt from certain HUD program requirements. The agency will ensure that these programs will be operated in a manner that is consistent with the requirements of nondiscrimination and equal opportunity authorities, including but not limited to section 504 of the Rehabilitation Act. More specifically, under no circumstances will participants of such programs be required to participate in Self-Sufficiency Programs that are targeted to persons with disabilities in general, or persons with any specific disability. In addition, admission to any of the programs or priority for supportive services developed under this section will not be conditioned on a diagnosis or specific disability of a member of an applicant or participant family. This section is not intended to govern the designation of housing that is subject to section 7 of the 1937 Act. The agency must determine initial eligibility in accordance with 24 CFR 5.609 and must comply with section 3(b)(2) of the Act.

11.a.-11.b. MTW Self-Sufficiency Program Activities

Activity	11.a. Alternative Family Selection Procedures (PH & HCV) - The agency is authorized to develop its own recruitment and selection procedures for its MTW Self-Sufficiency Program(s). Alternatively, the agency may make participation in the MTW Self-Sufficiency Program mandatory for any household member that is non-elderly or non-disabled. Any supportive services provided in the Program must be offered to elderly and disabled household members that qualify for such services.	
Activity	11.b. Policies for Addressing Increases in Family Income (PH & HCV) - The agency is authorized to set its own policies for addressing increases in family income during participation in the MTW Self-Sufficiency Program. Consistent with the goals and structure of its MTW Self-Sufficiency Program, the agency may set policies for whether income increases are recognized for purposes of increasing rent (consistent with the agency's existing rent policy) or changing the amount of funds moved to escrow/savings through the program.	
Statutes and Regulations Waived	MTW Self-Sufficiency Program (PH) - Certain provisions of section 3(a)(1), 6(l)(1), and 6(l)(5) of the 1937 Act 24 CFR 5.609, 5.611, 5.628, 960.255, 960.253, 960.257, and 966.4(a)(2).	MTW Self-Sufficiency Program (HCV) - Certain provisions of sections 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, 5.628, 982.516, and 982.551.
Safe Harbor(s)	11.a.-11.b. i. The agency must not require MTW Self-Sufficiency Program participation as a condition for housing subsidy for elderly and disabled families.* ii. If the agency requires MTW Self-Sufficiency Program participation as a condition for housing subsidy, an impact analysis must be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.*	

	iii. If the agency requires MTW Self-Sufficiency Program participation as a condition for housing subsidy, a hardship policy must be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.* iv. The agency must not make MTW Self-Sufficiency Program participation mandatory for individuals that do not meet the definition of an eligible family at section 23(n)(3) of the U.S. Housing Act of 1937 (1937 Act) and those exempted from the Community Service Requirement under section 12(c)(2)(A), (B), (D) and (E) of the 1937 Act.* v. If an agency terminates the housing subsidy or tenancy of a family for alleged violation of mandatory MTW Self-Sufficiency Program participation, the family will be entitled to a hearing under the agency's Grievance Procedure (24 CFR part 966, subpart B) or the HCV informal hearing process (24 CFR 982.555).* vi. The agency must not use income increases during participation in the MTW Self-Sufficiency Program to change a family's eligibility status for purposes of participation in the MTW Self-Sufficiency Program or for the receipt public housing or HCV assistance.

12. Work Requirement

The agency is authorized to implement a requirement that a specified segment of its PH and/or HCV residents work or engage in an acceptable substitute for work as a condition of tenancy, subject to all applicable fair housing and civil rights requirements and the mandatory admission and prohibition requirements imposed by sections 576-578 of the Quality Housing and Work Responsibility Act of 1998 and Section 428 of P.L. 105-276. Work requirements shall not apply to persons with disabilities or the elderly. However, persons with disabilities or the elderly, and families that include persons with disabilities or the elderly, must have equal access to the full range of program services and other incentives. The agency must update its Administrative Plan and/or Admissions and Continued Occupancy Plan (ACOP) to include a description of the circumstances in which families shall be exempt from the requirement. The Administrative Plan and/or ACOP should include a description of what is considered work as well as acceptable substitutes for work. The PHA Executive Director or Board may suspend the sanctions policy due to negative local economic conditions.

12.a.,12.b. Work Requirement

Activity	12.a. Work Requirement (PH) - The agency may implement a work requirement for public housing residents who are at least 18 years old. Additionally, residents must be non-elderly and non-disabled.	12.b. Work Requirement (HCV) - The agency may implement a work requirement for HCV residents who are at least 18 years old. Additionally, residents must be non-elderly and non-disabled.
Statutes and Regulations Waived	Work Requirement (PH) - Certain provisions of sections 6(l)(1) and 6(l)(5) of the 1937 Act and 24 CFR. 966.4(a)(2).	Work Requirement (HCV) - Certain provisions of 24 CFR982.551.

Safe Harbor	12.a. and 12.b. i. If the work requirement policy applies to all eligible individuals—the maximum requirement would be 40 hours of work per week per individual. ii. Prior to implementation, all residents shall be given notice three months in advance of the sanction policy for non-compliance. iii. The work requirement may apply to non-elderly, non-disabled households or non-elderly, non-disabled adult household members.* iv. Those individuals exempt from the Community Service Requirement in accordance with Section 12(c)(2)(A), (B), (D) and (E) of the 1937 Act must be exempt from the agency's work requirement in both the public housing and HCV programs.* v. Individuals who are the primary caretaker for a child under 6 years of age or who are pregnant must also be exempt from the agency's work requirement. vi. Supportive services shall be provided, either through the agency or a partner organization, to assist families in obtaining employment or an acceptable substitute, as defined by the MTW agency's policy. vii. Work requirements shall not be applied to exclude, or have the effect of excluding, the admission into housing or participation in supportive services by persons with disabilities or elderly individuals, or families that include persons with disabilities or elderly individuals.* viii. Agency must conduct an annual impact analysis.* ix. Agency must implement a hardship policy, including a policy to address tenants seeking a determination of disability status.* xii. The hardship policy in the ACOP and/or Administrative Plan must address families who are actively trying to comply with the agency's work requirement, but are having difficulties obtaining work or an acceptable substitute.* x. The ACOP and/or Administrative Plan must also describe the consequences of failure to comply with the work requirement.*

13. Public Housing as an Incentive for Economic Progress (PH)	
The agency is authorized to extend the period for which a household can be over-income while remaining in public housing, with its subsidy, as an incentive for the economic progress and the eventual self-sufficiency of the household.	
13. Public Housing as an Incentive for Economic Progress	
Activity	13. Public Housing as an Incentive for Economic Progress (PH) - The agency is authorized to extend the period for which a household can be over-income while remaining in a subsidized public housing unit with their subsidy as an incentive for the economic progress and the eventual self-sufficiency of the household.
Statutes and Regulations Waived	Public Housing as an Incentive for Economic Progress (PH) - Section 16(a)(5) of the 1937 Act and 24 CFR 960.261.
Safe Harbor(s)	13. i. The over-income limit is set at 120% of AMI. ii. The agency must set the grace period for a household to remain in a unit while over-income at no less than 2 and no more than 3 years. iii. The agency must inform of the household of its over-income status no less than one year prior to the end of the grace period.*

	iv. The agency must terminate the household's tenancy within one year of the end of the grace period or charge the household a monthly rent equal to the greater of: (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit, including amounts from the operating and capital fund, as determined by regulations.*

14. Moving On Policy

Moving On enables individuals and families who are able and want to move on from permanent supportive housing (PSH) by providing mainstream housing options (i.e., PH, HCV, LNT) and resources necessary to maintain housing stability.

Moving On Activities

Activity	14.a. Waive Initial HQS Inspection Requirement (HCV) - For participants who will continue leasing the same unit, the agency is authorized to accept the most recent HQS inspection from the partner agency in place of an initial HQS inspection.
Activity	14.b. Allow Income Calculations from Partner Agencies (PH & HCV) - The agency is authorized to accept income calculations from the partner agencies. The agency is still required to complete all required fields in Form HUD-50058 MTW Expansion, or successor form.
Activity	14.c. Aligning Tenant Rents and Utility Payments between Partner Agencies (PH & HCV) The agency is authorized to set tenant rents and/or make adjustments to the total tenant payment to ensure that clients referred from the partner agency are not subject to an increase in rental payments or increase in utility payments due to transferring from a permanent supportive housing program to a public housing or HCV program.
Statutes and Regulations Waived	Moving On Activities (PH & HCV) - Certain provisions of sections 3(a)(1)-(3), 8(o)(2)(A), 8(o)(8)(A) of the Act, the definition of "responsible entity" in 24 CFR 5.100, 24 CFR 5.603, 24 CFR 5.628, 24 CFR 5.630, 24 CFR 5.634, 24 CFR 960.253, 24 CFR 982.405(a).
Safe Harbor(s)	14.a.-14.c. i. Initial income eligibility must be determined in accordance with 24 CFR 5.609 of the 1937 Act.* ii. Agencies must continue to allow participants to request an interim HQS inspection. iii. Any income calculations that are accepted from partner agencies must have been calculated within the past year. iv. Screenings for lifetime sex offender status and convictions of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing must continue and are not waivable.*

15. Acquisition without Prior HUD Approval (PH)

The agency is authorized to acquire public housing sites without prior HUD approval.

15. Acquisition without Prior HUD Approval

Activity	15. Acquisition without Prior HUD Approval (PH) - The agency is authorized to acquire public housing sites without prior HUD approval. This activity allows MTW agencies flexibility around the timing of HUD's approval, but not the content of the approval. When acquiring the sites, the agency must have all submission materials in place as if HUD were approving the acquisition proposal

	prior to acquisition. The agency must provide the materials to the Field Office for approval within 30 days of acquisition. If the Department is unable to approve the acquisition based on the materials submitted, then the agency must repay the cost of acquisition with non-federal funds.
Statutes and Regulations Waived	Acquisition without Prior HUD Approval (PH) - Certain provisions of 24 CFR 905.608(a).
Safe Harbor(s)	15. i. The agency must comply with and have documentation that the project is in compliance with local zoning as described in 24 CFR 905.608(e).* ii. The agency must commission an independent appraisal of the site as described in 24 CFR 905.608(f).* iii. Prior to acquisition, the agency must provide an environmental assessment as described in 24 CFR 905.608(h).* iv. The agency must provide all required documents to HUD within 30 days of the acquisition.*

16. Deconcentration of Poverty in Public Housing Policy (PH)	
The agency is authorized to create an alternative policy in how it addresses deconcentration of poverty.	
16. Deconcentration of Poverty in Public Housing Policy (PH)	
Activity	16. Deconcentration of Poverty in Public Housing Policy (PH) – The agency is authorized to create an alternative policy in how it addresses deconcentration of poverty.
Statutes and Regulations Waived	Deconcentration of Poverty in Public Housing Policy (PH) - Certain provisions of 24 CFR 903.2.
Safe Harbor(s)	16. i. All Fair Housing requirements continue to apply.* ii. The agency must provide all justifications as to the local Deconcentration of Poverty in Public Housing Policy to HUD upon request.*

17. Local, Non-Traditional Activities	
MTW Funding can be utilized per statute and regulation on the eligible activities listed at sections 9(d)(1), 9(e)(1), and 8(o) of the 1937 Act. Any authorized use of these funds outside of the allowable uses listed in the 1937 Act constitutes a local, non-traditional activity. The agency is authorized to implement the local, non-traditional activities listed below to provide a rental subsidy to a third-party entity to provide housing and supportive services to eligible low-income participants, and to contribute MTW Funding to the development of affordable housing. Families served through the activities described below must be at or below 80% of Area Median Income. Implemented activities must meet one of the three MTW statutory objectives of increasing the efficiency of federal expenditures, incentivizing self-sufficiency of participating families, and increasing housing choice for low-income families. The use of MTW Funding must be consistent with the requirements of 2 CFR 200 and other basic requirements for the use of federal assistance. The agency must determine the eligibility of families in accordance with 24 CFR 5.609 and with section 3(b)(2) of the Act. Local, non-traditional activities must fall within one of the three categories below and comply with PIH Notice 2011-45 or any successor notice/and or guidance.	
17.a. Rental Subsidy Programs	
Activity	17.a. Rental Subsidy Programs - Programs that use MTW Funding to provide a rental subsidy to a third-party entity (other than a landlord or tenant) who manages

	intake and administration of the subsidy program to implement activities, which may include: supportive housing programs and services to help homeless individuals and families reach independence; supportive living; shallow subsidies; homeless/transitional housing programs; or programs that address special needs populations.
Statutes and Regulations Waived	Local, Non-Traditional Activities - MTW Funding can be utilized per statute and regulation on the eligible activities listed at sections 9(d)(1), 9(e)(1), and 8(o) of the 1937 Act. Any authorized use of these funds outside of the allowable uses listed in the 1937 Act constitutes a local, non-traditional activity.
Safe Harbor(s)	17.a. i. Families receiving housing or services through local, non-traditional activities must meet the HUD definition of low-income.* ii. The agency is subject to Notice PIH 2011-45 or any successor notice and/or guidance.* iii. Any MTW Funding awarded to a third-party provider must be competitively bid.*
17.b. Service Provision	
Activity	17.b. Service Provision - The provision of HUD-approved self-sufficiency or supportive services using MTW Funding that are not otherwise permitted under the public housing and HCV programs, or that are provided to eligible low-income individuals who do not receive either public housing or HCV assistance from the PHA. Eligible activities may include: services for participants of other PHA-owned or managed affordable housing that is not public housing or HCV assistance; services for low-income non-participants; services and/or incentives to attract applicants to developments, or portions thereof, which can be difficult to market; or supportive services.
Statutes and Regulations Waived	Local, Non-Traditional Activities - MTW Funding can be utilized per statute and regulation on the eligible activities listed at sections 9(d)(1), 9(e)(1), and 8(o) of the 1937 Act. Any authorized use of these funds outside of the allowable uses listed in the 1937 Act constitutes a local, non-traditional activity.
Safe Harbor(s)	17.b. i. The incentive must not be in the form of a deduction to the household's rent contribution.* ii. The amount of the incentive must not equal more than one month of the applicable unit's rent.* iii. Families receiving housing or services through local, non-traditional activities must meet the HUD definition of low-income.* iv. The agency is subject to Notice PIH 2011-45 or any successor notice and/or guidance.* v. Any MTW Funding awarded to a third-party provider must be competitively bid.*
17.c. Housing Development Programs	
Activity	17.c. Housing Development Programs - Programs that use MTW Funding to acquire, renovate and/or build affordable units for low-income families that are not public housing units. Eligible activities may include: gap financing for non-PHA development of affordable housing or tax credit partnerships.
Statutes and Regulations Waived	Local, Non-Traditional Activities - MTW Funding can be utilized per statute and regulation for the eligible activities listed at sections 8(o), 9(d)(1), and 9(e)(1) of the 1937 Act. Any authorized use of these funds outside of the allowable uses listed in the 1937 Act constitutes a local, non-traditional activity.

Safe Harbor(s)	17.c. i. Families receiving housing or services through local, non-traditional activities must meet the HUD definition of low-income.* ii. The agency is subject to Notice PIH 2011-45 or any successor notice and/or guidance.* iii. Agency must comply with section 30 of the 1937 Housing Act.* iv. Any MTW Funding awarded to a third-party provider must be competitively bid.*

Appendix II

Specific requirements on safe harbors related to impact analyses and hardship policies are provided in this Appendix.

Impact Analysis

The MTW agency must complete a written analysis of the various impacts of the MTW activity. The MTW agency must prepare this analysis: (1) prior to implementation of the MTW activity, if required as a safe harbor; (2) for certain activities (Work Requirements, Term-Limited Assistance, and Stepped Rent) on an annual basis during the implementation of the MTW activity; (3) prior to any Safe Harbor Waiver or Agency-Specific Waiver requests; and (4) at the time the MTW activity is closed out, if an impact analysis was previously required.

This analysis must consider the following factors, as applicable:

1. Impact on the agency's finances (*e.g.*, how much will the activity cost, any change in the agency's per family contribution);
2. Impact on affordability of housing costs for affected families (*e.g.*, any change in how much affected families will pay towards their housing costs);
3. Impact on the agency's waitlist(s) (*e.g.*, any change in the amount of time families are on the waitlist);
4. Impact on the agency's termination rate of families (*e.g.*, any change in the rate at which families non-voluntarily lose assistance from the agency);
5. Impact on the agency's current occupancy level in public housing and utilization rate in the HCV program;
6. Impact on meeting the MTW statutory objectives of cost effectiveness, self-sufficiency, and/or housing choice;
7. Impact on the agency's ability to meet the MTW statutory requirements; and
8. Impact on the rate of hardship requests and the number granted and denied as a result of this activity.

The MTW agency must have the initial impact analysis, which analyzes potential impacts of the MTW activity, attached to the MTW Plan-Expansion during the applicable public review period prior to implementation of the MTW activity. For certain activities (Work Requirements, Term-Limited Assistance, and Stepped Rent), an updated impact analysis must be provided in each subsequent year. While MTW activities are listed by waiver and specific activity name in Appendix I, MTW agencies may combine activities together at the PHA level in order to create more comprehensive initiatives. For such comprehensive initiatives an MTW

agency may submit a single impact analysis. Should a larger initiative undergo a substantial change, such as adding an activity, the MTW agency must reevaluate its impact with a new impact analysis. This information must be retained by the agency for the duration of the agency's participation in the MTW demonstration program and available for public review and inspection at the agency's principal office during normal business hours.

Hardship Policy

The MTW agency must adopt a written policy for determining when a requirement or provision of an MTW activity constitutes a financial or other hardship for the family. The agency must include this policy as an attachment to its MTW Plan-Expansion. The agency may use a single hardship policy, as applicable, for multiple MTW waivers or develop different hardship policies for different MTW waivers as it finds appropriate. The agency must review its hardship policy(s) with residents during its intake and recertification processes. The agency must consider if a resident qualifies for a hardship exemption at the time of a potential termination of assistance that is due to an MTW activity.

When a resident requests a hardship exemption from a required MTW activity, the agency must suspend the activity for the household, beginning the next month after the request, until the MTW agency has determined if the request is warranted. The agency shall make the determination of whether a financial or other hardship exists within a reasonable time after the family's request. If the agency determines that a financial or other hardship exists, the MTW agency must continue to provide an exemption from the MTW activity at a reasonable level and duration, according to the agency's written policy. If an agency determines that the request did not meet its hardship standards, they must resume the MTW activity and collect any retroactive rent, if applicable, through a reasonable repayment agreement.

The agency's written policy(s) for determining what constitutes financial hardship must include the following situations:

- ☐ The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;
- ☐ The family has experienced an increase in expenses, because of changed

circumstances, for medical costs, childcare, transportation, education, or similar items; and

☐ Such other situations and factors determined by the agency to be appropriate.

The agency's written policies shall include a grievance procedure that a family may request for second level review of denied hardship requests.

The agency shall keep records of all hardship requests received and the results of these requests and supply them at HUD's request. This information must be retained by the agency for the duration of the agency's participation in the MTW demonstration program and available for public review and inspection at the agency's principal office during normal business hours.

Appendix III

The statutory requirement that MTW agencies continue to "serve substantially the same number of families" throughout participation in the MTW demonstration program (STS Requirement) will be monitored for MTW agencies in the MTW Expansion through the following methodology, which adheres to the main themes and principles described in the MTW Operations Notice. Since the funding calculation for public housing (including Operating and Capital Funds) is significantly different than the funding calculation in the Housing Choice Voucher (HCV) program, the methodology for calculating the STS Requirement for the public housing and HCV programs will differ.

Public Housing

As described in Section 7.c.i of the MTW Operations Notice, HUD will monitor public housing occupancy rates for MTW agencies. The public housing occupancy rate will be determined by dividing the total number of "occupied" units by the total number of "standing" units:

$$\text{TOTAL OCCUPIED UNITS} \div \text{TOTAL STANDING} = \text{MTW AGENCY OCCUPANCY RATE}$$

The table below shows what public housing unit categories³⁹ are currently included in the numerator and what public housing unit categories are currently included in the denominator:⁴⁰

³⁹Public housing unit categories and unit reporting in IMS/PIC is provided in PIH Notice 2011-07, or successor notice.

⁴⁰Current monitoring of public housing occupancy rates for all agencies is conducted

Public housing unit category/sub-category	Total occupied units (numerator)	Total standing units (denominator)
Occupied—Assisted Tenant	X	X
Occupied—Employee	X	X
Occupied—Non-Assisted Tenant Over Income	X	X
Occupied—Police Officer	X	X
Occupied—Unauthorized		X
Vacant—Undergoing Modernization		X
Vacant—Court Litigation		X
Vacant—Natural Disaster		X
Vacant—Casualty Loss		X
Vacant—Market Conditions		X
Non-Dwelling—Anti-Drug Crime	X	X
Non-Dwelling—Self-Sufficiency Activities	X	X
Non-Dwelling—Other Resident Activities	X	X
Non-Dwelling—Moving to Work	X	X
Non-Dwelling—Administrative		X
Non-Dwelling—Resident Amenities		X
Non-Dwelling—Authorized		X
Demo-Dispo (Approved and Vacant)		X
Vacant—Vacant		X

Annual Public Housing STS Compliance

To be compliant with the public housing portion of the STS Requirement, the MTW agency's public housing occupancy rate must be at or above 96%, unless otherwise approved by HUD. HUD may consider the MTW agency's efforts to reposition its public housing as an allowable reason to temporarily dip below 96% occupancy. Any allowable dips must be time-limited and described and approved by HUD.

Each year, HUD will advise the MTW agency of its compliance under the STS Requirement in the public housing program for the prior calendar year. This information will also be made available on HUD's website. In instances where the MTW agency's public housing occupancy rate falls below 96%, HUD may require, at its discretion, that the MTW agency enter into an Occupancy Action Plan to address the occupancy issues. The Occupancy Action Plan will include at a minimum: the cause of the occupancy issue, the intended solution, and reasonable timeframes to address the cause of the occupancy issue.

The exception to the above is for MTW agencies that are below 96% public housing occupancy when they receive MTW designation. MTW agencies that are below 96% occupied when they are designated have two years, or more as determined by HUD, to come into compliance before they are required to enter into and adhere to an Occupancy Action Plan as described above.

Failure to adhere to the Occupancy Action Plan may result in enforcement processes detailed in the MTW amendment to the MTW agency's Annual Contributions Contract (ACC Amendment).

Housing Choice Voucher Program

To be compliant with the STS Requirement in the HCV program, the MTW agency will be required to house at least 90% of the families it would be able to house based on the HCV Housing Assistance Payment (HAP) dollars it receives each year.

Establishing the Annual HCV STS Target

In the first full calendar year that the agency is an MTW agency, the Annual HCV Capacity of the MTW agency will be calculated based on the total Budget Authority of HCV HAP funds (including Special Purpose Vouchers) in that year and the per unit cost (PUC) from the calendar year prior to the agency's entry into the MTW Demonstration Program, adjusted for inflation.

First Full Calendar Year in MTW—Step 1

HCV PUC FROM CALENDAR YEAR PRIOR TO MTW × ANNUAL INFLATION FACTOR(S) = “ADJUSTED BASELINE YEAR PUC”

First Full Calendar Year in MTW—Step 2

TOTAL BUDGET AUTHORITY OF HCV HAP FUNDS ÷ ADJUSTED BASELINE YEAR PUC = “ANNUAL HCV CAPACITY”

For all subsequent MTW years, the PUC established from the calendar year prior to MTW designation will continue to be inflated annually to determine each MTW year's Annual Adjusted PUC. The Annual HCV Capacity of the MTW agency will be calculated based on the total Budget Authority of HCV HAP funds in that year and the Annual Adjusted PUC from the prior calendar year, adjusted for inflation.

Subsequent Calendar Year in MTW—Step 1

“ADJUSTED BASELINE YEAR PUC” (from prior year) × ANNUAL INFLATION FACTOR = “ANNUAL ADJUSTED BASELINE YEAR PUC” (new for current year)

Subsequent Calendar Year in MTW—Step 2

TOTAL BUDGET AUTHORITY OF HCV HAP FUNDS IN CALENDAR YEAR ÷ ANNUAL ADJUSTED BASELINE YEAR PUC” (new for current year) = “ANNUAL HCV CAPACITY” (new for current year)

Because MTW agencies must serve at least 90% of the current year Annual HCV Capacity to be compliant with the HCV portion of the STS Requirement, the Annual HCV STS Target will then be established.

“ANNUAL HCV CAPACITY” × 90% =
“ANNUAL HCV STS TARGET”

Establishing the Number of Families Housed in the HCV Program

To determine the number of families that count towards the STS Requirement in the HCV program each year, HUD will consider families housed through both the HCV program and any local, non-traditional program.

The calculation for determining total families housed in the HCV program is the total unit months leased divided by twelve.

The calculation for determining total families housed in the local, non-traditional housing program includes two types of housing as provided in the waivers appendix of the MTW Operations Notice. These are also discussed in detail in PIH Notice 2011–45 (or its successor) titled “Parameters for Local, Non-Traditional Activities under the Moving to Work Demonstration Program.”

□ The first type of housing is a local, non-traditional rental subsidy program. Here, the total unit months of housing provided over the calendar year will be utilized and divided by twelve. Families that receive services only will not be included.

□ The second type of housing is a local, non-traditional housing development program. Here, HUD will first take the total investment of MTW funds in developing these types of units. This total dollar amount will be divided by the applicable HUD-published Total Development Cost (TDC). The resulting number of units will then count as families housed each year from when a certificate of occupancy is issued through the term of the affordability restrictions. Families that receive services only will not be included.

according to the current HUD Agency Priority Goal (APG) reporting categories. Should this change,

MTW agencies would be subject to the same

monitoring of public housing occupancy rates as all non-MTW agencies.

Annual HCV STS Compliance

Consistent with the statutory language of serving “substantially” the same number of families, the MTW agency will be considered compliant with the STS Requirement in the HCV program if it houses families through the HCV and local, non-traditional program at or above the Annual HCV STS Target. Again, the Annual HCV STS Target is 90% of the Annual HCV Capacity.

The MTW agency may dip below the Annual HCV STS Target for certain circumstances, as approved by HUD. Any allowable dips must be time-limited and described and approved by HUD.

Each year, HUD will advise the MTW agency of its compliance under the STS Requirement in the HCV program for the prior calendar year. This information will also be made available on HUD’s website.

In the event an MTW agency does not meet the Annual HCV STS Target, the MTW agency will have two years from the date it is notified to come into compliance. If, two years after notification of the deficiency the MTW agency still does not meet the Annual HCV STS Target, then the MTW agency will be required to expend all HAP dollars only on HAP. Once the MTW agency achieves 93% expenditures of Budget Authority on HAP, the MTW agency will be able to again use its HCV HAP funds flexibly. Failure to adhere to this may result in enforcement processes detailed in the MTW amendment to the MTW agency’s Annual Contributions Contract (ACC Amendment).

Adjustments to the HCV Annual Capacity

If the MTW agency believes that its Annual Adjusted Baseline Year PUC is no longer accurate, it may request an adjustment to this figure. Such a request may not be made more than once every three calendar years. The MTW agency must submit such a request to HUD along with a justification for the adjustment (for example, rising costs, special market conditions, public housing repositioning). HUD will then review the request and either approve or deny it. If approved, HUD will change the PUC appropriate to the circumstances of the MTW agency (as determined by HUD). This new

PUC will then be adjusted by the inflation factor every year and used to determine compliance with the HCV portion of the STS Requirement going forward.

[FR Doc. 2026–17777 Filed 8–31–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7107–N–23 OMB Control No.: 2577–0229]

30-Day Notice of Proposed Information Collection: The Resident Opportunities and Self-Sufficiency (ROSS) Program

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date: October 1, 2026.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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:

Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at PaperworkReductionActOffice@hud.gov, ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Available documents submitted to OMB can be found in the docket file on reginfo.gov.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 11, 2026, at 91 FR 25590.

A. Overview of Information Collection

Title of Information Collection: The Resident Opportunities and Self-Sufficiency (ROSS) Program.

OMB Approval Number: 2577–0229.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–52753, HUD–52755, HUD–52768, SF–424, SF–LLL, HUD–424B, HUD–2880.

Description of the need for the information and proposed use: The forms are used to evaluate the capacity and eligibility of applicants to the ROSS program.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
SF–424 Application for Federal Assistance	350	1	350	0	0	0	0
SF–LLL Disclosure of Lobbying Activities	50	1	50	0	0	0	0
HUD–52755 Sample Contract Administrator Partnership Agreement for the Ross-Service Coordinator Grant Program	100	1	100	1	100	30.49	3,049
HUD–52768 ROSS	350	1	350	3	1,050	30.49	\$32,014.50
Service Coordinator Funding	350	1	350	0	0	0	0
HUD–424B Applicant and Recipient Assurances and Certifications	350	1	350	0	0	0	0
HUD–2880 Applicant/Recipient Disclosure/Update Report	350	1	350	0	0	0	0
HUD–52753 Certification of Election of Resident Council Board	75	1	75	.17	12.75	\$30.49	\$388.74
Total	525	1	525	4.17	1,162.75	\$30.49	\$35,452.24

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna P. Guido,

*Compliance Officer, Department PRA
Compliance Officer, Office of Policy
Development and Research, Chief Data
Officer.*

[FR Doc. 2026-17889 Filed 8-31-26; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX064A000
266S180110; S2D2S SS08011000
SX064A000 26XS501520]

**Notice of Availability of the Final
Environmental Impact Statement and
Record of Decision for Navajo
Transitional Energy Company's Navajo
Mine No Name SMCRA Permit**

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice of availability of the final
environmental impact statement and
record of decision.

SUMMARY: The Office of Surface Mining
Reclamation and Enforcement (OSM) is
publishing this notice to announce that
it has prepared a Final Environmental
Impact Statement (FEIS) and Record of
Decision (ROD) for Navajo Transitional
Energy Company's (NTEC) proposed
Surface Mining Control and
Reclamation Act of 1977 (SMCRA)
permit for the No Name Permit area

within NTEC's existing Navajo Mine
Lease 14-20-603-2505.

DATES: The U.S. Environmental
Protection Agency (EPA) will also
publish a notice of availability in the
Federal Register. In accordance with the
National Environmental Policy Act
(NEPA), its implementing regulations at
43 CFR part 46, and the Department of
the Interior's (Department's) Handbook
of NEPA procedures, OSM has issued a
single document that consists of a FEIS
and ROD, which is effective
immediately.

ADDRESSES: The FEIS and ROD and
documents pertinent to this project are
available for review on OSM's website
at: <https://www.osmre.gov/laws-andregulations/nepa/projects>.

FOR FURTHER INFORMATION CONTACT:
Marcelo Calle, Acting Regional Director,
OSM Western Regions 5, 7-11, P.O. Box
25065, Lakewood, CO 80225-0065;
(303) 236-2929 or mcalle@osmre.gov.

Individuals who use
telecommunication devices for the deaf
(TDD) may call the Federal Information
Relay Service (FIRS) at 1-800-877-8339
between 8 a.m. and 8 p.m., Eastern
Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: OSM
Western Region, U.S. Department of the
Interior Regions 5, 7-11, prepared an
EIS for the No Name SMCRA Permit
application (Project). In accordance with
SMCRA, OSM must approve the Project,
disapprove the Project, or approve the
Project with conditions because the
Project is on Indian lands, as that term
is defined under SMCRA, including
tribal lands with leased tribal coal (BIA
Mine Lease 14-20-603-2505). The lease
agreement grants NTEC the right to
mine within the lease area; however,
mining cannot occur until a SMCRA
permit is obtained. The Navajo Nation
owns the surface and mineral rights of
the entire lease area and the permit
areas located within it.

The No Name Permit area is located
on the Navajo Nation approximately 22
miles from Farmington, New Mexico.
The proposed surface coal mine is
within NTEC's existing Navajo Mine
Lease 14-20-603-2505, located adjacent
to the southern boundary of NTEC's
existing Navajo Mine operating area
(OSM Permit No. NM-0043A). The No
Name Permit area covers 11,526 acres,
completely within tribal lands, and the
current surface land use is grazing. The
Project would allow for 9,042 acres of
additional surface disturbance and
production of 502,984,700 tons of
recoverable coal, extending the life of
the mine to 2136. The initial permit will
be for five years with a right of renewal

for the life of the mine as long as all
legal requirements are met.

**Purpose and Need for the Proposed
Action**

OSM's purpose and need for the EIS
is for OSM to analyze NTEC's SMCRA
permit application package to mine
Navajo Nation coal on approximately
11,526 acres from Areas 4 South and 5
within the Navajo Mine Lease Area (BIA
14-20-603-2505). Under the
Department's Handbook of National
Environmental Policy Act Implementing
Procedures, 516 DM 1 Section 2.2,
"when the proposed action concerns a
bureau's duty to act on an application
for authorization, the purpose and need
for the proposed action will also be
informed by the goals of the applicant." Here, NTEC informed OSM that NTEC's
goal is to exercise its valid existing
rights granted by the Navajo Nation
under BIA Mine Lease No. 14-20-603-
25205 to access and mine Navajo Nation
coal resources, to continue to provide
coal to the Four Corners Power Plant for
the duration of operations there, and to
provide coal to future customers if the
Four Corners Power Plant shuts down.
NTEC was created by the Navajo Nation
to exercise sovereignty over its natural
resources.

Proposed Action and Alternatives

The FEIS analyzes three alternatives:
the No Action Alternative, the Proposed
Action Alternative, and the Avoid
Pinabete Arroyo Alternative.

The No Action Alternative evaluates
the effects of OSM not approving the
Project. Under this alternative, NTEC
would continue to be able to mine coal
within its existing SMCRA permit
boundaries but would not be authorized
to expand the mine to include the
proposed No Name Permit area covering
an additional 11,526 acres, would not
disturb 9,042 acres of additional surface
disturbance, and would not produce the
approximately 502,984,700 tons of
recoverable coal.

The Proposed Action Alternative
evaluates the effects of approval of a
new SMCRA permit area within Area 4
South and Area 5 of NTEC's existing
Navajo Mine Lease 14-20-603-2505,
located on the western flank of the San
Juan Structural Basin south of the
Navajo Mine (the No Name SMCRA
Permit), authorizing the disturbance of
9,042 acres and the production of
approximately 502,984,700 tons of
recoverable coal. Under this alternative,
the life of the mine would depend on
the rate of production. To account for
this uncertainty, the Proposed Action
considers two demand alternatives that
were included in NTEC's permit

application package: (1) a low demand alternative—mining up to 5 million tons of coal per year, and (2) a high demand alternative—mining up to 15 million tons of coal per year. This alternative also considers the diversion of the Pinabete Arroyo into No Name Arroyo to mine in Area 4 South, as well as realignment of 7 miles of Burnham Road.

The Avoid Pinabete Arroyo Alternative evaluates the effects of approval of the No Name SMCRA permit with a condition that avoids mining through Pinabete Arroyo in Area 4 South. The Avoid Pinabete Arroyo Alternative was identified during the scoping process. Under this alternative, there would be no need for a diversion of Pinabete Arroyo into No Name Arroyo, although mining equipment would need to cross the arroyo to access the areas west of Pinabete Arroyo. Because this alternative would reduce the area available for mining within the permit area, the total recovery of coal would be less than estimated for the Proposed Action.

Based on the analyses contained in the FEIS, OSM selected the Proposed Action as the preferred alternative.

Summary of Expected Impacts

The FEIS evaluated the following reasonably foreseeable effects of the Project:

- Air Quality and GHG Emissions
- Cultural Resources
- Fish and Wildlife
- Geology, Mineral Resources and Paleontology
- Hazardous and Solid Waste
- Public Health and Safety
- Land Use and Transportation
- Noise and Vibration
- Socioeconomics
- Vegetation and Invasive Species
- Visual Resources
- Water Resources and Hydrology

Anticipated Permits and Authorizations

SMCRA permit.

Public Participation

OSM issued a notice of intent (NOI) to prepare an EIS in the **Federal Register** on January 15, 2026, announced the NOI through a news release and on its website, and hosted a 20-day public scoping period. OSM requested public scoping comments to identify any additional relevant issues concerning the proposed SMCRA permit that should be evaluated in the EIS. Public comment on the Project was accepted through mail, email, and during a public scoping meeting. OSM received 37 comment letters during the public scoping period. Comment letters

received during the public scoping periods were reviewed, and a description of issues analyzed are summarized in the FEIS.

Lead and Cooperating Agencies

OSM is the lead agency for this EIS. The Bureau of Land Management, Environmental Protection Agency, Navajo Nation Department of Agriculture, Navajo Nation Mineral Program, and Navajo Nation Department of Fish and Wildlife are cooperating agencies.

Decision Maker

OSM.

OSM Decision

Informed by, at a minimum, the material required at 30 CFR 746.13, including information prepared in compliance with NEPA, OSM must make a decision about the proposed No Name SMCRA permit application. As documented in the ROD, OSM will approve the No Name SMCRA permit application.

Marcelo Calle,

Acting Regional Director, Unified Regions 5 & 7–11.

[FR Doc. 2026–17785 Filed 8–31–26; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–282 (Sixth Review)]

Petroleum Wax Candles From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted September 1, 2026. To be assured of consideration, the deadline for responses is October 1, 2026. Comments on the adequacy of responses may be filed with the Commission by November 16, 2026.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202–205–3358), Office of Investigations, U.S. International

Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On August 28, 1986, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of petroleum wax candles from China (51 FR 30686). Following first, second, third, fourth, and fifth five-year reviews by Commerce and the Commission, Commerce issued continuations of the antidumping duty order on imports of petroleum wax candles from China, effective September 23, 1999 (64 FR 51514), August 10, 2005 (70 FR 56890), January 6, 2011 (76 FR 773), May 26, 2016 (81 FR 33466), and October 29, 2021 (86 FR 59984), respectively. The Commission is now conducting a sixth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in

characteristics and uses with, the *Subject Merchandise*. In its original determination and its expedited first five-year review determination, the Commission defined the *Domestic Like Product* as consisting only of petroleum wax candles composed of more than 50 percent petroleum wax. In its full second five-year review determination and its expedited third, fourth, and fifth five-year review determinations, the Commission defined the *Domestic Like Product* as candles with fiber or paper-cored wicks and containing any amount of petroleum wax, except for candles containing more than 50 percent beeswax.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first five-year review determination, the Commission defined the *Domestic Industry* as producers of petroleum wax candles. In its full second five-year review determination and its expedited third, fourth, and fifth five-year review determinations, the Commission defined the *Domestic Industry* as consisting of all domestic producers of candles with fiber or paper-cored wicks and containing petroleum wax, except for candles that contain more than 50 percent beeswax, consistent with its revised domestic like product definition.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding

underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract

personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on October 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on November 16, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (“OMB”) number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–702. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the

information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term “firm” includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC’s website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the “NOI worksheet” Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of

imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2020.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm’s operations on that product during calendar year 2025, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit,

(iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2025 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2025 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for

downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2020, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 27, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-17862 Filed 8-31-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1520]

Certain Mobile Devices With Hardware and Software for Exchanging Electronic Content; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 28, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of GG Technologies, Inc. d/b/a StayTouch of Santa Monica, California. An amended complaint was filed on August 14, 2026. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile devices with hardware and software for exchanging electronic content by reason of the infringement of certain claims of U.S. Patent No. 12,022,369 ("the '369 patent"). The complaint, as amended, further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff

Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 27, 2026, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-3 and 13-17 of the '369 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "mobile wireless devices (watches and phones) that can automatically initiate a contact information exchange when they are brought in the proximity of another, similarly-equipped, device";

(3) Pursuant to section 210.10(b)(3) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(3), the presiding Administrative Law Judge shall hold an early evidentiary hearing, find facts, and issue an early decision within 100 days of institution as to whether the complainant has satisfied the economic prong of the domestic industry requirement. Notwithstanding any Commission Rules to the contrary, which are hereby waived, any such decision should be issued in the form of an initial determination (ID) under Commission Rule 210.42(a)(3), 19 CFR 210.42(a)(3). The ID will become the Commission's final determination 30 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45. The issuance of an early ID finding that the complainant does not satisfy the economic prong of the domestic industry requirement shall stay the investigation unless the Commission orders otherwise; any other decision shall not stay the investigation or delay the issuance of a final ID covering all other issues of the investigation;

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: GG Technologies, Inc. d/b/a StayTouch, 401 Wilshire Boulevard, Suite 1200, Santa Monica, CA 90401.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint, as amended, is to be served: Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 28, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-17864 Filed 8-31-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-462 and 731-TA-1156-1158 (Third Review) and 731-TA-1043-1045 (Fourth Review)]

Polyethylene Retail Carrier Bags From China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty order on polyethylene retail carrier bags from Vietnam and revocation of the antidumping duty orders on polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted September 1, 2026. To be assured of consideration, the deadline for responses is October 1, 2026. Comments on the adequacy of responses may be filed with the Commission by November 16, 2026.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202-205-3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On August 9, 2004, the Department of Commerce ("Commerce") issued antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (69 FR 48201, 48203, and 48204). On May 4, 2010, Commerce issued a countervailing duty order on imports of polyethylene retail carrier

bags from Vietnam (75 FR 23670) and antidumping duty orders on imports of polyethylene retail carrier bags from Indonesia, Taiwan, and Vietnam (75 FR 23667). Following first five-year reviews by Commerce and the Commission, effective July 7, 2010, Commerce issued a continuation of the antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (75 FR 38978). Following first five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam and second five-year reviews of the orders concerning China, Malaysia, and Thailand by Commerce and the Commission, effective May 5, 2016, Commerce issued a continuation of the countervailing duty order on imports of polyethylene retail carrier bags from Vietnam and antidumping duty orders on imports of polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam (81 FR 27087). Following second five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam, and third five-year reviews of the orders concerning China, Malaysia, and Thailand by Commerce and the Commission, effective October 27, 2021, Commerce issued a continuation of the countervailing duty order on imports of polyethylene retail carrier bags from Vietnam, and antidumping duty orders on imports of polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam (86 FR 59366). The Commission is now conducting third five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam, and fourth five-year reviews of the orders concerning China, Malaysia, and Thailand pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the

scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, its full first five-year review and expedited second five-year review determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations and its full first five-year review, full second five year review, and expedited third five-year review determinations concerning China, Malaysia, and Thailand, the Commission found one Domestic Like Product consisting of the range of polyethylene retail carrier bags corresponding to Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, its full first five-year review, and expedited second five-year review determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations, full first five year review, full second five year review, and expedited third five-year review determinations concerning China, Malaysia, and Thailand, the Commission found a single Domestic Industry consisting of all U.S. producers of polyethylene retail carrier bags.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission

five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the

programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on October 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on November 16, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–703. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be provided in response to this notice of institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty order for Vietnam and revocation of the antidumping duty orders for China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2020.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in number of bags and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have

expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in number of bags and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in number of bags and value data in U.S. dollars, landed and duty-paid at the U.S. port but not

including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2020, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 26, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–17861 Filed 8–31–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0090]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—SAFER SKIES State, Local, Tribal, and Territorial Counter-UAS Information Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Federal Bureau of Investigation, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 2, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Counter-UAS Operations Unit, Unmanned Aviation Section, Critical Incident Response Group, Federal Bureau of Investigation, email: cuas@fbi.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The SAFER SKIES Act, Title LXXXVI of the National Defense Authorization Act for Fiscal Year 2026, as implemented by the interim final rule codified at 6 CFR part 124 and 28 CFR part 124, extends counter-UAS detection and mitigation authority to State, local, tribal, and territorial (SLTT) law enforcement and correctional agencies under 6 U.S.C. 124n(a)(2). This collection covers the coordination, authorization, reporting, and recordkeeping submissions the rule requires, made through the designated Federal C–UAS coordination portal. The current approval was granted on an emergency basis and expires November 30, 2026. This revision requests a standard three-year approval.

Since the emergency clearance, the FBI has revised five instruments in response to experience during initial implementation. The advance notification (C–UAS–AN), operations plan (C–UAS–OPLAN), testing, training, and exercise plan (C–UAS–TTE), policy attestation (C–UAS–ATT), and post-operation report (C–UAS–POR) each collect additional data elements. The principal additions are structured airspace and temporary flight restriction information on the notification, operations plan, and exercise plan; a retroactive filing path for emergency invocations under 6 CFR and 28 CFR 124.9(g) on the notification; Federal Aviation Administration concurrence and frequency restriction information on the operations plan; agency identifying and policy reference information on the attestation; and expanded detection, mitigation, and enforcement outcome fields on the post-operation report.

This revision also re-estimates burden for every instrument. Several per-response estimates are lower than those approved under the emergency clearance even though the instruments collect more data. The revised forms replace free-text entry with structured selections, allow the operations plan to

inherit previously entered data from the advance notification so that operational information is entered once, and retrieve known venue airspace data rather than requiring manual entry. The FBI invites comment on these estimates.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* SAFER SKIES State, Local, Tribal, and Territorial Counter-UAS Information Collection.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers: C-UAS-ATT; C-UAS-OPLAN; C-UAS-AN; C-UAS-MAA; C-UAS-NOI; C-UAS-LAD; C-UAS-OAN; C-UAS-POR; C-UAS-ERN; C-UAS-SUM; C-UAS-VSR; C-UAS-ASLN; C-UAS-ARR; C-UAS-TTE. A C-UAS Operator Training and Certification Record (Form C-UAS-OTC) is under development and will be added to this collection by a subsequent submission to OMB before it is deployed. The sponsoring component is the Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, Local, or Tribal Government. Respondents are State, local, tribal, and territorial law enforcement and correctional agencies; territorial agencies are reported within the State, Local, or Tribal Government category. The obligation to respond is required to obtain or retain a benefit for most instruments (the accreditation and certification needed to exercise counter-UAS authority under 6 U.S.C. 124n(a)(2) and 6 CFR and 28 CFR part 124); certain reports and notifications are mandatory under the same authorities, and a small number of instruments are voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of unduplicated respondents is approximately 1,850 SLTT agencies (approximately 1,500 detection-tier agencies and 350 mitigation-tier agencies).

The time per response varies by instrument, from approximately 5 minutes for feedback on a listed counter-UAS system to approximately 5 hours for initial policy adoption and attestation, which includes developing

and adopting the underlying implementation policy. A detection and warning operations plan is estimated at approximately 45 minutes; a mitigation operations plan at approximately 1 hour. These estimates are derived from analysis of the deployed instruments rather than from measured completion times, and the FBI specifically invites comment on their accuracy.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated total annual burden associated with this collection is 25,314 hours, across approximately 24,355 annual responses, as shown in the table below.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* There are no capital, start-up, operation, or maintenance costs associated with this collection. Respondents use existing personnel and equipment and submit electronically through the Federal C-UAS coordination portal at no charge. Counter-UAS systems and related equipment are acquired for the underlying protective mission and are not acquired for purposes of this collection. The estimated total annual cost burden is \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
C-UAS-ATT—initial (policy + attestation).	617	once (annualized)	617	5 hrs	3,085
C-UAS-ATT—annual renewal.	1,233	annually	1,233	30 min	617
C-UAS-OPLAN—mitigation ..	350	on occasion	1,350	1 hr	1,350
C-UAS-OPLAN—detection and warning.	1,500	on occasion	9,000	45 min	6,750
C-UAS-AN—mitigation operations.	350	per operation	2,250	1 hr	2,250
C-UAS-AN—RF-emitting detection.	25	per operation	100	1 hr	100
C-UAS-MAA	150	on occasion	150	30 min	75
C-UAS-NOI	200	on occasion	200	10 min	33
C-UAS-LAD	50	on occasion	50	20 min	17
C-UAS-OAN—activation and termination.	150	on occasion	650	10 min	108
C-UAS-OAN—unintended consequences.	50	on occasion	100	30 min	50
C-UAS-POR	350	per operation	2,250	45 min	1,688
C-UAS-ERN	150	on occasion	300	30 min	150
C-UAS-SUM	1,850	semiannually	3,700	30 min	1,850
C-UAS-VSR	100	on occasion	100	30 min	50
C-UAS-ASLN—system nomination.	50	on occasion	50	60 min	50
C-UAS-ASLN—feedback on listed system.	100	on occasion	100	5 min	8
C-UAS-ARR	5	on occasion	5	90 min	8
C-UAS-TTE	150	annually	300	2 hrs	600
Recordkeeping/retention/audit (§ 124.14).	1,850	ongoing	1,850	3.5 hrs	6,475
Unduplicated Totals	1,850	.....	24,355	.....	25,314

Notes to the table: The initial policy attestation line is annualized over the phase-in of the accreditation program, and the annual renewal line covers only agencies that have already attested, so the two lines do not overlap. Advance notification responses exceed mitigation operations plan responses because a single operations plan may support multiple notified operations under a standing operational window or may be incorporated by reference for a subsequent operation under 6 CFR and 28 CFR 124.8. The operational action notification line reflects only notifications made outside the advance notification process; emergency invocations under 6 CFR and 28 CFR 124.9(g) are filed on the advance notification and are not counted twice.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: August 28, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026-17853 Filed 8-31-26; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Student Safety Assessment (SSA) of Job Corps Students

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL or Department) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, "Student Safety Assessment (SSA) of Job Corps students." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by November 2, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely

respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting Shao Zhang by email at zhang.shao@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the attention of Shao Zhang, U.S. Department of Labor, Employment and Training—Job Corps, 200 Constitution Ave. NW, N-4459, Washington, DC 20210; by email: zhang.shao@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Shao Zhang by email at zhang.shao@dol.gov.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

In accordance with 5 CFR 1320, the Department is seeking approval for data collection to obtain necessary information from Job Corps students, on a voluntary basis, through the Student Safety Assessment (SSA). The SSA is necessary to evaluate whether Job Corps centers provide a safe and hazard free environment as required under the Workforce Innovation and Opportunity Act (20 CFR 686.220(c), 686.530(a), and 20 CFR 686.920(a)). The revision is prompted by updates to survey items, a decrease in the estimated number of respondents, a change in sampling method, and a decrease in the frequency of administration. Survey items were removed to reduce duplicative data collection and improve focus on evaluating student perceptions of safety. The number of respondents has changed as the Job Corps program has not fully regained its typical enrollment strength. Additionally, the frequency of administration was reduced to lessen the burden on center staff and students, which also prompted a change to the sampling method.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and

displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. To help ensure appropriate consideration, comments should mention OMB Control Number 1205-0542.

Submitted comments will also be a matter of public record for this ICR and posted on the internet without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Type of Review: Revision.

Title of Collection: Student Safety Assessment (SSA) of Job Corps Students.

Forms: Student Safety Assessment (English), Student Safety Assessment (Spanish).

OMB Control Number: 1205-0542.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 48,000.

Frequency: Biannually.

Total Estimated Annual Responses: 48,000.

Estimated Average Time per Response: .25 of an hour.

Estimated Total Annual Burden Hours: 12,000 hours.

Total Estimated Annual Other Cost Burden: \$0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026-17833 Filed 8-31-26; 8:45 am]

BILLING CODE 4510-FT-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Job Corps Placement and Assistance Record

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL or Department) Employment and Training Administration (ETA) is soliciting comments concerning a revision to the information collection request (ICR) titled "Job Corps Placement and Assistance Record". This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by November 2, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting Shao Zhang by email at zhang.shao@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the attention of Shao Zhang, U.S. Department of Labor, Employment and Training—Job Corps, 200 Constitution Ave. NW, N-4507, Washington, DC 20210; by email: zhang.shao@dol.gov.

FOR FURTHER INFORMATION CONTACT: Shao Zhang by email at zhang.shao@dol.gov or by mail to:

(Authority: 44 U.S.C. 3506(c)(2)(A).)

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure

requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

In accordance with 5 CFR part 1320, DOL is seeking approval to renew the Job Corps Placement Record (ETA Form 678) which gathers information about each student's post-separation placement outcomes with minor revisions. The Workforce Innovation and Opportunity Act requires collection of information related to the placement of Job Corps participants after exit. 29 U.S.C. 3141, 3197, and 3199. The ETA Form 678 is the primary source of information about a student's training, subsequent placement, and continued employment in a job, further education, or military service post separation from the Job Corps program.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. To help ensure appropriate consideration, comments should mention OMB Control Number 1205-0035.

Submitted comments will also be a matter of public record for this ICR and posted on the internet without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Type of Review: Revision.

Title of Collection: Job Corps Placement and Assistance Record.

Forms: ETA Form 678.

OMB Control Number: 1205-0035.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 16,000.

Frequency: Daily.

Total Estimated Annual Responses: 16,000.

Estimated Average Time per Response: 8.00 minutes.

Estimated Total Annual Burden

Hours: 2,133 hours.

Total Estimated Annual Other Cost Burden: \$66,699.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026-17834 Filed 8-31-26; 8:45 am]

BILLING CODE 4510-FT-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Quick Turnaround Surveys and Site Visits

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning an extension of a currently approved collection for the authority to conduct the information collection request (ICR) titled, "Quick Turnaround Surveys and Site Visits." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by November 2, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely

respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Patrice Gibson by telephone at (202) 693-1000, extension 16176 (this is not a toll-free number), or by email at Gibson.Patrice.A@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Correspondence, Communication and Coordination, Attention: Patrice Gibson, 200 Constitution Avenue NW, Room N-4507, Washington, DC 20210; by email: Gibson.Patrice.A@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Patrice Gibson by telephone at (202) 693-1000 extension 16176 (this is not a toll-free number) or by email at Gibson.Patrice.A@dol.gov.

(Authority: 44 U.S.C. 3506(c)(2)(A).)

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

ETA is soliciting comments regarding an extension of a currently approved generic information collection. The collection would allow for a quick review process by OMB of a series of 8 to 20 short surveys or site visit protocols relevant to the broad spectrum of programs administered by ETA, including those authorized by the Workforce Innovation and Opportunity Act of 2014 and other statutes. The surveys and interviews would cover a variety of issues, including but not limited to governance, administration, funding, service design and delivery, and participant experiences. Each survey and site visit protocol would be short (typically 10-30 questions for different groups of respondents). Depending on the purpose for collecting the information, these may be conducted with state workforce agencies, local workforce development boards, American Job Centers, partner programs, other entities involved in activities relevant to ETA, and customers of the workforce system and related programs. Each survey

instrument and site visit protocol will be designed on an ad hoc basis and will focus on topics of pressing policy or research interest. Examples of broad topic areas include but are not limited to:

- State and local management information systems,
- New processes and procedures,
- Services to, and their effectiveness with, different target groups,
- Integration and coordination with other programs, and
- Local workforce investment board membership and training.

ETA is seeking an extension of the current collection to be able to obtain quick approval to conduct surveys and site visits so that it can collect and analyze, on a timely basis, information on various programs, practices, or problems, and to meet its obligations to develop high-quality policy, research, administrative guidance, regulations, and technical assistance. ETA will request information in these surveys and site visits that is not otherwise available. Other research and evaluation efforts, including long-range evaluations, take many years for data to be gathered and analyzed.

Administrative information, including quarterly or annual data reported by states and local areas, do not provide sufficient information on key operational practices, staff, or participant perspectives, and new or rapidly emerging issues. ETA will make every effort to coordinate the "quick turnaround" surveys and site visits with other data collections in ETA or other parts of the DOL, in order to ease the burden on local, state, and other respondents, to avoid duplication, and to fully explore how data and information from each study can be used to inform other studies. Information from the quick turnaround surveys will thus complement but not duplicate other ETA reporting requirements or evaluation studies.

Section 169 of WIOA, Public Law 113-128, authorizes this information collection for both evaluations (section 169(a)) and research activities (section 169(b)).

This information collection is subject to the PRA. A federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a

valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control No. 1205-0436.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Action: Extension without change..

Title of Collection: Quick Turnaround Surveys.

OMB Control Number: 1205-0436.

Affected Public: State, Local, and Tribal Governments; Private Sector businesses or other for-profit and not-for-profit institutions; customers of the workforce system and other programs.

Total Estimated Number of Annual Respondents: 7,000.

Frequency: Various.

Total Estimated Annual Responses: 7,000.

Average Time per Response: Varies.

Total Estimated Annual Time Burden: 7,000 hours.

Total Estimated Annual Other Costs Burden: \$0.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–17831 Filed 8–31–26; 8:45 am]

BILLING CODE 4510-FN-P; 4510-FT-P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual Labor Surplus Area (LSA) list for Fiscal Year (FY) 2027.

DATES: The annual LSA list is effective October 1, 2026, for all States, the District of Columbia, and Puerto Rico.

FOR FURTHER INFORMATION CONTACT:

Fernan Ramirez, Office of Policy Development and Research, or Donald Haughton, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210. Email: Fernan Ramirez, ramirez.fernand@dol.gov, or Donald Haughton, haughton.donald.w@dol.gov.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL)'s regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subpart A. These regulations require the DOL's Employment and Training Administration (ETA) to classify jurisdictions as LSAs pursuant to the criteria specified in the regulations, and to publish annually a list of LSAs. Pursuant to those regulations, ETA is hereby publishing the annual LSA list.

In addition, the regulations provide exceptional circumstance criteria for classifying LSAs when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

A LSA is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during

the same 24-month reference period. ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average unemployment rate for all states includes data for the District of Columbia, and the Commonwealth of Puerto Rico. The LSA classification criteria stipulate a civil jurisdiction must have a "floor unemployment rate" of 6 percent or higher to be classified an LSA. Any civil jurisdiction that has a "ceiling unemployment rate" of 10 percent or higher is classified an LSA.

Civil jurisdictions are defined as follows:

1. A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or
2. A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or
3. All counties, except for those counties which contain any type of civil jurisdictions defined in "1" or "2" above; or
4. A "balance of county" consisting of a county less any component cities and townships identified in "1" or "2" above; or
5. A county equivalent which is a town in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont or a municipio in the Commonwealth of Puerto Rico.

Procedures for Classifying Labor Surplus Areas

DOL issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2024 through December 2025. The national average unemployment rate (including Puerto Rico) during this period is rounded to 4.16 percent. Twenty percent higher than the national unemployment rate during this period is rounded to 5 percent. Since this percent is below the floor rate, the qualifying rate is 6 percent.

To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that city is identified in the LSA list. The balance of county, not the entire county, will be identified as a LSA if the balance of county also meets the LSA unemployment criteria. The data on the current and previous years'

LSAs are available at www.dol.gov/agencies/eta/lsa.

Petition for Exceptional Circumstance Consideration

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas, or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget (OMB). In order for an area to be classified as a LSA under the exceptional circumstance criteria, the State Workforce Agency must submit a petition requesting such classification to the ETA. The current criteria for an exceptional circumstance classification are:

1. An area's unemployment rate is at least 6 percent for each of the three most recent months; and
2. A projected unemployment rate of at least 6 percent for each of the next 12 months because of an event.

When submitting such a petition, the State Workforce Agency must provide documentation that the exceptional circumstance event has occurred. The State Workforce Agency may file petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Micropolitan Statistical Areas.

State Workforce Agencies may submit petitions in electronic format to ramirez.fernand@dol.gov, haughton.donald.w@dol.gov, or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Policy Development and Research, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–17828 Filed 8–31–26; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Protection Program Information**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The VPP recognizes employers and workers in the private industry and federal agencies who have implemented effective safety and health management systems and maintain injury and illness rates below national Bureau of Labor Statistics averages for their respective industries. In VPP, management, labor, and OSHA work cooperatively and proactively to prevent fatalities, injuries, and illnesses through a system focused on; hazard prevention and control; worksite analysis; training; and management commitment and worker involvement. The OSHA Safety Champions Program provides interested employers and workers the opportunity to gain assistance in improving their safety and health management systems. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 28, 2026 (91 FR 22864).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and

cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Voluntary Protection Program Information.

OMB Control Number: 1218–0239.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 3,000.

Total Estimated Number of Responses: 9,470.

Total Estimated Annual Time Burden: 53,440 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–17830 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Default Investment Alternatives Under Participant Directed Individual Account Plans**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee

Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Department of Labor finalized a regulation under ERISA section 404(c)(5)(A). The regulation offers guidance on the types of investment vehicles that plans may choose as their “qualified default investment alternative” (QDIA) and receive fiduciary relief. The regulation also outlines two types of information collections. First, it implements the statutory requirement that plans provide annual notices to participants and beneficiaries whose account assets could be invested in a QDIA. Second, the regulation requires plans to disclose certain information regarding a QDIA to those participants and beneficiaries with assets invested in the QDIA as well to provide certain information on request. These two information collections are necessary to inform participants and beneficiaries, who do not make investment elections, of the consequences of their failure to elect investments, the ways in which their account assets will be invested through the QDIA, and of their continuing opportunity to make other investment elections, including options available under the plan. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 18, 2026 (91 FR 7528).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information,

including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL—EBSA.

Title of Collection: Default Investment Alternatives under Participant Directed Individual Account Plans.

OMB Control Number: 1210–0132.

Affected Public: Private sector.

Total Estimated Number of

Respondents: 461,479.

Total Estimated Number of Responses: 58,280,320.

Total Estimated Annual Time Burden: 95,854 hours.

Total Estimated Annual Other Costs Burden: \$2,500,225.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–17835 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Administration Conflict of Interest and Disclosure

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-

sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 29 CFR 1926.502 and Training Requirements (29 CFR 1926.503) ensure that employers provide the required fall protection for their workers. Accordingly, these standards have the following paperwork requirements: Paragraphs (c)(4)(ii) and (k) of 29 CFR 1926.502, which specify certification of safety nets and development of fall protection plans, respectively, and paragraph (b) of 29 CFR 1926.503, which requires employers to certify training records. The training certification requirement specified in paragraph (b) of 29 CFR 1926.503 documents the training provided to workers potentially exposed to fall hazards in construction. A competent person must train these workers to recognize fall hazards and in the use of procedures and equipment that minimize these hazards. An employer must verify compliance with this training requirement by preparing and maintaining a written certification record that contains the name or other identifier of the worker receiving the training, the date(s) of the training, and the signature of the competent person who conducted the training, or of the employer. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on August 11, 2025 (90 FR 38668).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information,

including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL—OSHA.

Title of Collection: Occupational Safety and Health Administration Conflict of Interest and Disclosure.

OMB Control Number: 1218–0255.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 36.

Total Estimated Number of Responses: 36.

Total Estimated Annual Time Burden: 27 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–17827 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Fall Protection Systems Criteria, Practices, and Training Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational

Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202-693-0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 29 CFR 1926.502 and Training Requirements (29 CFR 1926.503) ensure that employers provide the required fall protection for their workers. Accordingly, these standards have the following paperwork requirements: Paragraphs (c)(4)(ii) and (k) of 29 CFR 1926.502, which specify certification of safety nets and development of fall protection plans, respectively, and paragraph (b) of 29 CFR 1926.503, which requires employers to certify training records. The training certification requirement specified in paragraph (b) of 29 CFR 1926.503 documents the training provided to workers potentially exposed to fall hazards in construction. A competent person must train these workers to recognize fall hazards and in the use of procedures and equipment that minimize these hazards. An employer must verify compliance with this training requirement by preparing and maintaining a written certification record that contains the name or other identifier of the worker receiving the training, the date(s) of the training, and the signature of the competent person who conducted the training, or of the employer. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 17, 2025 (90 FR 58623).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and

cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-OSHA.

Title of Collection: Construction Fall Protection Systems Criteria, Practices, and Training Requirements.

OMB Control Number: 1218-0197.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 449,782.

Total Estimated Number of Responses: 6,715,846.

Total Estimated Annual Time Burden: 560,607 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026-17826 Filed 8-31-26; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Overpayment Detection and Recovery Activities

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment

and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Form ETA-227 is a quarterly data collection concerned with identifying fraud. Data cells describe fraud identified through tools (State and National Directories of New Hires) and break out fraud cases in the Federal-State Extended Benefits program. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 12, 2026 (91 FR 1222).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Overpayment Detection and Recovery Activities.

OMB Control Number: 1205–0187.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 2,968 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–17832 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Presence Sensing Device Initiation (PSDI) Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 29 CFR 1910.217(h) regulates the use of Presence Sensing Devices (PSDs) in mechanical power-press safety systems. A PSD (e.g., a photoelectric field or curtain) automatically stops the stroke of a mechanical power press when the device detects an operator entering a danger zone near the press. The PSD initiation standard contains a number of information collection requirements, including: certifying brake monitor adjustments, alternatives to photoelectric PSDs, safety system design and installation, and worker training; annual recertification of safety systems; establishing and maintaining the original certification and validation records, as well as the most recent recertification and revalidation records; affixing labels to test rods and to certified and recertified presses; and notifying an OSHA-recognized third-party validation organization when a safety system component fails, the employer modifies the safety system, or a point-of-operation injury occurs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 23, 2025 (90 FR 45815).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs

receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Presence Sensing Device Initiation (PSDI) Standard.

OMB Control Number: 1218–0143.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 1 hour.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–17836 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

[OMB Control No. 1290–0044]

Proposed Extension of Information Collection; Registration for Public API

AGENCY: Office of the Assistant Secretary for Policy, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of the Assistant Secretary for Policy (OASP) is soliciting comments on the information collection for Registration for Public API.

DATES: All comments must be received on or before 9/30/2026.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically,

including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- **Mail/Hand Delivery:** Mail or visit DOL–OASP, Office of Assistant Secretary Policy.

- OASP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Brandon Brown, Office of Chief Analytics and Data Officer, OASP, at Brown.Brandon@dol.gov (email); 202–693–0671 (voice).

SUPPLEMENTARY INFORMATION:

I. Background

DOL is continuing to develop a new public facing data service consistent with the requirements of title II of the Foundations for Evidence-Based Policymaking Act of 2018, the goals described in DOL's Enterprise Data Strategy, and feedback from a prior public request for information on how DOL can optimally structure its public data offerings available through Docket No. DOL–2021–0005 at www.regulations.gov.

To best ensure that this service will optimally meet current, evolving, and long range needs among public, private, and Federal data users, specifically with respect to the kinds of data offered, the formats of machine readable data made accessible, the software and services that can connect to the Application programming Interface (API), and the kinds of documentation provided, DOL anticipates collecting a limited number of characteristic data elements from prospective users. These data elements will guide DOL efforts to provide questions about familiarity with APIs usage, preferred software, questions about topics of analysis to ensure that our creation of tutorials, code examples, documentation, and data schema best reflect the collective needs of our users. The information will also be used to

identify patterns and trends among users to inform proper administration of the service. DOL will not disclose any of the information being collected to the public.

DOL experience shows that the number of applicants to our public data services will vary considerably but will almost certainly exceed 10 or more persons (ref: 5 CFR 1320.3(c)(4)(ii)), so DOL seeks to obtain and maintain PRA clearance to conduct this information collection.

II. Desired Focus of Comments

OASP is soliciting comments concerning an information collection of user registrations to access a public Application Programming Interface providing machine readable subsets of public data generated by DOL programs and activities. OASP is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OASP's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Documents related to this information collection request are available at <https://regulations.gov> and at DOL–OASP located at 200 Constitution Ave. NW, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns Registration for Public API. OASP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: DOL–OASP.

OMB Number: 1290–0044.

Affected Public: Individuals and Households and Not-for-Profit Institutions.

Number of Respondents: 200.

Number of Responses: 200.

Annual Burden Hours: 30 hours.

Estimated Average Hourly Wage of Respondents: \$60.96.

Estimated Total Annual Burden Costs: \$1828.80.

Annual Respondent or Recordkeeper Cost: \$0.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

Authority: The authority for this notice is 44 U.S.C. 3507(a)(1)(D).

Brandon S. Brown,

Certifying Officer.

[FR Doc. 2026–17837 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Aerial Lifts Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Employers who modify an aerial lift for uses other than those provided by the

manufacturer must obtain a certificate from the manufacturer or equivalent entity certifying that the modification is in conformance with applicable ANSI standards and that the equipment is as safe as it was prior to the modification. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 10, 2025 (91 FR 5958).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-OSHA.

Title of Collection: Aerial Lifts Standard.

OMB Control Number: 1218-0216.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 1 hour.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2026-17829 Filed 8-31-26; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Privacy Act of 1974; System of Records

AGENCY: Department of Labor.

ACTION: Notice of a New Matching Program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the Department of Labor (DOL) is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DOL is establishing a new matching program consisting of the computerized comparison of systems of records for benefits programs at DOL with the Do Not Pay (DNP) Working System, which is administered by the Department of Treasury's (Treasury) Bureau of the Fiscal Service. This matching program will enable the DOL programs listed in the appendix of this notice to compare records maintained in their respective systems of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments and conducting any related recovery activities by verifying through DNP prepayment or pre-award eligibility.

DATES: Comments must be received no later than October 1, 2026. The new matching program will be effective 30 days after publication of this notice through September 10, 2029.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *Federal e-Rulemaking Portal:* <https://www.regulations.gov> or <https://www.federalregister.gov>. Follow the instructions for submitting comments.

All comments will be made public and will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Mara S. Blumenthal, DOL Privacy Program, by telephone at 202-693-3181, or by email at privacy@dol.gov.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503) amended the Privacy Act of 1974 (5 U.S.C. 552a) by establishing procedural

safeguards related to agencies' use of records when performing certain types of computerized matching. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for individuals when agencies perform these functions. Additionally, the Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the head of the agency operating the DNP Working System with the authority, in consultation with OMB, to waive the requirements in 5 U.S.C. 552a(o) in any case or class of cases for matching activities conducted under the DNP Initiative (31 U.S.C. 3354). Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement under 5 U.S.C. 552a(o) for the class of matching programs that meet all of the criteria defined in OMB Memorandum M-25-32, *Preventing Improper Payments and Protecting Privacy through Do Not Pay*.

DOL, in consultation with Treasury, has determined that the DNP matching program described in this notice is eligible for the waiver described in OMB Memorandum M-25-32, which is effective from September 10, 2025 through September 10, 2029. For purposes of this notice, matching activities conducted between the Federal benefit programs listed in the appendix to this document and the DNP Working System constitute a single agency-wide matching program implementing DNP for DOL's listed programs.¹

Participating Agencies

The DOL programs listed in the appendix of this notice will match against the DNP Working System, which is maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program

The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, *Reducing Improper Payments* (74 FR 62201); Executive Order 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse* (90 FR

14011); and OMB Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay*. Additional information regarding the statutory authorities for the collection and maintenance of information for each of the DOL programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed in the appendix below.

Purpose(s)

The purposes of the matching program are identifying and preventing improper payments and conducting any related recovery activities by verifying through Do Not Pay prepayment or pre-award eligibility. Data elements that are necessary for eligibility determinations for a relevant DOL program that are contained in records from DOL systems of records will be compared with records in the DNP Working System. When there is a match between a record provided by the DOL program and a record in the DNP Working System, the

DNP Working System will provide to the submitting DOL program notice of a potentially matching record and will identify the database(s) that contain the potentially matching record(s). The DOL program will then review the information to determine whether additional action is needed. If no matches are identified, the DNP Working System will provide a no match response to the submitting DOL program.

Categories of Individuals

Applicants for, or recipients of, Federal funds from those DOL programs listed in the appendix below.

Categories of Records

Data elements that will be matched include: entity name (which may include individual name and/or business/trading names, if applicable); Social Security Number (SSN); Individual Taxpayer Identification Number (ITIN); bank account information, including account number and financial institution routing

number. Data elements that will not be matched but will be part of the matching program include: Date of birth and employment records.²

System(s) of Records

The Systems of Records that will be matched against the DNP Working System are listed in the Appendix to this notice. The records involved in the matching program from DOL/GOVT–1 are those maintained by DOL.

Appendix

Below is a list of the DOL programs that will match records with the DNP Working System. For purposes of this notice, matching activities conducted between the Federal benefit programs listed in the following appendix and the DNP Working System constitute a single agency-wide matching program implementing DNP for the agency. An asterisk (*) designates the last full **Federal Register** notice that includes all of the elements that are required to be in a system of records notice.

Component agency	Program name	Systems of records
Office of Workers Compensation Program (OWCP).	Office of Workers' Compensation—Coal Mine Workers' Compensation.	DOL/OCFO–2 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016); DOL/OWCP–2 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016); DOL/OWCP–9 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016).
OWCP	Office of Workers' Compensation—Energy Employees Occupational Illness Compensation.	DOL/OCFO–2 91 FR 21315 (April 21, 2026); 81 FR 25765* (April 29, 2016); DOL/OWCP–11 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016).
OWCP	Office of Workers' Compensation—Federal Employees' Compensation Act.	DOL/OCFO–2 91 FR 21315 (April 21, 2026); 81 FR 25765* (April 29, 2016); DOL/GOVT–1 91 FR 24916 (May 7, 2026), 81 FR 25765* (April 29, 2016).
OWCP	Office of Workers' Compensation—Longshore and Harbor Workers Compensation.	DOL/OCFO–2 91 FR 21315 (April 21, 2026); 81 FR 25765* (April 29, 2016) DOL/OWCP–3 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016); DOL/OWCP–4 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016); DOL/OWCP–5 91 FR 21315 (April 21, 2026), 81 FR 25765* (April 29, 2016).

Braye Cloud,
Deputy Assistant Secretary for Operations,
Department of Labor.

Footnote

1. The statutory definition of the term “matching program” means “any computerized comparison of—(i) two or more automated systems of records or a system of records with non-Federal records” for certain enumerated purposes. 5 U.S.C. 552a(a)(8) (emphasis added). There is a separate statutory definition for “Federal benefit program.” See OMB Memorandum M–25–32 at Appendix II, page 2, sec. a.3.iii.1 (recognizing that a single agency matching program may consist of multiple systems of records). Thus, this notice applies to the DNP matching program for multiple Federal benefits programs and associated systems of records within DOL.
2. “A matching program covers not only the actual computerized comparison, but the investigative followup and ultimate action, if

any” (Final Guidance Interpreting the Provisions of Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25822, (June 19, 1989)).

3.

[FR Doc. 2026–17838 Filed 8–31–26; 8:45 am]

BILLING CODE 4510–04–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the Blanket Justification for National Endowment for the Arts Funding Application Guidelines and Requirements

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Endowment for the Arts (Arts Endowment) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: *Blanket Justification for National Endowment for the Arts Funding Application Guidelines and Requirements*. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting www.reginfo.gov.

DATES: Interested people are invited to submit comments within 30 days from the date of this publication in the **Federal Register**.

ADDRESSES: Written comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: The Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, (T) 202–395–7316.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Could help minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through *Grants.gov*.

Agency: National Endowment for the Arts.

Title of Collection: Blanket Justification for National Endowment for the Arts Funding Application Guidelines and Requirements.

OMB Number: 3135–0112.

Frequency: Annually.

Affected Public: Nonprofit organizations, government agencies, and individuals.

Estimated Number of Respondents: 4,633.

Estimated Time per Respondent: 22 hours.

Total Burden Hours: 102,440.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

The National Endowment for the Arts requests a review of its funding application guidelines and requirements. Application guidelines elicit relevant information from individuals, nonprofit organizations, and government agencies that apply for funding from the National Endowment for the Arts. This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the review process. This request is issued by the National

Endowment for the Arts and contains the following information: (1) the title of the form; (2) how often the required information will be collected; (3) who will be required or asked to use the form; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Dated: August 28, 2026.

David Travis,

Specialist, Office of Guidelines and Panel Operations, National Endowment for the Arts.

[FR Doc. 2026–17860 Filed 8–31–26; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the “2026 Final Descriptive Report Update” Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: 2025 Final Descriptive Report Update. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting www.Reginfo.gov. **DATES:** Written comments must be submitted to the office listed in the address section below within 30 days from the date of this publication in the **Federal Register**.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “National Endowment for the Arts” under “Currently Under Review;” then check “Only Show ICR for Public Comment” checkbox. Once you have found this information collection request, select “Comment,” and enter or upload your comment and information. Alternatively, comments can be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, or call

(202) 395–7316, within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: National Endowment for the Arts.

Title: 2026 Final Descriptive Report Update.

OMB Number: 3135–0140.

Frequency: Annually.

Affected Public: Nonprofit organizations, government agencies, and individuals.

Estimated Number of Respondents: 15,908.

Estimated Time per Respondent: 1.7 hours.

Total Burden Hours: 26,522.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

Description: Final Descriptive Reports elicit relevant information from individuals, nonprofit organizations, and government arts agencies that receive funding from the National Endowment for the Arts. According to OMB 2 CFR part 200, recipients of federal funds are required to report on project activities and expenditures. Reporting requirements are necessary to ascertain that grant projects have been completed, and that all terms and conditions have been fulfilled.

Dated: August 28, 2026.

RaShaunda Thomas,

Director (Acting), Office of Administrative Services & Contracts, National Endowment for the Arts.

[FR Doc. 2026–17824 Filed 8–31–26; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4225]

Biweekly Notice;

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations
AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by October 1, 2026. A request for a hearing or petitions for leave to intervene must be filed by November 2, 2026. This biweekly notice includes all amendments issued, or proposed to be issued, from July 21, 2026, to August 3, 2026. The last biweekly notice was published on August 18, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–4225. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the “For Further Information Contact” section of this document.

- *Mail comments to:* Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Karen Zeleznock, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–1118; email: Karen.Zeleznock@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–4225, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–4225.
- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2026–4225, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees’ analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR) “Notice for public comment; State consultation,” are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission’s regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in

the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity to Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit

a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and the NRC's public website (<https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056), and on the NRC's public website (<https://www.nrc.gov/site-help/e-submittals.html>).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the

NRC's public website (<https://www.nrc.gov/site-help/e-submittals/getting-started.html>). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (<https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website (<https://www.nrc.gov/site-help/e-submittals.html>), by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (<https://ehd.nrc.gov>), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are

requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT REQUESTS

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Constellation Energy Generation, LLC; Byron Station, Unit Nos. 1 and 2; Ogle County, IL; Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Calvert County, MD; Constellation Energy Generation, LLC, Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC and Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Units 1 and 2; Oswego County, NY; Constellation Energy Generation, LLC and PSEG Nuclear LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York and Lancaster Counties, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Constellation Energy Generation, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Unit 1, Grundy County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Unit 1; York County, PA; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY

Docket Nos.	50-456, 50-457, 72-073, 50-454, 50-455, 72-068, 50-317, 50-318, 72-008, 50-461, 72-1046, 50-010, 50-237, 50-249, 72-037, 50-333, 72-012, 50-373, 50-374, 72-070, 50-352, 50-353, 72-065, 50-220, 50-410, 72-1036, 50-171, 50-277, 50-278, 72-029, 50-254, 50-265, 72-053, 50-244, 72-67.
Application date	July 9, 2026.
ADAMS Accession No.	ML26190A371.
Location in Application of NSHC	Pages 5-8 of Attachment 1.
Brief Description of Amendments	The proposed amendments would revise the Emergency Plans for the affected facilities to adopt the Nuclear Energy Institute's (NEI's) revised Emergency Action Level schemes described in NEI 99-01, "Development of Emergency Action Levels for Non-Passive Reactors," Revision 7, September 2024 (ML24274A312), which have been endorsed by the NRC as documented in Regulatory Guide 1.101, "Emergency Response Planning and Preparedness for Nuclear Power Reactors," Revision 7, September 2025 (ML25065A240).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Scott Wall, 301-415-2855.

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC; Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Mecklenburg County, NC; Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC; Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC; Duke Energy Progress, LLC; H. B. Robinson Steam Electric Plant, Unit No. 2; Darlington County, SC; Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC

Docket Nos.	50-324, 50-325, 50-413, 50-414, 50-400, 50-369, 50-370, 50-269, 50-270, 50-287, 50-261.
Application date	August 6, 2026.
ADAMS Accession No.	ML26218A122.
Location in Application of NSHC	Pages 11-12 of Attachment 1.
Brief Description of Amendments	The proposed amendments would adopt Technical Specifications Task Force (TSTF)-596, "Expand the Applicability of the Surveillance Frequency Control Program (SFCP)," which is an approved change to the Standard Technical Specifications. The proposed change also revises the SFCP to reference additional regulatory mechanisms that may be used to control Surveillance Frequencies, such as 10 CFR 50.55a and 10 CFR 50.69. The proposed change revises Surveillance Requirements that reference the Inservice Testing Program to instead reference the SFCP.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tracey Mitchell LeRoy, Deputy General Counsel, Duke Energy Corporation, 525 S. Tryon Street, Charlotte, NC 28202.

LICENSE AMENDMENT REQUESTS—Continued

NRC Project Manager, Telephone Number	Shawn Williams, 301-415-1009.

Energy Northwest; Columbia Generating Station; Benton County, WA

Docket No.	50-397.
Application date	June 24, 2026.
ADAMS Accession No.	ML26175A325.
Location in Application of NSHC	Pages 15-17 of the Enclosure.
Brief Description of Amendment	The proposed amendment would revise the license condition associated with the adoption of 10 CFR 50.69, "Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors," that was added to the Columbia Generating Station Operating License upon issuance of Amendment No. 269. Specifically, the proposed change would incorporate use of the "Enhanced Risk-Informed Categorization Methodology for Pressure Boundary Components."
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Ryan Lukson, Assistant General Counsel, Energy Northwest, MD 1020, P.O. Box 968, Richland, WA 99352.
NRC Project Manager, Telephone Number	Mahesh Chawla, 301-415-8371.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket Nos.	50-390, 50-391.
Application date	July 15, 2026.
ADAMS Accession No.	ML26196A270.
Location in Application of NSHC	Pages E1-E3 of the Enclosure.
Brief Description of Amendments	The proposed amendments would add a new Action that is applicable prior to criticality following a refueling for Technical Specification (TS) 3.6.15, "Shield Building." The proposed change is based on Technical Specifications Task Force (TSTF) traveler TSTF-601-A, Revision 1, "Extend Shield Building Completion Time After Refueling."
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Edward C. Meade (Interim) Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Michael Mahoney, 301-415-3867.

Vistra Operations Company LLC; Davis-Besse Nuclear Power Station, Unit 1; Ottawa County, OH

Docket No.	50-346.
Application date	July 1, 2026.
ADAMS Accession No.	ML26182A167.
Location in Application of NSHC	Pages 6-7 of Attachment 1.
Brief Description of Amendment	The proposed amendment would modify the Davis-Besse Nuclear Power Station, Unit 1, Technical Specifications (TSs) to permit the use of Risk Informed Completion Times in accordance with Technical Specifications Task Force (TSTF) Traveler 505 (TSTF-505), Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b" and TSTF-591, Revision 0, "Revise the Risk Informed Completion Time (RICT) Program."
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Roland Backhaus, Senior Lead Counsel-Nuclear, Vistra Corp., 325 7th Street, NW, Suite 520, Washington, DC 20004.
NRC Project Manager, Telephone Number	Robert Kuntz, 301-415-3733.

Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS

Docket No.	50-482.
Application date	August 11, 2026.
ADAMS Accession No.	ML26223A000.
Location in Application of NSHC	Pages 3-5 of Attachment 1.
Brief Description of Amendment	The proposed amendment would adopt Technical Specification (TS) Task Force (TSTF) Traveler 585 (TSTF-585) "Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk." TSTF-585 revises LCO 3.0.3 to require assessing and managing plant risk whenever LCO 3.0.3 is entered. If the risk assessment determines that continuing plant operation is acceptable and other conditions are satisfied, 24 hours from entry into LCO 3.0.3 is permitted to initiate a shutdown. Otherwise, initiation of the shutdown is required immediately. The proposed amendment would also revise or add some TS Required Actions to direct a plant shutdown instead of entry into LCO 3.0.3.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Chris Johnson, Corporate Counsel Director, Evergy, One Kansas City Place, 1KC-Missouri HQ 16, 1200 Main Street, Kansas City, MO 64105.
NRC Project Manager, Telephone Number	Robert Kuntz, 301-415-3733.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances

provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT ISSUANCES

Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA	
Docket Nos	50–352, 50–353.
Amendment Date	August 7, 2026.
ADAMS Accession No	ML26212A417.
Amendment Nos	272 (Unit 1) and 235 (Unit 2).
Brief Description of Amendments	The license amendments revised the Technical Specifications (TSs) for Limerick Generating Station, Units 1 and 2, to adopt the changes described in Technical Specification Task Force (TSTF) Traveler 585, Revision 5, "Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk." The amendments revised LCO 3.0.3 and several associated TS actions to require a risk assessment and appropriate risk management actions when entering LCO 3.0.3, and, under certain conditions, to allow a limited period of continued operation before initiating a plant shutdown. The amendments also revised or added required actions in several plant-specific TSs to either direct a plant shutdown or clarify entry into LCO 3.0.3, and made editorial and administrative changes to maintain consistency with the Standard Technical Specifications and the adopted TSTF.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY	
Docket Nos	50–333, 50–352, 50–353, 50–410.
Amendment Date	August 3, 2026.
ADAMS Accession No	ML26195A160.
Amendment Nos	FitzPatrick—365 (Unit 1); Limerick—270 (Unit 1) and 233 (Unit 2); Nine Mile Point—205 (Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications for each facility in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–576, Revision 3, "Revise Safety/Relief Valve Requirements."
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Florida Power & Light Company, et al.; St. Lucie Plant, Unit Nos. 1 and 2; St. Lucie County, FL; Florida Power & Light Company; Turkey Point Nuclear Generating, Unit Nos. 3 and 4; Miami-Dade County, FL; NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI; NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH	
Docket Nos	50–250, 50–251, 50–266, 50–301, 50–335, 50–389, 50–443.
Amendment Date	August 12, 2026.
ADAMS Accession No	ML26209A289.
Amendment Nos	Point Beach—280 (Unit 1) and 282 (Unit 2); Seabrook—181 (Unit 1); St. Lucie—259 (Unit 1) and 216 (Unit 2); Turkey Point—307 (Unit 3) and 300 (Unit 4).
Brief Description of Amendments	The amendments adopted Technical Specification Task Force (TSTF) Traveler 585, "Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCES—Continued

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Docket Nos	50–315, 50–316.
Amendment Date	August 11, 2026.
ADAMS Accession No	ML26195A225.
Amendment Nos.	367 (Unit 1) and 348 (Unit 2).
Brief Description of Amendments	The license amendments revised the Technical Specifications (TSs) for the Donald C. Cook Nuclear Plant, Units 1 and 2, to adopt TS Task Force –585, “Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.” Previously, the TSs required immediate initiation of shutdown upon entry into LCO 3.0.3 when required actions were not met. The amendments revised LCO 3.0.3 and associated actions in several systems to require a risk assessment and appropriate risk management actions when entering LCO 3.0.3, allowing a limited period of continued operation under certain conditions, and directed plant shutdowns in specific scenarios. The amendments also removed expired footnotes and made administrative changes to maintain consistency with the Standard Technical Specifications.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52–025, 52–026.
Amendment Date	August 11, 2026.
ADAMS Accession No	ML26191A383.
Amendment Nos.	218 (Unit 3) and 215 (Unit 4).
Brief Description of Amendments	The amendments modified the license and technical specification requirements to adopt Technical Specification Task Force (TSTF) Travelers 475, Revision 1, “Control Rod Notch Testing Frequency and SRM [source range monitor] Insert Control Rod Action,” and TSTF–529, Revision 4, “Clarify Use and Application Rules.”
Public Comments Received as to Proposed NSHC (Yes/No).	Yes.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX

Docket Nos	50–445, 50–446.
Amendment Date	August 11, 2026.
ADAMS Accession No	ML26181A038.
Amendment Nos.	197 (Unit 1) and 197 (Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–547, “Clarification of Rod Position Requirements.”
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX

Docket Nos	50–445, 50–446.
Amendment Date	August 13, 2026.
ADAMS Accession No	ML26217A021.
Amendment Nos.	198 (Unit 1) and 198 (Unit 2).
Brief Description of Amendments	The amendments modified the Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2, technical specifications (TSs) by removing a note and TSs that have expired relevancy.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Authority: 42 U.S.C. 2011 *et seq*

Dated: August 24, 2026.

For the Nuclear Regulatory Commission.

Michael Markley,

Chief, Division of Licensing Projects 1, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–17825 Filed 8–31–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 11006367; NRC–2019–0213]

Perma-Fix Northwest Richland, Inc.; Export License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to provide comments, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering approval of an export application, received on June 17, 2026, from Perma-

Fix Northwest Richland, Inc. (Perma-Fix). In the application, Perma-Fix seeks to amend and renew existing license, XW025, authorizing the export of radioactive waste to Italy. The NRC is providing notice of the opportunity to comment, request a hearing, and petition for leave to intervene on Perma-Fix’s application. This action will renew the existing export license for an additional 5 years to expire on May 31, 2031, and amend the existing export license to increase the total volume of waste from 10,000 kilograms (Kgs) to 30,000 Kgs. kilograms.

DATES: Submit comments by October 1, 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. A request for a hearing or petition for leave to intervene must be filed by October 1, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0213. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Hearing.Docket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time (ET) Federal workdays; telephone: 301-415-1677.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shannon Doane, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7000; email: Shannon.Doane@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2019-0213 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-2019-0213.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. ET, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2019-0213 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

Perma-Fix was issued export license XW025 on May 19, 2021. Export license XW025 authorized the export of up to 10,000 Kgs of radioactive waste containing byproduct material in the form of residual ash, residual metal and/or non-combustible material to Italy and it expired on May 31, 2026 (ADAMS Accession No. ML21140A040). Perma-Fix submitted XW025/01 on June 17, 2026, requesting to renew and amend

the export license authorizing the export of radioactive waste from Perma-Fix facilities in the State of Washington to Italy (ADAMS Accession No. ML26211A353).

III. Opportunity To Comment

The NRC is providing notice of the receipt of the application; providing the opportunity to submit written comments concerning the application; and providing the opportunity to request a hearing or petition for leave to intervene, for a period of 30 days after publication of this notice in the **Federal Register**. Within 30 days from the date of publication of this notice, persons may submit written comments concerning the actions in this notice, as provided in section 110.81 of title 10 of the *Code of Federal Regulations* (10 CFR) "Written comments." The NRC will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this notice.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 30 days after the date of publication of this notice any person may file a request for a hearing or petition for leave to intervene with respect to the actions in this notice. A hearing request or petition for leave to intervene must include the information specified in 10 CFR 110.82(b). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner in accordance with 10 CFR 110.89(a), either by delivery, by mail, or filed with the NRC electronically in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). Detailed guidance on electronic submissions may be found in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website (<https://www.nrc.gov/site-help/e-submittals.html>).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant

will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate).

Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

Application Information

Name of Applicant	Perma-Fix Northwest Richland, Inc.
Date of Application	June 17, 2026.
Date Received	June 17, 2026.
Application No	XW025/01.
Docket No	11006367.
ADAMS Accession No	ML26211A353.

Description of Material

Material Type	Mixed waste contaminated with byproduct materials.
Total Quantity	30,000 kilograms.
End Use	Disposal in Italy.
Country of Destination	Italy.

(Authority: 42 U.S.C. 2011 *et seq.*)

Dated: August 27, 2026.

For the Nuclear Regulatory Commission.

David Skeen,

Director, Office of International Programs.

[FR Doc. 2026-17775 Filed 8-31-26; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-361 and K2026-352]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 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:

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- 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.

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).

Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: MC2026-361 and K2026-352; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International

Service Contract 123 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 27, 2026; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: September 4, 2026.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026-17855 Filed 8-31-26; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106213; File No. SR-NASDAQ-2026-068]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Listing Fees for Exchange-Traded Products and Add a New Quality Liquidity Provider Program

August 27, 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 18, 2026, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (i) amend the Exchange's listing fees for exchange-traded products ("ETPs") at Rule 5940, and (ii) add a new Quality Liquidity Provider (as defined below) program in Equity 7, Section 114(h).

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on September 1, 2026.

The text of the proposed rule change is available on the Exchange's website at

<https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to (i) amend the Exchange's listing fees for exchange-traded products ("ETPs") in Rule 5940, and (ii) add a new Quality Liquidity Provider³ ("QLP") program in Equity 7, Section 114(h). Together, these proposed changes are intended to create a more scalable, targeted, and effective market quality support structure for Nasdaq-listed ETPs that provides issuers with more flexibility to align their annual listing fees with service levels, expands participation opportunities for high performing market makers, and enhances incentives in lower volume Nasdaq-listed ETPs.

Premier Annual Listing Fee

Today, pursuant to Rule 5940(b)(1), the Exchange assesses most ETPs that are listed under Nasdaq's Rule 5700 Series a flat annual fee ("Standard Annual Listing Fee") of \$4,000 for each product.⁴

³ As set out in proposed paragraph (h)(2) of Equity 7, Section 114, a "Quality Liquidity Provider" or "QLP" is a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A QLP shall be selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. There may only be one QLP per Qualified Security.

⁴ Specifically, Rule 5940(b)(1) currently applies to each product that is a series of Portfolio Depository Receipts (Rule 5705(a)), Index Fund Shares (Rule 5705(b)), Managed Fund Shares (Rule 5735), Class ETF Shares (Rule 5703), Exchange Traded Fund Shares (Rule 5704), Commodity-Based Trust Shares (Rule 5711(d)), Currency Trust Shares (Rule

The Exchange proposes to introduce a new "Premier Annual Listing Fee" of \$50,000 per product for issuers of ETPs listed on Nasdaq under the Rule 5700 Series. This new Premier Annual Listing Fee will be an alternative to the current \$4,000 Standard Annual Listing Fee. The new listing fee will provide issuers with access to expanded liquidity support services for their Nasdaq-listed ETPs, and in particular, eligibility for their ETPs to participate in the QLP program. As discussed in more detail later in this filing, the QLP program will provide incentives to the registered market maker of the issuer's ETP (*i.e.*, the QLP) that meet performance metrics specified therein. In connection with this change, the Exchange proposes to rename the current "All-Inclusive Annual Listing Fee" to the "Standard Annual Listing Fee." The fee amounts will remain unchanged for the Standard Annual Listing Fee. The Exchange also proposes to amend Rule 5940(b)(1) by specifying that the issuer of a series of Portfolio Depository Receipts, Index Fund Shares, Managed Fund Shares, Class ETF Shares, Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares, or Linked Securities or other security listed under the Rule 5700 Series where no other fee schedule is specifically applicable listed on The Nasdaq Global Market shall pay to Nasdaq either:

(i) a Standard Annual Listing Fee of \$4,000 for each product that is a series of Portfolio Depository Receipts, Index Fund Shares, Managed Fund Shares, Class ETF Shares, Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares, or Linked Securities or other security listed under the Rule 5700 Series where no other fee schedule is specifically applicable; or

(ii) for each product that is a series of Portfolio Depository Receipts, Index Fund Shares, Managed Fund Shares, Class ETF Shares, Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares, Linked Securities, Trust Issued Receipts, Proxy Portfolio Shares, or Managed Portfolio Shares only, a Premier Annual Listing Fee of \$50,000 in order for the

5711(e)), Commodity Index Trust Shares (Rule 5711(f)), Commodity Futures Trust Shares (Rule 5711(g)), Partnership Units (Rule 5711(h)), Trust Units (Rule 5711(i)), Managed Trust Shares (Rule 5711(j)), or Linked Securities (Rule 5710) or other security listed under the Rule 5700 Series where no other fee schedule is specifically applicable.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Quality Liquidity Provider (as defined in Equity 7, Section 114(h)) in an issuer's Qualified Security (as defined in Equity 7, Section 114(h)) to be eligible for the Quality Liquidity Provider Program in Equity 7, Section 114(h).

The Exchange notes that the specific list of ETP types eligible for the Premier Annual Listing Fee under proposed subparagraph (b)(1)(ii) of Rule 5940 is intentionally narrower than the list of ETP types under proposed subparagraph (b)(1)(i) of Rule 5740, which continues to include (as it does today) any security listed under the Rule 5700 Series where no other fee schedule is specifically applicable. As discussed under section titled "Consistency with Regulation M" below, this narrower list is designed to limit the QLP program to ETP types for which the Exchange believes participation does not implicate the concerns underlying Rule 102 of Regulation M.

Nasdaq also proposes to permit issuers to switch between the Standard and Premier Annual Listing Fees mid-year as follows:

- *From Premier to Standard:* Issuer will owe no additional listing fees but will receive no credit or offset for the difference.
- *From Standard to Premier:* Issuer's listing fees will be prorated and credited for unused months of the Standard Annual Listing Fee.

Specifically, proposed paragraph (b)(1)(ii) of Rule 5940 will provide that if the issuer of an ETP elects to switch from the Premier Annual Listing Fee to the Standard Annual Listing Fee, it will not owe any additional listing fee, nor shall it receive any credit or offset of the portion of the Premier Annual Listing Fee paid or assessed. For example, an issuer of an ETP paid the Premier Annual Listing Fee and elects to switch to the Standard Annual Listing Fee on October 21, 2025. Its new Standard Annual Listing Fee is \$4,000. Since the issuer of the ETP already paid a Premier Annual Listing Fee of \$50,000, it will not owe any Standard Annual Listing Fee for that calendar year. However, the issuer of the ETP would not receive any further credit of the amount previously paid for listing (*i.e.*, the Premier Annual Listing Fee) and would owe the full \$4,000 Standard Annual Listing Fee in the following year.

If the issuer of an ETP elects to switch from the Standard Annual Listing Fee to the Premier Annual Listing Fee, its Annual Listing Fees will be prorated based on the month of the switch. Such an issuer of an ETP will owe the Premier Annual Listing Fee starting in the month of switch and the Standard Annual Listing Fee for all earlier

months in the calendar year. For example, an issuer of an ETP paid the Standard Annual Listing Fee and elects to switch to the Premier Annual Listing Fee on October 21, 2025. Its new Premier Annual Listing Fee is \$50,000, which is prorated from October to December, resulting in a Premier Annual Listing Fee due of \$12,500 for its first calendar year. Since this issuer of the exchange traded product already paid a Standard Annual Listing Fee of \$4,000, it will be credited \$1,000, which represents the portion of the Standard Annual Listing Fee already paid for the remainder of the year. The issuer of the ETP, therefore, has a balance due to Nasdaq of \$11,500.

The Exchange also proposes to make related changes in paragraphs (b)(4), (b)(5), and (b)(8) of Rule 5940 to replace references to the "All-Inclusive Annual Listing Fee" to "Standard or Premier Annual Listing Fee." In paragraph (b)(6), the Exchange proposes to replace the reference to the "All-Inclusive Annual Listing Fee" with the "Standard Annual Listing Fee" only. As proposed, the Exchange will still charge a product the Premier Annual Listing Fee for the year in which a product listing transfers to the Exchange, as well as for the first full calendar year of its listing. Lastly, the Exchange proposes to rename the header in paragraph (b) of Rule 5940 from "All-Inclusive Annual Listing Fee" to "Annual Listing Fees" to reflect that the Exchange will have two tiers of annual listing fees for ETPs.

QLP Program

Today, pursuant to Equity 7, Sections 114(f) and 114(g), the Exchange maintains a Designated Liquidity Provider⁵ ("DLP") program and Market Quality Supporter⁶ ("MQS") program,

⁵ A "Designated Liquidity Provider" is a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A DLP is selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. For purposes of the DLP program, a security may be designated as a "Qualified Security" if: (A) it is an exchange-traded product listed on Nasdaq pursuant to Nasdaq Rules 5703, 5704, 5705, 5710, 5711, 5713, 5715, 5720, 5735, 5745, 5750 or 5760; and (B) it has one Designated Liquidity Provider. See Equity 7, Section 114(f)(1) and (2).

⁶ A "Market Quality Supporter" has committed to maintain minimum performance standards in Low Volume ETPs as defined in Equity 7, Section 114(g)(4)(A). A MQS is selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of

each of which are designed to enhance liquidity and market quality in Nasdaq-listed ETPs by providing incentives to the DLP or MQS for an ETP that is designated as a Qualified Security.⁷ The MQS program is designed to complement the DLP program by allowing up to three MQSs per Nasdaq-listed ETP to support market quality for Low Volume ETPs.⁸ As set out in Equity 7, Section 114(f)(4) and Section 114(g)(4), the DLP and MQS programs use market quality performance standards ("Market Quality Metrics" or "MQMs") based on the ETP's underlying investment strategy, which determine eligibility for DLP and MQS program incentives.⁹

The Exchange now proposes to establish a new QLP program in new Section 114(h) of Equity 7 that has many of the features currently in the DLP and MQS programs, and is intended to complement these two programs. As discussed below, QLPs will need to meet a more stringent set of MQMs compared to DLPs and MQSs, with higher thresholds for quoting, depth, and auction performance. To support this enhanced liquidity program, the Exchange proposes to offer issuers the ability to opt into the QLP program by paying a higher annual listing fee (*i.e.*, the Premier Annual Listing Fee discussed above). The proposed incentives under the QLP program are designed to encourage additional market makers to pursue QLP assignments and thereby support the provision of consistent liquidity in lower-volume ETPs on the Exchange. Like the current DLP and MQS programs, the Exchange would administer all aspects of the QLP program, and the proposed QLP

adherence to Nasdaq rules and securities laws. See Equity 7, Section 114(g)(2).

⁷ For purposes of the DLP and MQS programs, a security may be designated as a "Qualified Security" if: (A) it is an ETP listed on Nasdaq pursuant to Nasdaq Rules 5703, 5704, 5705, 5710, 5711, 5713, 5715, 5720, 5735, 5745, 5750 or 5760; and (B) it has one DLP (for the DLP program) and at least one MQS (for the MQS program). See Equity 7, Sections 114(f)(1) and (g)(1).

⁸ For purposes of the MQS program, the term "Low Volume" ETPs means ETPs with a monthly ADV of 1 million shares or less in the prior month, measured at the time the MQS is assigned in the MQS Program with respect to such ETP. Annually, the Exchange will review ETPs with MQS assignments and those that are above 1 million shares ADV on average over the prior year will be removed from the program. See Equity 7, Section 114(g)(4)(A).

⁹ See DLP and MQS Programs Factsheet, available at: <https://www.nasdaq.com/docs/ETF-DLP-Factsheet>. See also Securities Exchange Act Release Nos. 104444 (December 18, 2025), 90 FR 60168 (December 23, 2025) (SR-NASDAQ-2025-102); 104626 (January 16, 2026), 91 FR 2815 (January 22, 2026) (SR-NASDAQ-2026-003); and 105044 (March 18, 2026), 91 FR 13893 (March 23, 2026) (SR-NASDAQ-2026-018).

incentives would be paid by the Exchange to QLPs out of the Exchange's general revenues.

The Exchange notes that the proposed QLP program is designed to be substantially similar to prior exchange market maker incentive programs for ETPs that the Commission has previously approved, including the Exchange's own market quality program as well as similar programs previously adopted by NYSE Arca and Cboe BZX (collectively, the "Prior Programs").¹⁰ Like each of the Prior Programs, participation in the proposed QLP program is voluntary, funded by an optional issuer-paid annual fee credited to the Exchange's general revenues, and pays market maker incentives from those general revenues. Like the Prior Programs, the proposed QLP program is administered by the Exchange based on objective and rules-based Market Quality Metrics, and is supported by robust Exchange website disclosure requirements.

Specifically, proposed Section 114(h) will provide that the following rebates and stipends discussed in this section shall apply to transactions in a Qualified Security (as defined below) by the QLP associated with its QLP Program MPID. There may only be one QLP per Qualified Security.¹¹

The Exchange also proposes in Section 114(h) to make clear how the QLP program will interact with the existing DLP and MQS programs. Specifically, a QLP will not be eligible to receive any incentives under the DLP program in Section 114(f). In connection with this change, the Exchange also proposes to add language in the DLP program in Section 114(f) to make clear that a DLP will not be eligible to receive any incentives under the QLP program in proposed Section 114(h). However, the Exchange proposes in Section 114(g) and Section 114(h) that a QLP that is also designated as a MQS of a Qualified Security may also be eligible to receive the MQS stipend in Section 114(g), provided that the QLP meets the Market Quality Metrics in the QLP Program as specified in Section 114(h)(4)(B) as well as the Market Quality Metrics for the Market Quality Supporter Program as specified in Section 114(g).¹²

The proposed language reflects the different goals of each program. The QLP program is designed to serve as an enhanced version of the DLP program: it contemplates a single primary market maker in one ETP that is subject to more stringent Market Quality Metrics and receives correspondingly higher incentives. Because the QLP and DLP roles are both primary market-making assignments in an ETP, permitting a member to receive both DLP and QLP incentives in respect of the same ETP would be duplicative and inconsistent with the intent of each program to have a single primary liquidity provider per ETP. By contrast, the MQS program is designed to permit up to three additional market makers per ETP to serve as secondary liquidity providers alongside the primary DLP or QLP. Accordingly, permitting a QLP that also serves as a MQS in the same Qualified Security to receive the MQS stipend is appropriate because the MQS role is distinct from, and additive to, the QLP's primary market-making role, and continues to serve the MQS program's objective of encouraging additional depth of liquidity in Low Volume ETPs.

Proposed Section 114(h) will further provide that the QLP rebates in paragraph (5)(B) below only apply for executions \$1 per share and above. As used in the QLP Program, the term average daily volume ("ADV") shall mean the total consolidated volume reported to all consolidated transaction reporting plans, for each individual security, by all exchanges and trade reporting facilities during a month divided by the number of trading days during the month. If a security is not listed for a full month, the number of trading days will only include the days which the security is listed.¹³

Proposed Section 114(h) will also provide that the Exchange shall provide notification on a dedicated page on its website regarding (i) the ETPs participating in the QLP Program, (ii) the date a particular ETP began participating in the QLP Program, and (iii) the QLP assigned to each ETP participating in the QLP Program.¹⁴ This page shall also include more

a Qualified Security may also be eligible to receive the Market Quality Supporter stipend in Section 114(g), provided that the DLP meets the Market Quality Metrics in the DLP Program as specified in Section 114(f)(4)(B) as well as the Market Quality Metrics for the Market Quality Supporter Program as specified in Section 114(g).

¹³ See Sections 114(f) and 114(g) for substantially the same definition of ADV in the DLP and MQS programs.

¹⁴ The Exchange will update the following website with the QLP information: https://www.nasdaqtrader.com/trader.aspx?id=etf_definitions.

information on the QLP Program, including: (1) the potential benefits that may be realized by an ETP's participation in the QLP Program, (2) the potential risks that may be attendant with an ETP's participation in the QLP Program, (3) the potential impact resulting from an ETP's entry into and exit from the QLP Program, and (4) how interested parties can request additional information regarding the QLP Program and/or the ETPs participating therein. The foregoing provisions are substantially similar to the exchange notification and website provisions adopted in the Prior Programs.¹⁵

The Exchange notes that the proposed QLP program will be designed as a premium tier that is layered on top of the Exchange's existing DLP program. As discussed later in this filing, the Exchange will propose language in Section 114(h)(3) that makes clear that an ETP that exits the QLP program would default to the DLP program, which maintains its own Market Quality Metrics. The transition from QLP to DLP therefore represents a step-down in performance thresholds rather than a loss of dedicated liquidity support. The Exchange believes this layered structure mitigates the potential impact on market quality when an ETP exits the QLP program.

Proposed Section 114(h)(1) will set forth the definition of Qualified Security for purposes of the QLP program. Specifically, a security may be designated as a "Qualified Security" if it is an ETP listed on Nasdaq pursuant to Nasdaq Rules 5703, 5704, 5705, 5710, 5711(b), (d)–(j), 5720, 5735, 5750 or 5760; it has at one QLP; and the issuer pays the Premier Annual Listing Fee of \$50,000 pursuant to Rule 5940(b)(1)(ii).¹⁶ Proposed Section 114(h)(2) will set forth the definition of QLP as registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A QLP shall be selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. These provisions are materially identical to the current DLP program provisions in Section 114(f)(2), except the proposed

¹⁵ See *supra* note 10.

¹⁶ The proposed list of Qualified Securities in the QLP program as more limited than the DLP and MQS programs. As discussed later in this filing, the Exchange is limiting the QLP to ETP types that it believes does not implicate Reg M concerns.

¹⁰ See Securities Exchange Act Release Nos. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR-NASDAQ-2012-137); 69706 (June 6, 2013), 78 FR 35340 (June 12, 2013) (SR-NYSEArca-2013-34); and 72692 (July 28, 2014), 79 FR 44908 (SR-BATS-2014-022).

¹¹ See Section 114(f) for materially identical provisions in the DLP program, which provides that there may only be one DLP per Qualified Security.

¹² See Section 114(f) for materially identical provisions in the DLP program, which currently provides that a DLP that is designated as a MQS of

scope of Qualified Securities under the QLP program will be more limited, as discussed later in this filing.

Proposed Section 114(h)(3) will provide that if a QLP does not meet the performance measurements under paragraph (4) of this section for a given month, fees and credits will revert to the normal schedule under Sections 118(a) and 114. If a QLP does not meet the stated performance measurements for 3 out of the past 4 months, the QLP is subject to forfeit of QLP status for that Qualified Security, at Nasdaq's discretion. A QLP must provide 5 days written notice if it wishes to withdraw its registration in a Qualified Security, unless it is also withdrawing as a market maker in the Qualified Security.¹⁷ The Exchange also proposes to make clear in proposed Section 114(h)(3) that an ETP that exits the QLP program will thereafter default to the DLP program (subject to the DLP program requirements in Section 114(f)), and that the market maker previously acting as the QLP will continue as the DLP for that ETP. As discussed above, this layered structure mitigates the potential impact on market quality when an ETP exits the QLP program.

In proposed Section 114(h)(4)(A), the Exchange proposes to add a Low

Volume ETP framework, which will be based on the framework currently in the DLP and MQS programs in Sections 114(f)(4)(A) and 114(g)(4)(A). As used in the QLP program, the term "Low Volume" ETPs will mean ETPs with a monthly ADV of 1 million shares or less in the prior month, measured at the time the QLP is assigned in the QLP Program with respect to such ETP. Annually, the Exchange will review ETPs with QLP assignments and those that are above 1 million shares ADV on average over the prior year will be removed from the program.¹⁸ The proposed eligibility provisions are identical to the MQS program eligibility provisions in Section 114(g)(4)(A). Like the MQS program, the QLP program would only apply to Low Volume ETPs, and these provisions are intended to establish a clear and transparent framework for determining program eligibility while recognizing ETP volume may fluctuate over time. Measuring volume at the time of QLP assignment provides market participants with certainty regarding program eligibility, while the proposed annual review ensures that ETPs that experience sustained increases in trading volume no longer receive incentives intended for lower-volume

products. The Exchange believes that an annual review strikes an appropriate balance between accuracy and predictability by avoiding frequent month-to-month changes that could create confusion for ETP issuers and QLPs, while still ensuring that the QLP incentives are aligned with the program's objectives to provide market quality in lower volume ETPs.

In proposed Section 114(h)(4)(A), the Exchange will further segment the Low Volume ETPs into Investment Strategy Groups A–C, which will be different ETP investment strategies segmented by their average national best bid (best offer) ("NBBO") spread in basis points, over the prior two calendar years.¹⁹ The Exchange would look at the NBBO continuously throughout the regular trading hours of the day and take the average of the NBBO across all of those times. That average would be the NBBO for the day, which is then taken and averaged across two calendar years to determine the Investment Strategy group. These Investment Strategy Groups will be checked by the Exchange each calendar year to ensure the investment strategy's average NBBO spread remains within its respective Investment Strategy Group.²⁰

Investment strategy group	Average NBBO spread in basis points
A *	15 or less
B **	16–28
C ***	29 or more

* Investment Strategy Group A will consist of the following investment strategies: government fixed income, North American or USD denominated developed market fixed income, developed market equities, and currencies.

** Investment Strategy Group B will consist of the following investment strategies: micro- to small-cap developed market equities, multi asset strategies other than absolute returns, commodities tracking, international fixed income, and derivatives.

*** Investment Strategy Group C will consist of the following investment strategies: emerging market equities, emerging market fixed income, multi asset absolute return strategies, commodities strategies and exchange-traded notes ("ETNs")

Group A includes ETP investment strategies that have relatively low trading volumes but exhibit relatively tighter NBBO spreads compared to Groups B and C, which include relatively low trading volume investment strategies with increasingly wider NBBO spreads. Each Nasdaq-listed ETP will be assigned an Investment Strategy Group, which will be publicly available and updated to reflect any changes to the assigned group.²¹ Today, the Exchange uses the same Investment Strategy Group

framework in its DLP and MQS programs in Equity 7, Section 114(f)(4)(A) and (g)(4)(A), respectively.

As discussed in detail below, the Investment Strategy Groups will be used to tailor the MQMs that QLPs will need to meet in their assigned ETPs to qualify for QLP incentives. The proposed Investment Strategy Group framework is intended to more precisely calibrate the QLP incentives to the liquidity profile of the investment strategy that the QLP's assigned ETP falls under. The proposed framework is also intended to

incentivize market makers to become QLPs in ETPs, particularly ETPs that have lower trading volume and are less liquid. As noted above, both the current DLP and MQS programs have these identical investment strategies.²²

Proposed Section 114(h)(4)(B) will set forth the MQM thresholds that QLPs will need to meet based on which Investment Strategy group ETP they are assigned. The proposed MQMs will be the same as the MQMs currently utilized for the DLP program, but the QLP MQM thresholds will be set at

¹⁷ See Equity 7, Section 114(f)(3) for materially identical provisions in the DLP program.

¹⁸ Today, the MQS program has identical provisions in Equity 7, Section 114(g)(4)(A). The DLP program does not have similar provisions for its Low Volume ETPs because if an ETP exceeded 1 million shares in monthly ADV in the prior month, it would simply fall into the DLP program's "High Volume" ETP category. Unlike the DLP

program, the MQS program and the proposed QLP program do not apply to High Volume ETPs.

¹⁹ See Equity 7, Section 114(f)(4)(A) and (g)(4)(A) for materially identical provisions in the DLP and MQS programs, respectively.

²⁰ See *id.*

²¹ The list of investment strategies in Investment Strategy Groups A–C is publicly available on

Nasdaq's website and updated annually to ensure the investment strategy's average NBBO spread remains within its respective Investment Strategy Group. See <https://www.nasdaq.com/docs/ETF-DLP-Factsheet>.

²² See Equity 7, Sections 114(f)(4)(A) and (g)(4)(A). See also Securities Exchange Act Release Nos. 104444 (December 18, 2025), 90 FR 60168 (December 23, 2025) (SR-NASDAQ-2025-102).

higher levels for each ETP grouping compared to the current DLP MQM thresholds in Section 114(f)(4)(B):

Market quality metrics	Investment Strategy Group A ETPs	Investment Strategy Group B ETPs	Investment Strategy Group C ETPs
Time at the NBBO with a minimum notional size of \$5,000	50%	50%	50%
Average Notional Depth within 25 basis points of the NBBO	\$65,000	\$50,000	\$40,000
Average Spread in basis points	25	45	85
Auction Reference Price Difference (Opening) of first reference price within 30 seconds prior to the market open must be within basis points	100	100	100
Auction Reference Price Difference (Closing) of first reference price within 120 seconds prior to the market close must be within basis points	30	30	30
Auction Spread in basis points with \$37,500 notional depth (Opening)	75	135	255
Auction Spread in basis points with \$75,000 notional depth (Closing)	25	45	85

To be eligible for the rebates in proposed Section 114(h)(5)(A), QLPs will need to meet 5 of the 7 MQMs in the assigned ETP as measured by Nasdaq. For leveraged and inverse ETPs, the average spread, auction spread, and auction reference price difference metrics are multiplied by the absolute value of the leverage factor of the ETP. Because leveraged ETPs often exhibit higher price volatility relative to standard, non-leveraged ETPs, the QLP is often taking on higher risk and costs to take on these products. Adjusting these MQMs by the absolute value of the ETP's leverage factor aligns the rebate structure with the QLP's cost of taking these products on. These MQMs will be measured on average in the assigned ETP during regular market hours, except for the auction price difference and auction spread metrics that are measured at and directly before each auction, respectively, against the metrics and averaged for the monthly period.²³

If a QLP fails to meet the notional thresholds for the metrics of time at the NBBO and auction spread (both opening and closing) on a given day, that day will be excluded from those average calculations, except the QLP must meet such notional thresholds at least 50% of the days in a given month. The Exchange notes that both the DLP and

MQS programs currently contain identical provisions as proposed for the QLP program.²⁴ The time at the NBBO and auction spread (opening and closing) metrics each include a minimum notional size requirement as a component of the applicable quoting obligation. Similar to DLPs and MQSs, when a QLP does not meet the required notional threshold on a given trading day, the resulting quote does not reflect the same level of liquidity provision (even if it met the requisite quoting obligation) compared to a quote that satisfies the notional threshold and the requisite quoting obligation. The Exchange therefore believes that including such days in the monthly average calculation would not provide an accurate measure of QLP performance. At the same time, requiring QLPs to meet the notional thresholds on at least 50% of the trading days ensures that QLPs provide consistent and appropriate liquidity throughout the month.

Further, proposed Section 114(h)(4)(B) will provide that the auction spread (both opening and closing) metrics will be based on the Nasdaq Market Center best bid and best offer ("QBBO") in the assigned ETP directly before each auction. A QLP will satisfy the Auction Spread metrics for a given auction if, directly before such

auction, the QLP maintains the applicable minimum notional depth within the applicable basis point range of the QBBO and a bid-ask spread not wider than the applicable basis point range, as set forth in the table above for the relevant ETP category and auction.²⁵ For example, for Investment Strategy Group A ETPs in the opening auction, the Exchange would determine (directly before the opening auction) whether the QLP meets the \$37,500 notional depth requirement within 75 basis points of the QBBO. In addition, the Exchange separately assesses whether the QLP's bid-ask spread is within 75 basis points.

The Exchange also proposes to offer an additional Tape C ETP incentive for QLPs along similar lines as currently offered to DLPs, except that this incentive would not apply to High Volume ETPs since the QLP Program only applies to Low Volume ETPs as discussed above. Accordingly, proposed Section 114(h)(4)(C) will set forth the new qualifications for the additional Tape C ETP incentives for QLPs. Specifically, to be eligible for the rebates in paragraph (5)(B) of Section 114(h), a QLP must meet the average notional depth and average spread metrics in paragraph (4)(B) of Section 114(h).²⁶ Specifically, those metrics are as follows:

Market quality metrics	Investment Strategy Group A ETPs	Investment Strategy Group B ETPs	Investment Strategy Group C ETPs
Average Notional Depth within 25 basis points of the NBBO	\$65,000	\$50,000	\$40,000
Average Spread in basis points	25	45	85

QLPs will need to meet the above additional Tape C incentive MQMs in order to be eligible for the additional

Tape C incentives in paragraph (5)(B) of Section 114(h).

Proposed Section 114(h)(5) will provide that a QLP that satisfies the

MQMs above will be eligible to receive the stipends in proposed paragraph (A) of Section 114(h)(5) in each of its assigned ETPs for which it qualified,

²³ See Section 114(f)(4)(B) for materially identical language in the current DLP program.

²⁴ See Section 114(f)(4)(B) and (g)(4)(B).

²⁵ See Section 114(f)(4)(B) and (g)(4)(B) for materially identical provisions in the DLP and MQS programs.

²⁶ See Section 114(f)(4)(C) for substantially similar provisions in the DLP program.

and the rebates in proposed paragraph (B) of Section 114(h)(5) in any Tape C ETP that meets the Qualified Securities criteria of paragraph (1)(A) of Section 114(h) (*i.e.*, it is ETP that is listed pursuant to the Exchange rules specified therein).²⁷ As discussed in detail below, DLP and QLP assignments will both count towards the minimum monthly average number of assigned ETPs required for the additional Tape C incentive tiers.

Proposed Section 114(h)(5) will also provide that the QLP will automatically be eligible to receive the relevant rebate or stipend for the current month and immediately following month of a new QLP allocation of a symbol. New launches will automatically get the QLP stipend and Tier 5 rebate for the current month and immediately following month. In effect, the Exchange would waive the QLP from meeting the MQM requirements in proposed Section 114(h)(4)(B) and (C), as applicable, and automatically provide the relevant QLP stipend and Tier 5 rebate during the current month and the immediately following month of a new QLP allocation or QLP launch. This is identical to how the Exchange treats

new allocations and new launches in the DLP and MQS programs today.²⁸ Similar to DLPs and MQSs, the proposed waiver for QLPs is intended to provide QLPs clear visibility into their incentive earnings at the time of the ETP's launch or allocation. This approach is critical because the Exchange is also proposing to look at the QLP's quoting activity in the prior month to determine whether the QLP met the relevant Market Quality Metrics in order to comply with Reg NMS Rule 610(d), as discussed in detail below.²⁹ Further, ETPs may launch or be allocated to QLPs at various points throughout the month, potentially complicating the QLP's ability to meet the monthly performance criteria and making it unclear on what rebates or stipends the program participants may expect. In addition, this approach ensures QLPs have sufficient runway to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly-traded and may initially present challenges in meeting liquidity standards. Ultimately, the Exchange intends for this temporary relief to encourage greater participation in the

QLP program and allow QLPs to have adequate time to transition to the MQMs.³⁰

Proposed paragraph (A) of Section 114(h)(5) will set forth the QLP rebates. Specifically, a QLP that satisfies the MQMs in paragraph (4)(B) of Section 114(h) will be eligible to receive the QLP stipend of \$3,000 per month in each of its assigned ETPs for which it qualified. The QLP stipend is a fixed payment per month in addition to other rebates or fees for which the QLP is eligible and provided under Equity 7, Sections 114 and 118. This stipend will only apply to the MPID where a member is a QLP.

Proposed paragraph (B) of Section 114(h)(5) will set forth the additional Tape C incentives. As proposed, this will be provided to all eligible QLPs that add liquidity in a Tape C ETP, and that meet both (1) a specified minimum average number of assigned ETPs as a DLP and QLP and (2) the two QLP MQMs specified in proposed paragraph (4)(C) of Section 114(h). Specifically, the Exchange proposes to provide QLPs rebates in accordance with the following schedule:

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
(1) Minimum Monthly Average Number of Assigned ETPs as a DLP and QLP; and (2) meeting the Average Notional Depth and Average Spread metrics in paragraph (4)(B). Incremental Tape C ETP Rebate	20	35	75	135	200.
	\$0.00025 per executed share.	\$0.00035 per executed share.	\$0.0004 per executed share.	\$0.00045 per executed share.	\$0.00055 per executed share.

The proposed QLP rebates would be provided to an eligible member for each displayed share that adds liquidity in a Tape C ETP that meets the Qualified Security criteria in paragraph (1)(A) of Section 114(h).³¹ The QLP will be eligible to receive the above rebates in addition to any other rebate the QLP is eligible for under Equity 7, Sections 114 and 118. This rebate will only apply to the MPID where a member is QLP. As proposed, the additional Tape C ETP incentive for QLPs will be offered along similar lines as the additional Tape C

incentives for DLPs currently in Section 114(f)(5)(B), except that this incentive would not apply to High Volume ETPs herein since the QLP Program only applies to Low Volume ETPs as discussed above. With this incentive program, the Exchange is seeking to encourage members to participate as QLPs in a significant number of Tape C ETPs. As described above and in proposed Section 114(h)(5)(B), the Exchange also proposes herein to reflect that a DLP and QLP assignment will both count towards the number of

minimum monthly average ETP assignments for purposes of determining which tier incentive the QLP will receive. For example, a market maker with 19 DLP assignments and 1 QLP assignment across 20 different symbols will qualify that market maker for the Tier 1 Tape C incentive. The Exchange also proposes to make corresponding changes to the DLP Tape C incentive schedule in Section 114(f)(5)(B).

The Exchange notes that the additional Tape C incentives for DLPs (including as amended herein to include

²⁷ Paragraph (1)(A) of Section 114(h) provides the list of Nasdaq-listed ETPs that are included in the QLP program as Qualified Securities, provided it has at least one QLP and the issuer pays the Premier Annual Listing Fee of \$50,000 pursuant to Rule 5940(b)(1)(ii). Specifically, these are ETPs listed pursuant to Rules 5703, 5704, 5705, 5710, 5711(b), (d)–(j), 5720, 5735, 5750, or 5760.

²⁸ Today, the Exchange also waives the MQM requirements and automatically provides the relevant DLP or MQS incentive during the current month and the immediately following month of a new allocation or launch. *See* Equity 7, Section 114(f)(5) and (g)(5).

²⁹ Today, Equity 7, Section 114 sets forth the following rule of interpretation: In compliance with Reg NMS Rule 610(d), effective February 2, 2026, for purposes of determining quoting or transaction volumes for fees and incentives qualifications under Section 114(d), (e), (f), (g), and (h), all volume figures will be derived from quoting or trading activity in the prior month. Consequently, new members will receive the base rates in their first month of trading. As discussed later in this filing, the Exchange is amending this rule of interpretation to add the QLP program.

³⁰ *See* Securities Exchange Act Release No. 105044 (March 18, 2026), 91 FR 13893 (March 23,

2026) (SR–NASDAQ–2026–018) for additional discussions relating to the adoption of this waiver for the DLP and MQS programs.

³¹ Paragraph (1)(A) of Section 114(h) provides the list of Nasdaq-listed ETPs that are included in the QLP program as Qualified Securities, provided it has at least one QLP and the issuer pays the Premier Annual Listing Fee of \$50,000 pursuant to Rule 5940(b)(1)(ii). Specifically, these are ETPs listed pursuant to Rules 5703, 5704, 5705, 5710, 5711(b), (d)–(j), 5720, 5735, 5750, or 5760.

QLP assignments in the minimum-assignment tiering) and the new additional Tape C incentives for QLPs are transaction-based. The Exchange previously amended the rule of interpretation in the introductory paragraph of Equity 7, Section 114 to bring the DLP additional Tape C incentives (and the other Section 114 transaction-based fees and incentives) into compliance with Reg NMS Rule 610(d), such that all volume figures used to determine eligibility for those incentives are derived from quoting or trading activity in the prior month and the applicable rebate is therefore knowable to members at the time an order is executed.³² As discussed under the section titled “Related Amendments” below, the Exchange is proposing to add the QLP program to that existing rule of interpretation so that the same treatment applies uniformly across the DLP, MQS, and QLP programs.

Consistency With FINRA Rule 5250

FINRA Rule 5250 (Payments for Market Making) generally prohibits a FINRA member or associated person from accepting payment or other consideration, directly or indirectly, from an issuer or its affiliates and promoters, for publishing a quotation, acting as a market maker or submitting an application in connection therewith. FINRA Rule 5250 is designed to preserve the integrity of the marketplace by ensuring that quotations accurately reflect a broker-dealer’s interest in buying or selling a security and that the decision by a firm to make a market in a given security should not be influenced by payments to FINRA members from issuers or promoters.³³

FINRA Rule 5250(b)(3) provides an exception for any payment expressly provided for under the rules of a national securities exchange to accommodate exchange market maker incentive programs for ETPs (including the Exchange’s prior market quality program).³⁴ Under these incentive programs, the exchanges could make payments to market makers that were

funded through additional fees paid by participating issuers.³⁵ In SR-FINRA-2013-020, FINRA stated that where a market maker payment is provided for under the rules of an exchange that are effective after being filed with, or filed with and approved by, the SEC, comity should be afforded to such exchange rulemaking and the payment should not be prohibited under Rule FINRA 5250.³⁶ FINRA further stated that programs like the Prior Programs contained features that mitigate the concerns underlying FINRA Rule 5250, including that the program terms were objective, clear, and transparent and included disclosure requirements to help alert and educate potential and existing investors about the program.³⁷

The Exchange believes that the proposed QLP program falls squarely within the FINRA Rule 5250(b)(3). The QLP incentives are expressly provided for under the Exchange’s rules at proposed Equity 7, Section 114(h), which will be effective after being filed with the SEC pursuant to the requirements of the Exchange Act. In addition, the QLP program has the same features that FINRA identified as mitigating the concerns underlying FINRA Rule 5250. The QLP program is rules-based, objective, clear, and transparent, and the program includes disclosure requirements, as described above, to provide transparency to the market and to investors regarding the program’s operation. Accordingly, the Exchange does not believe that the proposed QLP program raises concerns under FINRA Rule 5250.

Consistency With Regulation M

Rule 102 of Regulation M prohibits an issuer from directly or indirectly attempting “to induce any person to bid for or purchase, a covered security during the applicable restricted period” unless an exemption is available.³⁸ The Exchange has considered whether the QLP program, under which the Premier Annual Listing Fee paid by an issuer is credited to the Exchange’s general revenues and used to offset the costs of the QLP incentives paid to the QLP, could be viewed as an indirect attempt by an issuer to induce bidding or purchasing under Rule 102.

With respect to the Qualified Securities that are registered under the

Investment Company Act of 1940 (“1940 Act”) and listed under Nasdaq Rules 5703 (Class ETF Shares), 5704 (Exchange Traded Fund Shares), 5705 (Portfolio Depository Receipts and Index Fund Shares), 5735 (Managed Fund Shares), 5750 (Proxy Portfolio Shares), and 5760 (Managed Portfolio Shares), the Exchange notes that these products are exempt from Rule 102 pursuant to Rule 102(d)(4), which provides that Rule 102 shall not apply to redeemable securities issued by an open-end management investment company or a unit investment trust.³⁹ Accordingly, the QLP program does not implicate Rule 102 with respect to the foregoing ETPs, which constitute the substantial majority of Qualified Securities eligible to participate in the QLP program.

With respect to Qualified Securities that are not registered under the 1940 Act and listed under Nasdaq Rules 5710 (Index and Commodity Linked Securities), 5711(b) (Equity Gold Shares), 5711(d) (Commodity-Based Trust Shares), 5711(e) (Currency Trust Shares), 5711(f) (Commodity Index Trust Shares), 5711(g) (Commodity Futures Trust Shares), 5711(h) (Partnership Units), 5711(i) (Trust Units), 5711(j) Managed Trust Securities, and 5720 (Trust Issued Receipts), the Exchange does not believe that the QLP program implicates the concerns underlying Rule 102 for the following reasons.

First, the derivative and open-ended nature of many of the non-1940 Act ETPs eligible to participate in the QLP program would allow for transparent intrinsic intraday pricing. As such, the Exchange does not believe that such products would lend themselves to the type of market manipulation that Rule 102 was designed to prevent. The Exchange notes that the Commission and its staff have previously granted relief from Rule 102 to a number of ETPs (“Prior Relief”) in order to permit the operation of such ETPs.⁴⁰ In granting the Prior Relief, the Commission has relied in part on the exclusion from the provisions of Rule 102 provided by paragraph (d)(4) of Rule 102 for securities issued by an open-end management investment company or unit investment trust. In granting the Prior Relief from Rule 102 to other types of ETPs for which the (d)(4) exception is not available (*i.e.*, non-1940 Act ETPs), the staff has relied

³² See Securities Exchange Act Release No. 104785 (February 9, 2026), 91 FR 6693 (February 12, 2026) (SR-NASDAQ-2026-007).

³³ See Securities Exchange Act Release No. 60066 (June 8, 2009), 74 FR 28308 (June 15, 2009) (SR-FINRA-2009-36). See also Securities Exchange Act Release No. 38812 (July 3, 1997), 62 FR 37105 (July 10, 1997) (SR-NASD-97-29) (order approving NASD Rule 2460, predecessor to FINRA Rule 5250).

³⁴ FINRA amended FINRA Rule 5250 in 2013 to adopt this exception. See Securities Exchange Act Release No. 69398 (April 18, 2013), 78 FR 24261 (April 24, 2013) (SR-FINRA-2013-020). See also FINRA Regulatory Notice 20-03, available at: <https://www.finra.org/rules-guidance/notices/20-03>.

³⁵ See, *e.g.*, Securities Exchange Act Release Nos. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR-NASDAQ-2012-137); 69706 (June 6, 2013), 78 FR 35340 (June 12, 2013) (SR-NYSEArca-2013-34); and 72692 (July 28, 2014), 79 FR 44908 (SR-BATS-2014-022).

³⁶ See SR-FINRA-2013-020 at 24262.

³⁷ See *id.*

³⁸ 17 CFR 242.102.

³⁹ 17 CFR 242.102(d)(4).

⁴⁰ See, *e.g.*, Class Relief for Exchange Traded Index Funds, SEC No-Action Letter (October 24, 2006); Commodity-based Investment Vehicles Class Letter, SEC No-Action Letter (June 21, 2006); and iPath Securities—Exchange-Traded Notes, SEC No-Action Letter (July 27, 2006).

on (i) representations that the fund in question would continuously redeem ETP shares in basket-size aggregations at their net asset value (“NAV”) and that there should be little disparity between the market price of an ETP share and the NAV per share and (ii) a finding that “[t]he creation, redemption, and secondary market transactions in [shares] do not appear to result in the abuses that . . . Rules 101 and 102 of Regulation M . . . were designed to prevent.”⁴¹ The crux of the Commission’s findings in granting the Prior Relief rests on the premise that the prices of ETP shares closely track their per-share NAVs. Given that the proposed QLP program neither alters the derivative pricing nature of ETPs nor impacts the arbitrage opportunities inherent therein, the conclusion on which the Prior Relief is based remains unaffected by the QLP program. In this regard, most ETPs that would be eligible to participate in the QLP program would have previously been granted relief from Rule 102.

Second, the QLP program requires, among other things, that the QLP make two-sided quotes and not just bids. It is not intended to raise ETP prices but rather to improve market quality. In light of the derivative nature of ETPs described above, the Exchange does not expect QLPs would quote outside of the normal ranges. Specifically, the transparent nature of many ETPs’ portfolio composition as well as their accessibility and the elasticity of shares outstanding contribute to an arbitrage process that will lead to executions of orders of many ETPs priced at or near their NAVs. If and when a quote is priced beyond the intrinsic value of an ETP, an arbitrage opportunity can arise, and market participants will arbitrage such spread until price equilibrium is restored. Accordingly, the QLP program would not create any incentive for a QLP to quote outside of the normal quoting ranges for these products as a result of the QLP incentive, but rather would quote within their normal ranges as determined by market factors.

In light of the pricing mechanisms of ETPs and the structural safeguards of the QLP program, the Exchange does not believe that the proposed QLP program implicates the concerns underlying Rule 102 of Regulation M with respect to any Qualified Securities eligible to participate in the program.

Related Amendments

In connection with the proposed changes to adopt the new QLP program

in proposed Equity 7, Section 114(h), the Exchange proposes to update the rule of interpretation in the introductory paragraph of Section 114 by adding a reference to the new QLP program in proposed Section 114(h). This would allow the Exchange to bring the QLP program into compliance with Reg NMS Rule 610(d), which became effective on February 2, 2026 and provides that “[a] national securities exchange shall not impose, nor permit to be imposed, any fee or fees, or provide, or permit to be provided, any rebate or other remuneration, for the execution of an order in an NMS stock that cannot be determined at the time of execution.”⁴² This way all QLP incentives associated with the execution of an order in an NMS stock at the Exchange can be determined at the time of execution of said order.⁴³ Effectively, this would mean the Exchange will look at the QLP’s quoting activity in the prior month to determine whether the QLP met the relevant MQMs to be eligible for the QLP incentives.

The Exchange also proposes technical amendments to reflect the addition of the QLP program in Section 114(h). Specifically, the Exchange proposes to renumber current Sections 114(h)–(l) as Sections 114(i)–(m). The Exchange also proposes to update the cross-cites to current Section 114(h) within: (1) the rule of interpretation in the introductory paragraph of Equity 7, Section 114, (2) the definition of “Consolidated Volume” in current Equity 7, Section 114(i)(5)(B), and (3) the definition of “Designated Retail Order” in Equity 7, Section 118(a).

Implementation

The Exchange plans to implement the proposed changes on September 1, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴⁴ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁴⁵ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange notes that its ETP listing business operates in a highly-

competitive market in which market participants, which include both ETP issuers and ETP market makers, can readily transfer their listings or opt not to participate, respectively, if they deem fee levels, liquidity incentive programs, or any other factor at a particular venue to be insufficient or excessive. The proposed rule change reflects a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange, and market participants to enroll and participate as ETP market makers on the Exchange, which will enhance market quality in listed ETPs on the Exchange.

ETP Listing Fee

The Exchange believes that proposed addition of the new Premier Annual Listing Fee is reasonable because it is designed to support the proposed QLP program and offset the costs associated with the Exchange providing the rebates thereunder. Paying the higher Premier Annual Listing Fee is completely optional and issuers may opt to keep paying the Standard Annual Listing Fee instead. While the Premier Annual Listing Fee will result in higher listing fees for issuers that choose to participate, the issuers would receive significant benefits for participating, including tighter spreads and overall better market quality in their ETPs, which ultimately benefits all market participants and investors. As specified in proposed Section 114(h)(3), in the event QLP does not meet the QLP Market Quality Metrics in proposed Section 114(h)(4) for a given month, the QLP would not receive a QLP rebate and fees and credits would revert to the normal pricing schedule in Sections 118(a) and 114. If a QLP does not meet the QLP Market Quality Metrics for 3 out of the 4 months, the QLP would be subject to forfeit of QLP status for the issuer’s Qualified Security, at Nasdaq’s discretion. Additionally, issuers will have the ability to switch back to the Standard Annual Listing Fee tier at any time if they determine that paying the higher listing fee is not beneficial. The Exchange notes that the proposed Premier Annual Listing Fee of \$50,000 is the same fee level that the Exchange previously assessed under its Market Quality Program, which was approved by the Commission in 2013 and assessed an annual basic MQP fee of \$50,000 per participating security, with combined basic and supplemental MQP

⁴² 17 CFR 242.610(d).

⁴³ See Securities Exchange Act Release No. 104785 (February 9, 2026), 91 FR 6693 (February 12, 2026) (SR–NASDAQ–2026–007).

⁴⁴ 15 U.S.C. 78f(b).

⁴⁵ 15 U.S.C. 78f(b)(4) and (5).

⁴¹ See Commodity-based Investment Vehicles Class Letter, SEC No-Action Letter (June 21, 2006).

fees capped at \$100,000 per year.⁴⁶ The Exchange is therefore proposing to assess the same base level of fees as it assessed under its prior MQP, which the Commission previously found to be consistent with the Act.

The Exchange also believes that the proposed Premier Annual Listing Fee is equitable and not unfairly discriminatory because it will apply uniformly to all issuers of ETPs listed on the Exchange. As noted above, the Premier Annual Listing Fee is completely voluntary, and the issuer may instead opt to continue paying the Standard Annual Listing Fee.

QLP Program

The Exchange believes that the proposed QLP program is reasonable because the program would provide tailored incentives to QLPs that demonstrate high performance, including in Nasdaq-listed ETPs that exhibit lower trading volume and wider NBBO spreads. As discussed above, the Exchange is proposing the QLP program to incentivize high market quality in Nasdaq-listed ETPs. The program would provide enhanced rebates for QLPs that meet rigorous thresholds for quoting, depth, and auction performance. Further, to qualify a market maker for eligibility in the QLP program, the issuer must pay the Premier Annual Listing Fee of \$50,000. As it relates to the Premier Annual Listing Fee, the Exchange believes that the proposed condition is reasonable, equitable and not unfairly discriminatory for the reasons set forth under the Premier Annual Listing Fee sub-section above in the statutory basis section.

The Exchange believes that the proposed changes to add a Low Volume group framework for the QLP program is reasonable because the proposed framework is intended to more precisely calibrate the QLP rebate qualifications in proposed Section 114(h)(4) to the liquidity profile of the investment strategy that the QLP's assigned ETP falls under. In other words, segmenting Low Volume ETPs into three groups based on 2-year average NBBO spread is intended to better align the QLP's performance expectations to the nature of the ETP's investment strategy and structure. The Exchange believes that the proposed framework will encourage tighter spreads and more liquidity in investment strategies that may typically be less actively traded or exhibit wider spreads across all exchanges. As noted above, the Exchange currently uses the

same Investment Strategy Group framework for its current DLP and MQS programs in Equity 7, Section 114(f)(4)(A) and (g)(4)(A).

The Exchange believes that the proposed MQMs for the QLP program are reasonable as they are intended to address multiple aspects of market quality such as depth and tighter quoted spread, using benchmarks tailored to each ETP's characteristics. As discussed above, the MQMs proposed for the QLP program are the same MQMs for the current DLP program, but the minimum thresholds will be set at higher levels for the QLP program. The Exchange believes the more stringent QLP thresholds are commensurate with the higher rebates that it is providing under this program.

The Exchange believes that the flat monthly payment of \$3,000 is set at an appropriate level to incentivize QLPs to enhance market quality in Low Volume ETPs. In addition, providing a flat stipend (as opposed to a per-executed share rebate) would provide for a more reliable business model for QLPs that choose to participate in this program, particularly in lower volume and less liquid ETPs, which can help offset the relatively higher cost of quoting in such ETPs.

The Exchange further believes that waiving the MQM requirements and automatically providing the relevant QLP incentive during the current month and the immediately following month of a new allocation or launch is reasonable for the reasons that follow. Automatically providing the relevant incentive for the current month and the immediately following month would help ensure that QLPs have clear visibility into their incentive earnings at the time of the ETP's launch or allocation, as ETPs may launch or be allocated to QLPs at various points throughout the month. Furthermore, the Exchange believes that the proposed change will provide QLPs adequate time to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly-traded and may initially present challenges in meeting liquidity standards. The proposal is therefore intended to support the development of liquidity in new and transitioning products, which benefits all market participants, including issuers and investors.

The Exchange also believes that its proposal to adopt the additional Tape C incentives for QLPs along similar lines as the DLP additional Tape C incentives (other than with respect to High Volume ETPs as discussed above) is reasonable because the proposal seeks to further

encourage registered market makers to pursue QLP assignments and thereby support the provision of consistent liquidity in Low Volume ETPs, ultimately leading to improved market quality for investors in those ETPs. The Exchange also believes that the proposed rebates are set at appropriate levels, and will incentivize QLPs to add liquidity in Tape C Low Volume ETPs in order to qualify for these rebates.

The Exchange also believes that the proposed QLP program is equitable and not unfairly discriminatory because the QLP program includes objective, measurable standards that the Exchange will apply equally to all market makers that are QLPs. The Exchange does not believe it is unfairly discriminatory to only offer the program to market makers because of their unique role in the markets, including their obligation to provide liquidity in the securities in which they are registered. Thus, the QLP program is a further extension of the market maker's role in providing liquidity in specific securities, to the benefit of all market participants.

Further, the Exchange believes that the proposed QLP program will promote price discovery and market quality in Nasdaq-listed securities and further, that the tightened spreads and increased liquidity from the proposal will benefit all market participants and investors by deepening the Exchange's liquidity pool (specifically in lower volume and less liquid ETPs), offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, enhancing quoting competition across exchanges, promoting market transparency, and improving investor protection. Accordingly, the Exchange believes that the proposal is reasonable, equitably allocated, and non-discriminatory because it would enhance market quality to the benefit of all market participants and investors.

The Exchange further believes that the proposed changes to waive the MQM requirements and automatically provide QLPs with the relevant incentive in the current and immediately following months of a new allocation or new launch are equitable and not unfairly discriminatory because the proposed changes will apply to all QLPs. Any member that becomes a QLP for a newly allocated or launched ETP will receive uniform treatment under this proposal. Furthermore, the proposed relief is temporary and limited in duration. After the specified two-month period, the QLPs must meet their MQMs in order to qualify for the relevant incentives. By facilitating liquidity provision in newly allocated or newly launched ETPs, the

⁴⁶ See Securities Exchange Act Release Nos. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR-NASDAQ-2012-137).

proposal is intended to promote tighter spreads and deeper markets during the initial stages of trading in these products. The Exchange further believes the proposal will fortify participation in the QLP program while continuing to encourage meaningful liquidity that benefits all market participants.

The Exchange has also designed the QLP program to include structural safeguards that are intended to mitigate the potential concerns that may arise from an ETP's participation in the program, including concerns relating to the potential impact on market quality if a product enters or exits the program. The Exchange is mindful that market participants and investors should be informed about which ETPs are participating in the QLP program, that participation in the program is not guaranteed in perpetuity, and that there are potential risks to product market quality if an ETP enters or exits the program. To address these concerns, the Exchange has incorporated mitigating provisions in proposed Section 114(h) that are designed to provide disclosure to the market and to potential investors in these products. Specifically, the Exchange will provide notification on a dedicated page on its website regarding the specific ETPs participating in the QLP program, the dates of each ETP's entry into the program, the QLP assigned to each participating ETP, along with a fair and balanced description of the QLP program that discloses the potential benefits that may be realized by an ETP's participation in the program, the potential risks that may be attendant with participation, the potential impact resulting from an ETP's entry into and exit from the program, and how interested parties can request additional information regarding the QLP program and/or the ETPs participating therein. The Exchange believes that these mitigating provisions are designed to provide adequate disclosure to address the potential concerns arising from the program and to ensure that the market and investors are fully informed about the program's operation and its potential impact on market quality in the participating ETPs. Further, as noted above the proposed QLP program will be designed as a premium tier that is layered on top of the Exchange's existing DLP program. An ETP that exits the QLP program would default to the DLP program, which maintains its own Market Quality Metrics. The transition from QLP to DLP therefore represents a step-down in performance thresholds rather than a loss of dedicated liquidity support. The Exchange believes this layered structure

mitigates the potential impact on market quality when an ETP exits the QLP program. Accordingly, the Exchange believes that the QLP program is designed to be consistent with the protection of investors and the promotion of fair and orderly markets pursuant to Section 6(b)(5) of the Act.

The Exchange further believes that the proposed QLP program is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the QLP program would enhance quote competition among market makers, improve liquidity in lower volume Nasdaq-listed ETPs, support the quality of price discovery, promote market transparency, and reduce spreads and transaction costs for all market participants. The Exchange further believes that enhancing liquidity in ETPs participating in the QLP program, together with the structural safeguards described below, would help raise investors' confidence in the fairness of the market generally and their transactions in particular. As such, the QLP program would foster cooperation and coordination with persons engaged in facilitating securities transactions, enhance the mechanism of a free and open market, and promote fair and orderly markets in ETPs on the Exchange.

The Exchange notes that the proposed QLP program is substantially similar to the Prior Programs, each of which the Commission has previously found to be consistent with the Act.⁴⁷ Like the Prior Programs, participation in the proposed QLP program is voluntary, funded by an optional issuer-paid annual fee credited to the Exchange's general revenues, and pays market maker incentives from those general revenues. Like the Prior Programs, the proposed QLP program is administered by the Exchange based on objective and rules-based Market Quality Metrics, and is supported by robust Exchange website disclosure requirements.

Finally, for the reasons stated above, the Exchange believes that the QLP program is designed to mitigate the risks and concerns that FINRA Rule 5250 addresses and that the QLP program does not implicate the concerns underlying Rule 102 of Regulation M.

Related Amendments

The Exchange believes that adding proposed Section 114(h) to the rule of interpretation in the introductory paragraph of Section 114 is reasonable because it will bring the new QLP program into compliance with Reg NMS Rule 610(d). As proposed, the Exchange will look at the quoting activity in the prior month to assess whether the QLP qualified for the QLP incentives. The Exchange further believes that the addition of the QLP program to the rule of interpretation is equitable and not unfairly discriminatory because the rule will apply uniformly to all QLPs.

The Exchange also believes that the technical amendments to reflect the addition of proposed Section 114(h) are reasonable, equitable, and not unfairly discriminatory. The proposed changes will bring clarity and avoid potential confusion in Exchange's Pricing Schedule to the benefit of all market participants and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed changes consisting of the introduction of the Premier Annual Listing Fee and adoption of the QLP program will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed changes, taken together, will enhance competition by improving the market quality in Nasdaq-listed ETPs, which will benefit all market participants through additional trading opportunities, tighter spreads, and enhanced price discovery.

In terms of intra-market competition, the Premier Annual Listing Fee will be available to all issuers, who can also opt to not pay this higher listing fee and instead continue to pay the lower Standard Annual Listing Fee. As it relates to the QLP program, the Exchange notes the respective programs will be applied uniformly to all similarly situated market participants that are QLPs. The Exchange does not believe it is unfairly discriminatory to only offer the QLP program to registered market makers because of their unique role in the markets, including their obligation to provide liquidity in the securities in which they are registered. Thus, the QLP program is a further extension of the registered market maker's role in providing liquidity in specific ETPs, to the benefit of all market participants. Furthermore, the Exchange does not believe that the proposed changes to waive the MQM

⁴⁷ See *supra* note 10.

requirements and automatically provide the relevant QLP incentive during the current month and the immediately following month of a new allocation or new launch impose an undue burden on intra-market competition because the waiver will apply to all QLPs. As discussed above, this approach ensures they have sufficient runway to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly-traded and may initially present challenges in meeting liquidity standards. The proposal is therefore intended to support the development of liquidity in new and transitioning products, which benefits all market participants, including issuers and investors.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁴⁸ and Rule

19b-4(f)(6) thereunder.⁴⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁵⁰ and Rule 19b-4(f)(6) thereunder.⁵¹

A proposed rule change filed under Rule 19b-4(f)(6)⁵² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁵³ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can implement the proposed changes on September 1, 2026. According to the Exchange, this would allow market participants to realize the benefits of the QLP program sooner rather than later, including tighter spreads, deeper markets, and enhanced market-making support for Low Volume ETPs that qualify for the QLP program. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.⁵⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of

the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)⁵⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2026-068 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NASDAQ-2026-068. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2026-068 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁶

Sherry R. Haywood,

Assistant Secretary.

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⁴⁹ 17 CFR 240.19b-4(f)(6).

⁵⁰ 15 U.S.C. 78s(b)(3)(A).

⁵¹ 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.

⁵² 17 CFR 240.19b-4(f)(6).

⁵³ 17 CFR 240.19b-4(f)(6)(iii).

⁵⁴ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵⁵ 15 U.S.C. 78s(b)(2)(B).

⁵⁶ 17 CFR 200.30-3(a)(12), (59).

⁴⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106205; File No. SR-CboeEDGX-2026-054]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 22.6 (Market Maker Quotations) To Adopt Two-Sided Quote Bid/Ask Differentials

August 27, 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 17, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (“EDGX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend Exchange Rule 22.6 (Market Maker Quotations) to adopt two-sided quote bid/ask differentials. 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

The Exchange proposes to amend Rule 22.6 to adopt two-sided quote bid/ask differentials, also referred to as spread parameters, which establish the maximum permissible width between a Market Maker’s bid and offer in a series in an appointed class. The proposal is modeled on the framework of Miami International Securities Exchange, LLC (“MIAX”) Rules 603(b)(4) and (5), and is also consistent with the quote width frameworks of other options exchanges, including Nasdaq ISE, LLC (“ISE”) Options 2, Section 4(b)(4).

Background on Market Maker Quoting Obligations

Exchange Rule 22.5 sets forth Obligations of Market Makers on the Exchange. Rule 22.5(a)(1) requires that, ordinarily, a Market Maker must during trading hours maintain a continuous two-sided market in each of its appointed classes, pursuant to Rule 22.6(d)(1). Rule 22.6(d) requires a Market Maker to enter continuous bids and offers (in accordance with the requirements in Rules 22.5 and 22.6). Given this, a Market Maker is generally obligated to comply with all requirements provided in Exchange Rules 22.5 and 22.6.

Exchange Rule 22.6(c) provides for the requirements of two-sided quotes. Specifically, Rule 22.6(c) currently provides that a Market Maker that enters a bid (offer) in a series in an appointed class on EDGX Options must enter an offer (bid). Currently, Market Makers on the Exchange are not subject to bid/ask differentials, meaning that the requirement for a two-sided market can be set with a quote that is very wide. The Exchange now proposes to adopt new provisions under Rule 22.6(c) to set forth the bid/ask differential requirements for such two-sided quotes.

Proposed Bid/Ask Differential Requirements

The Exchange proposes to add to Exchange Rule 22.6(c) that the bid/ask differential of a Market Maker’s electronic quotes may not exceed \$5 regardless of the Market Maker’s bid. For purposes of measuring compliance with the bid/ask differential requirement, the Exchange will consider the aggregate of all quotes entered by a Market Maker (i.e., at the Options Member firm level) across all Executing Firm IDs (“EFIDs”) used by that Market Maker in a particular option series or

class. For example, if a Market Maker quotes using multiple EFIDs in the same series, with EFID A quoting \$0 bid at \$10 offer and EFID B quoting \$5 bid at \$15 offer, the Exchange would measure the bid/ask differential based on the firm’s aggregate quote of \$5 bid at \$10 offer, resulting in a \$5 width that satisfies the requirement.

Additionally, the Exchange clarifies that a bid of zero or no bid is a valid bid for purposes of the two-sided market requirement and the bid/ask differential calculation. Using the example above, EFID A’s quote of a \$10 offer (and no bid) would result in a \$10 width, as no bid is equivalent to a bid of \$0. However, when aggregated with EFID B’s quote of \$5 bid at \$15 offer, the Market Maker firm’s aggregate quote would be \$5 bid at \$10 offer, satisfying the \$5 differential requirement.

Proposed Exceptions

The Exchange also proposes to adopt certain exceptions to the bid/ask differential requirements under proposed Rules 22.6(c)(1) and (2).

Proposed Rule 22.6(c)(1) would provide that the Exchange may establish bid/ask differentials other than the foregoing for one or more series or classes of options. As proposed, the Exchange would have flexibility to establish bid/ask differentials in excess of \$5 where appropriate for a particular options series or class.³ The Exchange notes that MIAX has exercised similar discretion to establish wider bid/ask differentials tailored to specific market conditions.⁴ Similarly, Nasdaq PHLX LLC (“Phlx”) has established separate bid/ask differential requirements for options on the Nasdaq-100 Index (“NDX”) and other proprietary index products.⁵

Proposed Rule 22.6(c)(2) would provide that the bid/ask differentials shall not apply to in-the-money series where the national best bid and offer (“NBBO”) for the underlying security is wider than the differentials set forth above. For such series, the bid/ask differentials may be as wide as the

³ If the Exchange were to exercise this discretion, it would announce any such differentials to members via exchange notice.

⁴ For example, MIAX has established bid/ask differentials for various options series or classes based on factors such as the price of the underlying security and market characteristics. See MIAX Options Exchange Regulatory Circular 2025-44 at MIAX_Options_RC_2025_44.pdf.

⁵ See Options Regulatory Alert #2026-40, PHLX, ISE and GEMX—Bid Ask Differentials for NDX Option Class through September 18, 2026, available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2026-40> (establishing bid/ask differentials for NDX options on a bid-price tiered basis, with intraday differentials ranging from \$20 to \$800 depending on the bid price of the option).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

spread between the NBBO in the underlying security.

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 believes that establishing bid/ask differential requirements for Market Maker quotes promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange believes the proposed bid/ask differentials will enhance the quality of markets on the Exchange by requiring that Market Makers maintain reasonably tight markets when fulfilling their continuous quoting obligations. Currently, Market Makers may satisfy their two-sided quoting obligations with quotes that are excessively wide, which may not provide meaningful liquidity to market participants. By establishing a general maximum permissible width of \$5 between a Market Maker's bid and offer, the Exchange believes the proposal will cause Market Makers to submit quotes that are more likely to facilitate price discovery and execution opportunities for investors.

The Exchange believes the proposed \$5 bid/ask differential as the general maximum is reasonable and appropriate. The differential is sufficiently wide to accommodate normal market conditions and volatility while preventing Market Makers from

entering quotes that are so wide as to provide no meaningful liquidity. The Exchange notes that the proposal is consistent with MIAX Rules 603(b)(4) and (5).

The Exchange believes that measuring compliance with the bid/ask differential requirement at the Options Member firm level (*i.e.*, aggregating quotes across all EFIDs used by a Market Maker in a particular series) is consistent with the protection of investors and the public interest. This approach recognizes the operational reality that Market Maker firms often utilize multiple EFIDs for legitimate business purposes, such as managing different trading strategies or order flow types. The Exchange believes measuring compliance with the bid/ask differential requirement at the firm level more accurately reflects the Market Maker's overall market in a series, rather than evaluating each EFID in isolation. This aggregation approach appropriately assesses whether the Market Maker is providing a meaningful two-sided market to investors, as the firm's combined quotes across all EFIDs represent the actual liquidity available from that Market Maker. This approach is also consistent with how the Exchange measures compliance with other Market Maker obligations, which are assessed at the firm level rather than by individual EFID.

The Exchange believes that clarifying that a bid of zero or no bid satisfies the two-sided quotation requirement promotes regulatory clarity and removes impediments to and perfects the mechanism of a free and open market. The Exchange believes this clarification will provide Market Makers with additional understanding of their obligations and thus their ability to comply with the rule in a straightforward manner without being penalized for quoting markets that accurately reflect economic reality. By permitting zero or no bids to be considered a bid for purposes of determining compliance with quoting obligations, the Exchange believes the proposed rule change imposes a meaningful bid/ask differential requirement (measured in the aggregate across all EFIDs used by a Market Maker in a series), that requires Market Makers provide two-sided markets while providing Market Makers with flexibility to quote in a manner that reflects then-current market conditions, thereby facilitating fair and efficient price discovery.

The Exchange believes that proposed Rule 22.6(c)(1), which provides the Exchange with the ability to establish bid/ask differentials other than \$5 for one or more series or classes of options,

is reasonable and promotes just and equitable principles of trade. This flexibility allows the Exchange to tailor bid/ask differential requirements to the specific characteristics of particular options series or classes, such as volatility levels, liquidity profiles, underlying security characteristics, or other relevant factors. For example, certain options classes may warrant narrower bid/ask differentials to enhance market quality, while wider differentials may be appropriate in others to account for unique risk or liquidity characteristics. This discretion enables the Exchange to respond to evolving market conditions and impose bid/ask differential requirements that are appropriate for different product types. The Exchange notes it will announce differentials, including any changes, via Exchange Notice, providing transparency and notice of the applicable requirements. This approach is consistent with the flexibility provided to MIAX under MIAX Rules 603(b)(4) and (5).

The Exchange believes the exception under proposed Rule 22.6(c)(2) for in-the-money series where the underlying security market is wider than the applicable bid/ask differential is appropriate because it recognizes that options pricing is inherently tied to the pricing of the underlying security. When the NBBO in the underlying security is wider than the bid/ask differential required for the option, it would be unreasonable to require Market Makers to maintain tighter markets in the option than exist in the underlying security itself. The Exchange believes this proposed exception is reasonable and appropriate to avoid placing Market Makers in the untenable position of being required to quote options more tightly than the securities on which those options are based, which could expose Market Makers to undue risk and potentially discourage participation in market making. By allowing the bid/ask differential to be as wide as the NBBO in the underlying security for such series, the proposal appropriately balances the goal of maintaining tight markets with the practical realities of options pricing.

The Exchange notes that the proposed exceptions are substantively identical to those in MIAX Rules 603(b)(4) and (5), further demonstrating that the proposal is consistent with the Act.

For the foregoing reasons, the Exchange believes the proposal is consistent with the Act.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed bid/ask differential requirements will apply uniformly to all Market Makers on the Exchange. All Market Makers will be subject to the same bid/ask differential requirements in all classes.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposal is consistent with MIAX Rules 603(b)(4) and (5) and the quote width frameworks of other options exchanges, including ISE and Phlx. By adopting bid/ask differential requirements consistent with those of other options exchanges, Market Makers on the Exchange will be subject to comparable bid/ask differential requirements as market-makers on other markets.

For the foregoing reasons, the Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written 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 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 Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 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

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)¹¹ 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-CboeEDGX-2026-054 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-2026-054. 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-2026-054 and should be submitted on or before September 22, 2026.

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.

¹¹ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17802 Filed 8-31-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106204; File No. SR-NYSETEX-2026-30]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing of Proposed Rule Change To Adopt New Rule 24 Under Article 22 of the NYSE Texas Rule Book

August 27, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 13, 2026, the NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new Rule 24 under Article 22 of the NYSE Texas Rule Book (the "Rule Book") to offer certain issuers complimentary products and services from the Exchange. The proposed rule change is available on the Exchange's website at www.nyse.com 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below,

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2025, the Exchange reincorporated in the State of Texas and was re-named NYSE Texas, Inc. At the time of its reincorporation, there were approximately thirty issuers with a dual listing on the Exchange. Since the date of its reincorporation, many additional issuers have sought a dual listing on the Exchange. The Exchange now proposes to adopt new Rule 24 under Article 22 of the Rule Book to offer complimentary services to certain issuers listed on the Exchange.

The Exchange proposes to codify in new Rule 24 that all issuers listed on the Exchange are entitled to certain services, including use of the Exchange's headquarters in Dallas, Texas, on a complimentary basis as described on the Exchange's website. The Exchange offers these complimentary services to all issuers without regard to size or any other factor.

In addition, the Exchange proposes to specify that Eligible Dual Listings (as defined below) are entitled to receive a package of visibility and investor engagement products and services with a commercial value of approximately \$50,000. For purposes of Rule 24, the Exchange proposes to define Eligible Dual Listings as any U.S. or any non-U.S. company (i) whose primary class of equity securities is listed on another national securities exchange and is listing such class of securities on the Exchange as a dual listing pursuant to Rule 18 of the Rule Book, and (ii) that has 160 million or more total shares of common stock issued and outstanding in all share classes, including and in addition to treasury shares (a non-U.S. company must have 160 million or more shares of an equity security issued and outstanding in the U.S.).

Under the Exchange's proposal, Eligible Dual Listings may elect to receive some or all of the products and services for which they are eligible under proposed Rule 24 but are under no obligation to accept any such product or service.

The package of visibility and investor engagement products and services would entitle eligible issuers to hold an investor meeting at the Exchange's headquarters in Dallas, Texas as well as a marketing activation to publicize the issuer's dual listing on the Exchange or

other corporate developments. The Exchange proposes to provide this package of visibility and investor engagement products and services to companies that have at least 160 million or more total shares of common stock issued and outstanding in all share classes, including and in addition to treasury shares. To qualify as an Eligible Dual Listing, any non-U.S. company must have 160 million or more shares of an equity security issued and outstanding in the U.S.

In determining to offer the proposed package of complimentary products and services, the Exchange notes the growing economy of the southwestern United States and issuers increasing interest in developing a presence in Texas. The Exchange believes that the offering of services will facilitate issuer engagement with investors in this growing economic hub and entice issuers to dually list on the Exchange.⁴ In this regard, the Exchange notes that other exchanges offer complimentary products and services to issuers on a tiered basis based on shares outstanding.⁵ The Exchange believes it is reasonable to offer its proposed package of services to issuers with at least 160 million shares outstanding as such issuers tend to be larger and have greater demand for visibility and engagement. In addition, any issuer that may not initially qualify based on its shares outstanding will be eligible in the future if it reaches the proposed threshold.

As noted above, Eligible Dual Listings are not obligated to accept any of the proposed services and a determination not to accept such services will have no effect on an issuer's continued listing on the Exchange. Further, the Exchange represents that the existence of this program will not adversely affect the funding available for the Exchange's regulatory responsibilities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5)⁷ of the Act, in particular, in that

⁴ In this regard, the Exchange notes that Nasdaq Texas, LLC recently adopted a package of complimentary services offered to issuers dually listed on its exchange. See Securities Exchange Act Release No. 105883 (July 10, 2026), 91 FR 43408 (July 15, 2026).

⁵ See, for example, Section 907.00 of the NYSE Listed Company Manual. The NYSE offers ongoing complimentary products and services to issuers with at least 160 million shares outstanding. This threshold is consistent with the Exchange's proposal.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. It is also consistent with this provision because it is not designed to permit unfair discrimination between issuers. All similarly situated issuers will receive the same level of complimentary products and services and all issuers will receive some level of complimentary products and services. The proposed rule change is equitable and not unfairly discriminatory because the criteria for being an Eligible Dual Listing is the same for all issuers.

The Exchange believes that it is reasonable to offer complimentary products and services to attract new listings and respond to competitive pressures. The Exchange faces competition in the market for listing services and it competes, in part, by improving the quality of the services that it offers to listed companies. By offering products and services on a complimentary basis and ensuring that it is offering the services most valued by its listed issuers, the Exchange will improve the quality of the services that listed companies receive. The Exchange believes it is reasonable to offer companies with at least 160 million shares outstanding an enhanced package of complimentary products and services as such companies tend to be larger and desire enhanced visibility and engagement. The Exchange believes its proposal will entice additional companies to dually list on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal will not burden competition between listed companies because all companies receive some level of complimentary products and services and all similarly situated companies (*i.e.* those with at least 160 million shares outstanding) are eligible to receive a complimentary visibility and investor engagement package. Any company that may not initially qualify will be eligible to receive such package if it subsequently achieves the required threshold. No issuer is required to accept the services as a condition of listing. The proposal also will not burden competition with other national securities exchanges because such exchange either already

offer such services⁸ or can elect to compete by doing so.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSETEX-2026-30 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-NYSETEX-2026-30. 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-NYSETEX-2026-30 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17801 Filed 8-31-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106210; File No. 4-443]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Add MX2 LLC as a Plan Sponsor

August 27, 2026.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 608 thereunder,² notice is hereby given that on August 21, 2026, MX2 LLC ("MX2" or "Exchange") filed with the Securities and Exchange Commission ("Commission") an amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options ("OLPP" or "Plan").³ The Commission approved the

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78k-1(a)(3).

² 17 CFR 242.608.

³ On July 6, 2001, the Commission approved the OLPP, which was proposed by the American Stock Exchange LLC ("Amex") (n/k/a NYSE American, LLC ("NYSE American")), Chicago Board Options Exchange, Incorporated ("Cboe"), International Securities Exchange LLC ("ISE") (n/k/a Nasdaq ISE, LLC ("Nasdaq ISE")), Options Clearing Corporation ("OCC"), Philadelphia Stock Exchange, Inc. ("Phlx") (n/k/a Nasdaq Phlx LLC (Nasdaq Phlx)), and Pacific Exchange, Inc. ("PCX") (n/k/a NYSE Arca, Inc. ("NYSE Arca")). See Securities Exchange Act Release No. 44521, 66 FR 36809 (July 13, 2001). See also Securities Exchange Act Release Nos. 49199 (Feb. 5, 2004), 69 FR 7030 (Feb. 12, 2004) (adding Boston Stock Exchange, Inc. as a Sponsor to the OLPP); 57546 (Mar. 21, 2008), 73 FR 16393 (Mar. 27, 2008) (adding Nasdaq Stock Market, LLC ("Nasdaq") as a Sponsor to the OLPP); 61528 (Feb. 17, 2010), 75 FR 8415 (Feb. 24, 2010) (adding BATS Exchange, Inc. ("BATS") (n/k/a Cboe BZX

application of MX2 to register as a national securities exchange on March 13, 2025.⁴ The Commission subsequently approved MX2's proposal to adopt rules to govern the trading of options on the Exchange for a new facility called MX2 Options ("MX2 Options").⁵ One of the conditions of the Commission's approval of MX2 Options was the requirement for MX2 to join the OLPP.⁶ The amendment adds MX2 as a Plan Sponsor⁷ of the OLPP.⁸ The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The OLPP establishes procedures designed to facilitate the listing and trading of standardized options contracts on the options exchanges. The amendment to the OLPP adds MX2 as a Sponsor. The other OLPP Sponsors are BOX, Cboe, Cboe BZX, Cboe C2, Cboe EDGX, MEMX, MIAX, MIAX Emerald, MIAX PEARL, MIAX Sapphire, Nasdaq, Nasdaq BX, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, Nasdaq Phlx, NYSE American, NYSE Arca, and OCC. MX2

Exchange, Inc. ("Cboe BZX") as a Sponsor to the OLPP; 63162 (Oct. 22, 2010), 75 FR 66401 (Oct. 28, 2010) (adding C2 Options Exchange Incorporated ("C2") (n/k/a Cboe C2 Exchange, Inc. ("Cboe C2")) as a sponsor to the OLPP); 66952 (May 9, 2012), 77 FR 28641 (May 15, 2012) (adding BOX Options Exchange LLC ("BOX") as a Sponsor to the OLPP); 67327 (June 29, 2012), 77 FR 40125 (July 6, 2012) (adding Nasdaq OMX BX, Inc. ("BX") (n/k/a Nasdaq BX, Inc. ("Nasdaq BX")) as a Sponsor to the OLPP); 70765 (Oct. 28, 2013), 78 FR 65739 (Nov. 1, 2013) (adding Topaz Exchange, LLC as a Sponsor to the OLPP ("Topaz") (n/k/a Nasdaq GEMX, LLC ("Nasdaq GEMX")); 70764 (Oct. 28, 2013), 78 FR 65733 (Nov. 1, 2013) (adding Miami International Securities Exchange, LLC ("MIAX") as a Sponsor to the OLPP); 76822 (Jan. 1, 2016), 81 FR 1251 (Jan. 11, 2016) (adding EDGX Exchange, Inc. ("EDGX") (n/k/a Cboe EDGX Exchange, Inc. ("Cboe EDGX")) as a Sponsor to the OLPP); 77323 (Mar. 8, 2016), 81 FR 13433 (Mar. 14, 2016) (adding ISE Mercury, LLC ("ISE Mercury") (n/k/a Nasdaq MRX, LLC ("Nasdaq MRX")) as a Sponsor to the OLPP); 79897 (Jan. 30, 2017), 82 FR 9263 (Feb. 3, 2017) (adding MIAX PEARL, LLC ("MIAX PEARL") as a Sponsor to the OLPP); 85228 (Mar. 1, 2019) 84 FR 8355 (Mar. 7, 2019) (adding MIAX Emerald, LLC ("MIAX Emerald") as a Sponsor to the OLPP); 98388 (Sept. 14, 2023), 88 FR 64963 (Sept. 20, 2023) (adding MEMX LLC ("MEMX") as a Sponsor to the OLPP); and 100622 (July 31, 2024), 89 FR 64005 (Aug. 6, 2024) (adding MIAX Sapphire, LLC ("MIAX Sapphire") as a Sponsor to the OLPP).

⁴ See Securities and Exchange Act Release No. 102650 (Mar. 13, 2025), 90 FR 12590 (Mar. 18, 2025).

⁵ See Securities and Exchange Act Release No. 104152 (Sept. 30, 2025), 90 FR 47867 (Oct. 2, 2025) (SR-MX2-2025-01).

⁶ See *id.* at 45883.

⁷ A "Plan Sponsor" is an Eligible Exchange whose participation in the OLPP has become effective pursuant to Section 7 of the OLPP.

⁸ See Letter from Anders Franzon, General Counsel, MX2 to Vanessa Countryman, Secretary, Commission, dated August 17, 2026 ("Amendment").

⁸ See, e.g., Rule 5950 of the Nasdaq Texas, LLC Rules (Products and Services Offered to Companies), Section 907.00 of the NYSE Listed Company Manual (Products and Services Available to Issuers); Rule 14.602 of the Long Term Stock Exchange Rules (Products and Services Offered to Companies).

has submitted an executed copy of the OLPP to the Commission in accordance with the procedures set forth in the OLPP regarding new Plan Sponsors. Section 7 of the OLPP provides for the entry of new Plan Sponsors to the OLPP. Specifically, Section 7 of the OLPP provides that an Eligible Exchange⁹ may become a Plan Sponsor of the OLPP by: (i) executing a copy of the OLPP, as then in effect; (ii) providing each then current Plan Sponsor with a copy of such executed OLPP; and (iii) effecting an amendment to the OLPP, as specified in Section 7(ii) of the OLPP.¹⁰

Section 7(ii) of the OLPP sets forth the process by which an Eligible Exchange may effect an amendment to the OLPP to become a Plan Sponsor. Specifically, an Eligible Exchange must: (a) execute a copy of the OLPP as then in effect with the only change being the addition of the new Plan Sponsor's name in Section 9 of the OLPP;¹¹ and (b) submit the executed OLPP to the Commission. The OLPP then provides that such an amendment will be effective when the amendment is approved by the Commission or otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 thereunder.

II. Effectiveness of the OLPP Amendment

The foregoing OLPP amendment has become effective pursuant to Rule 608(b)(3)(iii)¹² because it has been designated by the sponsors as involving solely technical or ministerial matters. At any time within sixty days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (a)(1) of Rule 608,¹³ if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly

markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the amendment is consistent with the Act and the rules thereunder. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number 4–443 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–443. 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 4–443 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–17807 Filed 8–31–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106206; File No. SR–CboeBZX–2026–067]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 22.6 (Market Maker Quotations) To Adopt Two-Sided Quote Bid/Ask Differentials

August 27, 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 17, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend Exchange Rule 22.6 (Market Maker Quotations) to adopt two-sided quote bid/ask differentials. 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.

⁹ The OLPP defines an “Eligible Exchange” as “a national securities exchange registered with the [Commission] in accordance with Section 6(a) of the [Act] that (1) has effective rules for the trading of options contracts issued and cleared by OCC approved in accordance with the provisions of the [Act] and the rules and regulations thereunder; and (2) is a party to the Plan for Reporting Consolidated Options Last Sale Reports and Quotation Information (the “OPRA Plan”). See OLPP Section 7(i). MX2 has represented that it has met both the requirements for being considered an Eligible Exchange. See Amendment, *supra* note 8, at 2.

¹⁰ MX2 has represented that it has executed a copy of the current Plan, amended to include MX2 as a Plan Sponsor in Section 9 of the Plan and has provided each current Plan Sponsor with a copy of the executed and amended Plan. See Amendment, *supra* note 8, at 2.

¹¹ The list of Plan Sponsors is set forth in Section 9 of the OLPP.

¹² 17 CFR 242.608(b)(3)(iii).

¹³ 17 CFR 242.608(a)(1).

¹⁴ 17 CFR 200.30–3(a)(85).

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 22.6 to adopt two-sided quote bid/ask differentials, also referred to as spread parameters, which establish the maximum permissible width between a Market Maker's bid and offer in a series in an appointed class. The proposal is modeled on the framework of Miami International Securities Exchange, LLC ("MIAX") Rules 603(b)(4) and (5), and is also consistent with the quote width frameworks of other options exchanges, including Nasdaq ISE, LLC ("ISE") Options 2, Section 4(b)(4).

Background on Market Maker Quoting Obligations

Exchange Rule 22.5 sets forth Obligations of Market Makers on the Exchange. Rule 22.5(a)(1) requires that, ordinarily, a Market Maker must during trading hours maintain a continuous two-sided market in each of its appointed classes, pursuant to Rule 22.6(d)(1). Rule 22.6(d) requires a Market Maker to enter continuous bids and offers (in accordance with the requirements in Rules 22.5 and 22.6). Given this, a Market Maker is generally obligated to comply with all requirements provided in Exchange Rules 22.5 and 22.6.

Exchange Rule 22.6(c) provides for the requirements of two-sided quotes. Specifically, Rule 22.6(c) currently provides that a Market Maker that enters a bid (offer) in a series in an appointed class on BZX Options must enter an offer (bid). Currently, Market Makers on the Exchange are not subject to bid/ask differentials, meaning that the requirement for a two-sided market can be set with a quote that is very wide. The Exchange now proposes to adopt new provisions under Rule 22.6(c) to set forth the bid/ask differential requirements for such two-sided quotes.

Proposed Bid/Ask Differential Requirements

The Exchange proposes to add to Exchange Rule 22.6(c) that the bid/ask differential of a Market Maker's electronic quotes may not exceed \$5 regardless of the Market Maker's bid. For purposes of measuring compliance with the bid/ask differential requirement, the Exchange will consider the aggregate of all quotes entered by a Market Maker (*i.e.*, at the Options Member firm level) across all Executing Firm IDs ("EFIDs") used by that Market Maker in a particular option series or

class. For example, if a Market Maker quotes using multiple EFIDs in the same series, with EFID A quoting \$0 bid at \$10 offer and EFID B quoting \$5 bid at \$15 offer, the Exchange would measure the bid/ask differential based on the firm's aggregate quote of \$5 bid at \$10 offer, resulting in a \$5 width that satisfies the requirement.

Additionally, the Exchange clarifies that a bid of zero or no bid is a valid bid for purposes of the two-sided market requirement and the bid/ask differential calculation. Using the example above, EFID A's quote of a \$10 offer (and no bid) would result in a \$10 width, as no bid is equivalent to a bid of \$0. However, when aggregated with EFID B's quote of \$5 bid at \$15 offer, the Market Maker firm's aggregate quote would be \$5 bid at \$10 offer, satisfying the \$5 differential requirement.

Proposed Exceptions

The Exchange also proposes to adopt certain exceptions to the bid/ask differential requirements under proposed Rules 22.6(c)(1) and (2).

Proposed Rule 22.6(c)(1) would provide that the Exchange may establish bid/ask differentials other than the foregoing for one or more series or classes of options. As proposed, the Exchange would have flexibility to establish bid/ask differentials in excess of \$5 where appropriate for a particular options series or class.³ The Exchange notes that MIAX has exercised similar discretion to establish wider bid/ask differentials tailored to specific market conditions.⁴ Similarly, Nasdaq PHLX LLC ("Phlx") has established separate bid/ask differential requirements for options on the Nasdaq-100 Index ("NDX") and other proprietary index products.⁵

Proposed Rule 22.6(c)(2) would provide that the bid/ask differentials shall not apply to in-the-money series where the national best bid and offer ("NBBO") for the underlying security is wider than the differentials set forth above. For such series, the bid/ask

differentials may be as wide as the spread between the NBBO in the underlying security.

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 believes that establishing bid/ask differential requirements for Market Maker quotes promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange believes the proposed bid/ask differentials will enhance the quality of markets on the Exchange by requiring that Market Makers maintain reasonably tight markets when fulfilling their continuous quoting obligations. Currently, Market Makers may satisfy their two-sided quoting obligations with quotes that are excessively wide, which may not provide meaningful liquidity to market participants. By establishing a general maximum permissible width of \$5 between a Market Maker's bid and offer, the Exchange believes the proposal will cause Market Makers to submit quotes that are more likely to facilitate price discovery and execution opportunities for investors.

The Exchange believes the proposed \$5 bid/ask differential as the general maximum is reasonable and appropriate. The differential is sufficiently wide to accommodate normal market conditions and volatility

³ If the Exchange were to exercise this discretion, it would announce any such differentials to members via exchange notice.

⁴ For example, MIAX has established bid/ask differentials for various options series or classes based on factors such as the price of the underlying security and market characteristics. See MIAX Options Exchange Regulatory Circular 2025-44 at MIAX_Options_RC_2025_44.pdf.

⁵ See Options Regulatory Alert #2026-40, PHLX, ISE and GEMX—Bid Ask Differentials for NDX Option Class through September 18, 2026, available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2026-40> (establishing bid/ask differentials for NDX options on a bid-price tiered basis, with intraday differentials ranging from \$20 to \$800 depending on the bid price of the option).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

while preventing Market Makers from entering quotes that are so wide as to provide no meaningful liquidity. The Exchange notes that the proposal is consistent with MIAX Rules 603(b)(4) and (5).

The Exchange believes that measuring compliance with the bid/ask differential requirement at the Options Member firm level (*i.e.*, aggregating quotes across all EFIDs used by a Market Maker in a particular series) is consistent with the protection of investors and the public interest. This approach recognizes the operational reality that Market Maker firms often utilize multiple EFIDs for legitimate business purposes, such as managing different trading strategies or order flow types. The Exchange believes measuring compliance with the bid/ask differential requirement at the firm level more accurately reflects the Market Maker's overall market in a series, rather than evaluating each EFID in isolation. This aggregation approach appropriately assesses whether the Market Maker is providing a meaningful two-sided market to investors, as the firm's combined quotes across all EFIDs represent the actual liquidity available from that Market Maker. This approach is also consistent with how the Exchange measures compliance with other Market Maker obligations, which are assessed at the firm level rather than by individual EFID.

The Exchange believes that clarifying that a bid of zero or no bid satisfies the two-sided quotation requirement promotes regulatory clarity and removes impediments to and perfects the mechanism of a free and open market. The Exchange believes this clarification will provide Market Makers with additional understanding of their obligations and thus their ability to comply with the rule in a straightforward manner without being penalized for quoting markets that accurately reflect economic reality. By permitting zero or no bids to be considered a bid for purposes of determining compliance with quoting obligations, the Exchange believes the proposed rule change imposes a meaningful bid/ask differential requirement (measured in the aggregate across all EFIDs used by a Market Maker in a series), that requires Market Makers provide two-sided markets while providing Market Makers with flexibility to quote in a manner that reflects then-current market conditions, thereby facilitating fair and efficient price discovery.

The Exchange believes that proposed Rule 22.6(c)(1), which provides the Exchange with the ability to establish bid/ask differentials other than \$5 for

one or more series or classes of options, is reasonable and promotes just and equitable principles of trade. This flexibility allows the Exchange to tailor bid/ask differential requirements to the specific characteristics of particular options series or classes, such as volatility levels, liquidity profiles, underlying security characteristics, or other relevant factors. For example, certain options classes may warrant narrower bid/ask differentials to enhance market quality, while wider differentials may be appropriate in others to account for unique risk or liquidity characteristics. This discretion enables the Exchange to respond to evolving market conditions and impose bid/ask differential requirements that are appropriate for different product types. The Exchange notes it will announce differentials, including any changes, via Exchange Notice, providing transparency and notice of the applicable requirements. This approach is consistent with the flexibility provided to MIAX under MIAX Rules 603(b)(4) and (5).

The Exchange believes the exception under proposed Rule 22.6(c)(2) for in-the-money series where the underlying security market is wider than the applicable bid/ask differential is appropriate because it recognizes that options pricing is inherently tied to the pricing of the underlying security. When the NBBO in the underlying security is wider than the bid/ask differential required for the option, it would be unreasonable to require Market Makers to maintain tighter markets in the option than exist in the underlying security itself. The Exchange believes this proposed exception is reasonable and appropriate to avoid placing Market Makers in the untenable position of being required to quote options more tightly than the securities on which those options are based, which could expose Market Makers to undue risk and potentially discourage participation in market making. By allowing the bid/ask differential to be as wide as the NBBO in the underlying security for such series, the proposal appropriately balances the goal of maintaining tight markets with the practical realities of options pricing.

The Exchange notes that the proposed exceptions are substantively identical to those in MIAX Rules 603(b)(4) and (5), further demonstrating that the proposal is consistent with the Act.

For the foregoing reasons, the Exchange believes the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed bid/ask differential requirements will apply uniformly to all Market Makers on the Exchange. All Market Makers will be subject to the same bid/ask differential requirements in all classes.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposal is consistent with MIAX Rules 603(b)(4) and (5) and the quote width frameworks of other options exchanges, including ISE and Phlx. By adopting bid/ask differential requirements consistent with those of other options exchanges, Market Makers on the Exchange will be subject to comparable bid/ask differential requirements as market-makers on other markets.

For the foregoing reasons, the Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written 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 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 Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 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

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) ¹¹ 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-CboeBZX-2026-067 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-2026-067. 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-2026-067 and should be submitted on or before September 22, 2026.

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.

¹¹ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17803 Filed 8-31-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106209; File No. 4-443]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Add Investors Exchange LLC as a Plan Sponsor

August 27, 2026.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 ("Act") ¹ and Rule 608 thereunder,² notice is hereby given that on August 17, 2026, Investors Exchange LLC ("IEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") an amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options ("OLPP" or "Plan").³ The Commission approved the

¹² 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78k-1(a)(3).

¹⁷ CFR 242.608.

³ On July 6, 2001, the Commission approved the OLPP, which was proposed by the American Stock Exchange LLC ("Amex") (n/k/a NYSE American, LLC ("NYSE American")), Chicago Board Options Exchange, Incorporated ("Cboe"), International Securities Exchange LLC ("ISE") (n/k/a Nasdaq ISE, LLC ("Nasdaq ISE")), Options Clearing Corporation ("OCC"), Philadelphia Stock Exchange, Inc. ("Phlx") (n/k/a Nasdaq Phlx LLC (Nasdaq Phlx)), and Pacific Exchange, Inc. ("PCX") (n/k/a NYSE Arca, Inc. ("NYSE Arca")). See Securities Exchange Act Release No. 44521, 66 FR 36809 (July 13, 2001). See also Securities Exchange Act Release Nos. 49199 (Feb. 5, 2004), 69 FR 7030 (Feb. 12, 2004) (adding Boston Stock Exchange, Inc. as a Sponsor to the OLPP); 57546 (Mar. 21, 2008), 73 FR 16393 (Mar. 27, 2008) (adding Nasdaq Stock Market, LLC ("Nasdaq") as a Sponsor to the OLPP); 61528 (Feb. 17, 2010), 75 FR 8415 (Feb. 24, 2010) (adding BATS Exchange, Inc. ("BATS") (n/k/a Cboe BZX Exchange, Inc. ("Cboe BZX")) as a Sponsor to the OLPP); 63162 (Oct. 22, 2010), 75 FR 66401 (Oct. 28, 2010) (adding C2 Options Exchange Incorporated ("C2") (n/k/a Cboe C2 Exchange, Inc. ("Cboe C2")) as a sponsor to the OLPP); 66952 (May 9, 2012), 77 FR 28641 (May 15, 2012) (adding BOX Options Exchange LLC ("BOX") as a Sponsor to the OLPP); 67327 (June 29, 2012), 77 FR 40125 (July 6, 2012) (adding Nasdaq OMX BX, Inc. ("BX") (n/k/a Nasdaq BX, Inc. ("Nasdaq BX")) as a Sponsor to the OLPP); 70765 (Oct. 28, 2013), 78 FR 65739 (Nov. 1, 2013) (adding Topaz Exchange, LLC as a Sponsor to the OLPP ("Topaz") (n/k/a Nasdaq GEMX, LLC ("Nasdaq GEMX")); 70764 (Oct. 28, 2013), 78 FR 65733 (Nov. 1, 2013) (adding Miami International

application of IEX to register as a national securities exchange on June 23, 2016.⁴ The Commission subsequently approved IEX's proposal to adopt rules to govern the trading of options on the Exchange for a new facility called IEX Options LLC ("IEX Options").⁵ One of the conditions of the Commission's approval of IEX Options was the requirement for IEX to join the OLPP.⁶ The amendment adds IEX as a Plan Sponsor ⁷ of the OLPP.⁸ The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The OLPP establishes procedures designed to facilitate the listing and trading of standardized options contracts on the options exchanges. The amendment to the OLPP adds IEX as a Sponsor. The other OLPP Sponsors are BOX, Cboe, Cboe BZX, Cboe C2, Cboe EDGX, MEMX, MIAx, MIAx Emerald, MIAx PEARL, MIAx Sapphire, Nasdaq, Nasdaq BX, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, Nasdaq Phlx, NYSE American, NYSE Arca, and OCC. IEX has submitted an executed copy of the OLPP to the Commission in accordance with the procedures set forth in the OLPP regarding new Plan Sponsors. Section 7 of the OLPP provides for the entry of new Plan Sponsors to the OLPP. Specifically, Section 7 of the OLPP provides that an Eligible Exchange ⁹

Securities Exchange, LLC ("MIAx") as a Sponsor to the OLPP; 76822 (Jan. 1, 2016), 81 FR 1251 (Jan. 11, 2016) (adding EDGX Exchange, Inc. ("EDGX") (n/k/a Cboe EDGX Exchange, Inc. ("Cboe EDGX")) as a Sponsor to the OLPP); 77323 (Mar. 8, 2016), 81 FR 13433 (Mar. 14, 2016) (adding ISE Mercury, LLC ("ISE Mercury") (n/k/a Nasdaq MRX, LLC ("Nasdaq MRX")) as a Sponsor to the OLPP); 79897 (Jan. 30, 2017), 82 FR 9263 (Feb. 3, 2017) (adding MIAx PEARL, LLC ("MIAx PEARL") as a Sponsor to the OLPP); 85228 (Mar. 1, 2019) 84 FR 8355 (Mar. 7, 2019) (adding MIAx Emerald, LLC ("MIAx Emerald") as a Sponsor to the OLPP); 98388 (Sept. 14, 2023), 88 FR 64963 (Sept. 20, 2023) (adding MEMX LLC ("MEMX") as a Sponsor to the OLPP); and 100622 (July 31, 2024), 89 FR 64005 (Aug. 6, 2024) (adding MIAx Sapphire, LLC ("MIAx Sapphire") as a Sponsor to the OLPP).

⁴ See Securities and Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41142 (June 23, 2016).

⁵ See Securities and Exchange Act Release No. 103998 (Sept. 18, 2025), 90 FR 45861 (Sept. 23, 2025) (SR-IEX-2025-02).

⁶ See *id.* at 45883.

⁷ A "Plan Sponsor" is an Eligible Exchange whose participation in the OLPP has become effective pursuant to Section 7 of the OLPP.

⁸ See Letter from Claudia Crowley, Chief Regulatory Officer, IEX, to Vanessa Countryman, Secretary, Commission, dated August 17, 2026 ("Amendment").

⁹ The OLPP defines an "Eligible Exchange" as "a national securities exchange registered with the [Commission] in accordance with Section 6(a) of the [Act] that (1) has effective rules for the trading

Continued

may become a Plan Sponsor of the OLPP by: (i) executing a copy of the OLPP, as then in effect; (ii) providing each then current Plan Sponsor with a copy of such executed OLPP; and (iii) effecting an amendment to the OLPP, as specified in Section 7(ii) of the OLPP.¹⁰

Section 7(ii) of the OLPP sets forth the process by which an Eligible Exchange may effect an amendment to the OLPP to become a Plan Sponsor. Specifically, an Eligible Exchange must: (a) execute a copy of the OLPP as then in effect with the only change being the addition of the new Plan Sponsor's name in Section 9 of the OLPP;¹¹ and (b) submit the executed OLPP to the Commission. The OLPP then provides that such an amendment will be effective when the amendment is approved by the Commission or otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 thereunder.

II. Effectiveness of the OLPP Amendment

The foregoing OLPP amendment has become effective pursuant to Rule 608(b)(3)(iii)¹² because it has been designated by the sponsors as involving solely technical or ministerial matters. At any time within sixty days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (a)(1) of Rule 608,¹³ if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the amendment is consistent with the Act and the rules

thereunder. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number 4–443 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to File Number 4–443. 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 4–443 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106208; File No. SR–CBOE–2026–074]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 5.52 (Market-Maker Quotes) To Adopt Two-Sided Quote Bid/Ask Differentials

August 27, 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 17, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (“Cboe” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend Exchange Rule 5.52 (Market-Maker Quotes) to adopt two-sided quote bid/ask differentials. 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

The Exchange proposes to amend Rule 5.52 to adopt two-sided quote bid/ask differentials, also referred to as spread parameters, which establish the maximum permissible width between a Market-Maker's bid and offer in a series in an appointed class. While the proposal is not modeled on the program of any single options exchange, each component of the proposal is similar or identical to concepts already established

of options contracts issued and cleared by OCC approved in accordance with the provisions of the [Act] and the rules and regulations thereunder; and (2) is a party to the Plan for Reporting Consolidated Options Last Sale Reports and Quotation Information (the “OPRA Plan”). See OLPP Section 7(i). IEX has represented that it has met both the requirements for being considered an Eligible Exchange. See Amendment, *supra* note 8, at 2.

¹⁰ IEX has represented that it has executed a copy of the current Plan, amended to include IEX as a Plan Sponsor in Section 9 of the Plan and has provided each current Plan Sponsor with a copy of the executed and amended Plan. See Amendment, *supra* note 8, at 2.

¹¹ The list of Plan Sponsors is set forth in Section 9 of the OLPP.

¹² 17 CFR 242.608(b)(3)(iii).

¹³ 17 CFR 242.608(a)(1).

¹⁴ 17 CFR 200.30–3(a)(85).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

across other options exchanges. Specifically, the general framework of establishing maximum bid/ask differentials for Market-Maker quotes, the Exchange's discretion to establish different differentials for particular series or classes, and the exception for in-the-money series are each consistent with Miami International Securities Exchange, LLC ("MIAX") Rules 603(b)(4) and (5). The use of time to expiration as a factor in determining the applicable bid/ask differential is consistent with the approach taken by Nasdaq ISE, LLC ("ISE") Options 2, Section 5(d)(2)(A) and Nasdaq PHLX LLC ("Phlx") Options 4A, Section 12(b)(2)(i).

Background on Market-Maker Quoting Obligations

Exchange Rule 5.51 sets forth Market-Maker Obligations on the Exchange. Rule 5.51(a)(1) requires that, ordinarily, a Market-Maker must during the trading day maintain a continuous two-sided market in each of its appointed classes, pursuant to Rule 5.52(d). Rule 5.52(d) requires a Market-Maker to enter continuous electronic bids and offers (in accordance with the requirements in Rules 5.51 and 5.52). Given this, a Market-Maker is generally obligated to comply with all requirements provided in Exchange Rules 5.51 and 5.52.

Exchange Rule 5.52(c) provides for the requirements of two-sided quotes. Specifically, Rule 5.52(c) currently provides that a Market-Maker that enters a bid (offer) on the Exchange in a series in an appointed class must enter an offer (bid). Currently, Market-Makers on the Exchange are not subject to bid/ask differentials, meaning that the requirement for a two-sided market can be set with a quote that is very wide. The Exchange now proposes to adopt new provisions under Rule 5.52(c) to set forth the bid/ask differential requirements for such two-sided quotes.

Proposed Bid/Ask Differential Requirements

The Exchange proposes to add to Exchange Rule 5.52(c) that the bid/ask differential of a Market-Maker's electronic quotes may not exceed \$5 for options series expiring in 270 days or less, or \$15 for option series expiring in more than 270 days, regardless of the Market-Maker's bid. For purposes of measuring compliance with the bid/ask differential requirement, the Exchange will consider the aggregate of all quotes entered by a Market-Maker (*i.e.*, at the Trading Permit Holder ("TPH") firm level) across all Executing Firm IDs ("EFIDs") used by that Market-Maker in a particular option series or class. For

example, if a Market-Maker TPH quotes using multiple EFIDs in the same series, with EFID A quoting \$0 bid at \$10 offer and EFID B quoting \$5 bid at \$15 offer, the Exchange would measure the bid/ask differential based on the firm's aggregate quote of \$5 bid at \$10 offer, resulting in a \$5 width that satisfies the requirement.

Additionally, the Exchange clarifies that a bid of zero or no bid is a valid bid for purposes of the two-sided market requirement and the bid/ask differential calculation. Using the example above, EFID A's quote of a \$10 offer (and no bid) would result in a \$10 width, as no bid is equivalent to a bid of \$0. However, when aggregated with EFID B's quote of \$5 bid at \$15 offer, the Market-Maker firm's aggregate quote would be \$5 bid at \$10 offer, satisfying the \$5 differential requirement.

Proposed Exceptions

The Exchange also proposes to adopt certain exceptions to the bid/ask differential requirements under proposed Rules 5.52(c)(1) and (2).

Proposed Rule 5.52(c)(1) would provide that the Exchange may establish bid/ask differentials other than the foregoing for one or more series or classes of options. As proposed, the Exchange would have flexibility to establish bid/ask differentials other than \$5 or \$15 (as applicable) where appropriate for a particular options series or class, including for different product types such as proprietary index options or other exclusively-listed products.³ The Exchange notes that MIAX has exercised similar discretion to establish wider bid/ask differentials tailored to specific market conditions.⁴ Similarly, Phlx has established separate bid/ask differential requirements for options on the Nasdaq-100 Index ("NDX") and other proprietary index products.⁵

Proposed Rule 5.52(c)(2) would provide that the bid/ask differentials shall not apply to in-the-money series where the national best bid and offer

("NBBO") for the underlying security is wider than the differentials set forth above. For such series, the bid/ask differentials may be as wide as the spread between the NBBO in the underlying security.

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 believes that establishing bid/ask differential requirements for Market-Maker quotes promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange believes the proposed bid/ask differentials will enhance the quality of markets on the Exchange by requiring that Market-Makers maintain reasonably tight markets when fulfilling their continuous quoting obligations. Currently, Market-Makers may satisfy their two-sided quoting obligations with quotes that are excessively wide, which may not provide meaningful liquidity to market participants. By establishing a general maximum permissible width of \$5 (for options series expiring in 270 days or less) and \$15 (for options series expiring in more than 270 days) between a Market-Maker's bid and offer, the Exchange believes the proposal will cause Market-Makers to submit quotes that are more likely to facilitate price discovery and execution opportunities for investors.

³ If the Exchange were to exercise this discretion, it would announce any such differentials to members via exchange notice.

⁴ For example, MIAX has established bid/ask differentials for various options series or classes based on factors such as the price of the underlying security and market characteristics. See MIAX Options Exchange Regulatory Circular 2025-44 at MIAX_Options_RC_2025_44.pdf.

⁵ See Options Regulatory Alert #2026-40, PHLX, ISE and GEMX—Bid Ask Differentials for NDX Option Class through September 18, 2026, available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2026-40> (establishing bid/ask differentials for NDX options on a bid-price tiered basis, with intraday differentials ranging from \$20 to \$800 depending on the bid price of the option).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

The Exchange believes the proposed general bid/ask differentials of \$5 for options series expiring in 270 days or less and \$15 for options series expiring in more than 270 days are reasonable and appropriate. The \$5 differential for shorter-dated series is sufficiently wide to accommodate normal market conditions and volatility while preventing Market-Makers from entering quotes that are so wide as to provide no meaningful liquidity. The wider \$15 differential for longer-dated series (*i.e.*, those with more than 270 days to expiration) accounts for the reduced liquidity, wider theoretical values, and greater uncertainty associated with long-term options. The Exchange notes that the use of time to expiration as a variable in bid/ask differential requirements is an established concept across options exchanges. For example, ISE Options 2, Section 5(d)(2)(A) provides that bid/ask differentials do not apply to options series until the time to expiration is less than nine months (approximately 270 days), and Phlx Options 4A, Section 12(b)(2)(i) similarly provides that bid/ask differential rules shall not apply to index long-term option series until the time to expiration is less than twelve months. The Exchange notes that the proposal is consistent with MIAX Rules 603(b)(4) and (5) with respect to the Exchange's discretion to establish quote width requirements.

The Exchange believes that measuring compliance with the bid/ask differential requirement at the TPH firm level (*i.e.*, aggregating quotes across all EFIDs used by a Market-Maker in a particular series) is consistent with the protection of investors and the public interest. This approach recognizes the operational reality that Market-Maker firms often utilize multiple EFIDs for legitimate business purposes, such as managing different trading strategies or order flow types. The Exchange believes measuring compliance with the bid/ask differential requirement at the firm level more accurately reflects the Market-Maker's overall market in a series, rather than evaluating each EFID in isolation. This aggregation approach appropriately assesses whether the Market-Maker is providing a meaningful two-sided market to investors, as the firm's combined quotes across all EFIDs represent the actual liquidity available from that Market-Maker. This approach is also consistent with how the Exchange measures compliance with other Market-Maker obligations, which are assessed at the firm level rather than by individual EFID.

The Exchange believes that clarifying that a bid of zero or no bid satisfies the

two-sided quotation requirement promotes regulatory clarity and removes impediments to and perfects the mechanism of a free and open market. The Exchange believes this clarification will provide Market-Makers with additional understanding of their obligations and thus their ability to comply with the rule in a straightforward manner without being penalized for quoting markets that accurately reflect economic reality. By permitting zero or no bids to be considered a bid for purposes of determining compliance with quoting obligations, the Exchange believes the proposed rule change imposes a meaningful bid/ask differential requirement (measured in the aggregate across all EFIDs used by a Market-Maker in a series), that requires Market-Makers provide two-sided markets while providing Market-Makers with flexibility to quote in a manner that reflects then-current market conditions, thereby facilitating fair and efficient price discovery.

The Exchange believes that proposed Rule 5.52(c)(1), which provides the Exchange with the ability to establish bid/ask differentials other than \$5 or \$15 (as applicable) for one or more series or classes of options, is reasonable and promotes just and equitable principles of trade. This flexibility allows the Exchange to tailor bid/ask differential requirements to the specific characteristics of particular options series or classes, such as volatility levels, liquidity profiles, underlying security characteristics, time to expiration, or other relevant factors. For example, certain options classes may warrant narrower bid/ask differentials to enhance market quality, while wider differentials may be appropriate in others to account for unique risk or liquidity characteristics, including proprietary index options with higher notional values. This discretion enables the Exchange to respond to evolving market conditions and impose bid/ask differential requirements that are appropriate for different product types. The Exchange notes it will announce differentials, including any changes, to TPHs pursuant to Rule 1.5, providing transparency and notice of the applicable requirements. This approach is consistent with the flexibility provided to MIAX under MIAX Rules 603(b)(4) and (5).

The Exchange believes the exception under proposed Rule 5.52(c)(2) for in-the-money series where the underlying security market is wider than the applicable bid/ask differential is appropriate because it recognizes that options pricing is inherently tied to the

pricing of the underlying security. When the NBBO in the underlying security is wider than the bid/ask differential required for the option, it would be unreasonable to require Market-Makers to maintain tighter markets in the option than exist in the underlying security itself. The Exchange believes this proposed exception is reasonable and appropriate to avoid not placing Market-Makers in the untenable position of being required to quote options more tightly than the securities on which those options are based, which could expose Market-Makers to undue risk and potentially discourage participation in market making. By allowing the bid/ask differential to be as wide as the NBBO in the underlying security for such series, the proposal appropriately balances the goal of maintaining tight markets with the practical realities of options pricing.

The Exchange notes that the proposed exceptions are substantively identical to those in MIAX Rules 603(b)(4) and (5), further demonstrating that the proposal is consistent with the Act.

For the foregoing reasons, the Exchange believes the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed bid/ask differential requirements will apply uniformly to all Market-Makers on the Exchange. All Market-Makers will be subject to the same bid/ask differential requirements in all classes.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposal is consistent with MIAX Rules 603(b)(4) and (5) and the quote width frameworks of other options exchanges, including ISE and Phlx. By adopting bid/ask differential requirements consistent with those of other options exchanges, Market-Makers on the Exchange will be subject to comparable bid/ask differential requirements as market-makers on other markets.

For the foregoing reasons, the Exchange does not believe the proposed rule change will impose any burden on

competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written 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 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 Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

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)¹¹ 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-CBOE-2026-074 on the subject line.

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 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.

¹¹ 15 U.S.C. 78s(b)(2)(B).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2026-074. 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-2026-074 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-17805 Filed 8-31-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106207; File No. SR-C2-2026-022]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 5.52 (Market-Maker Quotes) To Adopt Two-Sided Quote Bid/Ask Differentials

August 27, 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 17, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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. ("C2" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend Exchange Rule 5.52 (Market-Maker Quotes) to adopt two-sided quote bid/ask differentials. 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

The Exchange proposes to amend Rule 5.52 to adopt two-sided quote bid/ask differentials, also referred to as spread parameters, which establish the maximum permissible width between a Market-Maker's bid and offer in a series in an appointed class. The proposal is modeled on the framework of Miami International Securities Exchange, LLC ("MIAX") Rules 603(b)(4) and (5), and is also consistent with the quote width frameworks of other options exchanges, including Nasdaq ISE, LLC ("ISE") Options 2, Section 4(b)(4).

Background on Market-Maker Quoting Obligations

Exchange Rule 5.51 sets forth Market-Maker Obligations on the Exchange. Rule 5.51(a)(1) requires that, ordinarily, a Market-Maker must during the trading day maintain a continuous two-sided market in each of its appointed classes, pursuant to Rule 5.52(d). Rule 5.52(d)

requires a Market-Maker to enter continuous electronic bids and offers (in accordance with the requirements in Rules 5.51 and 5.52). Given this, a Market-Maker is generally obligated to comply with all requirements provided in Exchange Rules 5.51 and 5.52.

Exchange Rule 5.52(c) provides for the requirements of two-sided quotes. Specifically, Rule 5.52(c) currently provides that a Market-Maker that enters a bid (offer) on the Exchange in a series in an appointed class must enter an offer (bid). Currently, Market-Makers on the Exchange are not subject to bid/ask differentials, meaning that the requirement for a two-sided market can be set with a quote that is very wide. The Exchange now proposes to adopt new provisions under Rule 5.52(c) to set forth the bid/ask differential requirements for such two-sided quotes.

Proposed Bid/Ask Differential Requirements

The Exchange proposes to add to Exchange Rule 5.52(c) that the bid/ask differential of a Market-Maker's electronic quotes may not exceed \$5 regardless of the Market-Maker's bid. For purposes of measuring compliance with the bid/ask differential requirement, the Exchange will consider the aggregate of all quotes entered by a Market-Maker (*i.e.*, at the Trading Permit Holder ("TPH") firm level) across all Executing Firm IDs ("EFIDs") used by that Market-Maker in a particular option series or class. For example, if a Market-Maker TPH quotes using multiple EFIDs in the same series, with EFID A quoting \$0 bid at \$10 offer and EFID B quoting \$5 bid at \$15 offer, the Exchange would measure the bid/ask differential based on the firm's aggregate quote of \$5 bid at \$10 offer, resulting in a \$5 width that satisfies the requirement.

Additionally, the Exchange clarifies that a bid of zero or no bid is a valid bid for purposes of the two-sided market requirement and the bid/ask differential calculation. Using the example above, EFID A's quote of a \$10 offer (and no bid) would result in a \$10 width, as no bid is equivalent to a bid of \$0. However, when aggregated with EFID B's quote of \$5 bid at \$15 offer, the Market-Maker firm's aggregate quote would be \$5 bid at \$10 offer, satisfying the \$5 differential requirement.

Proposed Exceptions

The Exchange also proposes to adopt certain exceptions to the bid/ask differential requirements under proposed Rules 5.52(c)(1) and (2).

Proposed Rule 5.52(c)(1) would provide that the Exchange may establish

bid/ask differentials other than the foregoing for one or more series or classes of options. As proposed, the Exchange would have flexibility to establish bid/ask differentials in excess of \$5 where appropriate for a particular options series or class.³ The Exchange notes that MIAX has exercised similar discretion to establish wider bid/ask differentials tailored to specific market conditions.⁴ Similarly, Nasdaq PHLX LLC ("Phlx") has established separate bid/ask differential requirements for options on the Nasdaq-100 Index ("NDX") and other proprietary index products.⁵

Proposed Rule 5.52(c)(2) would provide that the bid/ask differentials shall not apply to in-the-money series where the national best bid and offer ("NBBO") for the underlying security is wider than the differentials set forth above. For such series, the bid/ask differentials may be as wide as the spread between the NBBO in the underlying security.

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

³ If the Exchange were to exercise this discretion, it would announce any such differentials to members via exchange notice.

⁴ For example, MIAX has established bid/ask differentials for various options series or classes based on factors such as the price of the underlying security and market characteristics. See MIAX Options Exchange Regulatory Circular 2025-44 at MIAX_Options_RC_2025_44.pdf.

⁵ See Options Regulatory Alert #2026-40, PHLX, ISE and GEMX—Bid Ask Differentials for NDX Option Class through September 18, 2026, available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2026-40> (establishing bid/ask differentials for NDX options on a bid-price tiered basis, with intraday differentials ranging from \$20 to \$800 depending on the bid price of the option).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

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 believes that establishing bid/ask differential requirements for Market-Maker quotes promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange believes the proposed bid/ask differentials will enhance the quality of markets on the Exchange by requiring that Market-Makers maintain reasonably tight markets when fulfilling their continuous quoting obligations. Currently, Market-Makers may satisfy their two-sided quoting obligations with quotes that are excessively wide, which may not provide meaningful liquidity to market participants. By establishing a general maximum permissible width of \$5 between a Market-Maker's bid and offer, the Exchange believes the proposal will cause Market-Makers to submit quotes that are more likely to facilitate price discovery and execution opportunities for investors.

The Exchange believes the proposed \$5 bid/ask differential as the general maximum is reasonable and appropriate. The differential is sufficiently wide to accommodate normal market conditions and volatility while preventing Market-Makers from entering quotes that are so wide as to provide no meaningful liquidity. The Exchange notes that the proposal is consistent with MIAX Rules 603(b)(4) and (5).

The Exchange believes that measuring compliance with the bid/ask differential requirement at the TPH firm level (*i.e.*, aggregating quotes across all EFIDs used by a Market-Maker in a particular series) is consistent with the protection of investors and the public interest. This approach recognizes the operational reality that Market-Maker firms often utilize multiple EFIDs for legitimate business purposes, such as managing different trading strategies or order flow types. The Exchange believes measuring compliance with the bid/ask differential requirement at the firm level more accurately reflects the Market-Maker's overall market in a series, rather than evaluating each EFID in isolation. This aggregation approach appropriately assesses whether the Market-Maker is providing a meaningful two-sided market to investors, as the firm's combined quotes across all EFIDs represent the actual liquidity available

⁸ *Id.*

from that Market-Maker. This approach is also consistent with how the Exchange measures compliance with other Market-Maker obligations, which are assessed at the firm level rather than by individual EFID.

The Exchange believes that clarifying that a bid of zero or no bid satisfies the two-sided quotation requirement promotes regulatory clarity and removes impediments to and perfects the mechanism of a free and open market. The Exchange believes this clarification will provide Market-Makers with additional understanding of their obligations and thus their ability to comply with the rule in a straightforward manner without being penalized for quoting markets that accurately reflect economic reality. By permitting zero or no bids to be considered a bid for purposes of determining compliance with quoting obligations, the Exchange believes the proposed rule change imposes a meaningful bid/ask differential requirement (measured in the aggregate across all EFIDs used by a Market-Maker in a series), that requires Market-Makers provide two-sided markets while providing Market-Makers with flexibility to quote in a manner that reflects then-current market conditions, thereby facilitating fair and efficient price discovery.

The Exchange believes that proposed Rule 5.52(c)(1), which provides the Exchange with the ability to establish bid/ask differentials other than \$5 for one or more series or classes of options, is reasonable and promotes just and equitable principles of trade. This flexibility allows the Exchange to tailor bid/ask differential requirements to the specific characteristics of particular options series or classes, such as volatility levels, liquidity profiles, underlying security characteristics, or other relevant factors. For example, certain options classes may warrant narrower bid/ask differentials to enhance market quality, while wider differentials may be appropriate in others to account for unique risk or liquidity characteristics. This discretion enables the Exchange to respond to evolving market conditions and impose bid/ask differential requirements that are appropriate for different product types. The Exchange notes it will announce differentials, including any changes, to TPHs pursuant to Rule 1.5, providing transparency and notice of the applicable requirements. This approach is consistent with the flexibility provided to MIAX under MIAX Rules 603(b)(4) and (5).

The Exchange believes the exception under proposed Rule 5.52(c)(2) for in-

the-money series where the underlying security market is wider than the applicable bid/ask differential is appropriate because it recognizes that options pricing is inherently tied to the pricing of the underlying security. When the NBBO in the underlying security is wider than the bid/ask differential required for the option, it would be unreasonable to require Market-Makers to maintain tighter markets in the option than exist in the underlying security itself. The Exchange believes this proposed exception is reasonable and appropriate to avoid placing Market-Makers in the untenable position of being required to quote options more tightly than the securities on which those options are based, which could expose Market-Makers to undue risk and potentially discourage participation in market making. By allowing the bid/ask differential to be as wide as the NBBO in the underlying security for such series, the proposal appropriately balances the goal of maintaining tight markets with the practical realities of options pricing.

The Exchange notes that the proposed exceptions are substantively identical to those in MIAX Rules 603(b)(4) and (5), further demonstrating that the proposal is consistent with the Act.

For the foregoing reasons, the Exchange believes the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed bid/ask differential requirements will apply uniformly to all Market-Makers on the Exchange. All Market-Makers will be subject to the same bid/ask differential requirements in all classes.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposal is consistent with MIAX Rules 603(b)(4) and (5) and the quote width frameworks of other options exchanges, including ISE and Phlx. By adopting bid/ask differential requirements consistent with those of other options exchanges, Market-Makers on the Exchange will be subject to comparable bid/ask differential

requirements as market-makers on other markets.

For the foregoing reasons, the Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written 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 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 Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

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)¹¹ 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:

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 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.

¹¹ 15 U.S.C. 78s(b)(2)(B).

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-C2-2026-022 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-C2-2026-022. 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-C2-2026-022 and should be submitted on or before September 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17804 Filed 8-31-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36316]

Deregistration Under Section 8(f) of the Investment Company Act of 1940

August 28, 2026.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of August 2026. A copy of each application may be obtained via the Commission's website

by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/search-filings>. You may also call the SEC's Office of Investor Education and Assistance at (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. The email should include the relevant file number. Hearing requests should be received by the SEC by 5:30 p.m. on September 22, 2026, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT:

Shane Duggan, Assistant Director, at (202) 551-6367 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

First Trust Dynamic Europe Equity Income Fund [File Number 811-23072]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to First Trust Active Global Quality Income ETF, a series of First Trust Exchange-Traded Fund VIII, and on November 11, 2023 made a final distribution to its shareholders based on net asset value. Expenses of \$509,897.68 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on July 29, 2026.

Applicant's Address: 120 East Liberty Drive, Suite 400, Wheaton, Illinois 60187.

First Trust High Income Long/Short Fund [File Number 811-22442]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to abrdn Income Credit Strategies Fund, and on July 22, 2024 made a final distribution to its shareholders based on net asset value. Expenses of \$1,726,137.89 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on July 29, 2026.

Applicant's Address: 120 East Liberty Drive, Suite 400, Wheaton, Illinois 60187.

First Trust/abrdn Global Opportunity Income Fund [File Number 811-21636]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to abrdn Income Credit Strategies Fund, and on September 23, 2024, made a final distribution to its shareholders based on net asset value. Expenses of \$581,851.21 incurred in connection with the reorganization were paid by the applicant's investment adviser and by abrdn Investments Limited.

Filing Date: The application was filed on July 29, 2026.

Applicant's Address: 120 East Liberty Drive, Suite 400, Wheaton, Illinois 60187.

Macquarie/First Trust Global Infrastructure/Utilities Dividend & Income Fund [File Number 811-21496]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to abrdn Global Infrastructure Income Fund, and on September 23, 2024, made a final distribution to its shareholders based on net asset value. Expenses of \$622,100.43 incurred in connection with the reorganization were paid by the applicant's investment adviser, by abrdn Inc., and by abrdn Investments Limited.

Filing Date: The application was filed on July 29, 2026.

Applicant's Address: 120 East Liberty Drive, Suite 400, Wheaton, Illinois 60187.

Pioneer Floating Rate Fund, Inc. [File Number 811-21654]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 10, 2025 and April 23, 2026, applicant

¹² 17 CFR 200.30-3(a)(12).

made liquidating distributions to its shareholders based on net asset value. Expenses of \$34,095.50 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on July 30, 2026.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

Pioneer Municipal High Income Opportunities Fund, Inc. [File Number 811-23699]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On August 22, 2025, and April 23, 2026, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$31,876.08 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on July 30, 2026.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

WST Investment Trust [File Number 811-22858]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to NEOS Enhanced Income Credit Select ETF, a series of NEOS ETF Trust, and on September 30, 2024, made a final distribution to its shareholders based on net asset value. Expenses of \$404,759 incurred in connection with the reorganization were paid by the applicant's investment adviser and the acquiring fund's investment adviser.

Filing Date: The application was filed on August 3, 2026.

Applicant's Address: 150 West Main Street, Suite 1700, Norfolk, Virginia 23510.

AAM Alternatives Trust [File Number 811-24090]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on June 22, 2026, and amended on August 3, 2026.

Applicant's Address: AAM Alternatives Trust c/o UMB Fund Services, Inc., 235 West Galena Street, Milwaukee, Wisconsin 53212.

TCG Strategic Income Fund [File Number 811-24095]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on July 10, 2026 and amended on August 14, 2026.

Applicant's Address: 525 Okeechobee Boulevard, Suite 1650, West Palm Beach, Florida 33401.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-17892 Filed 8-31-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21805 and #21806; IDAHO Disaster Number ID-20035]

Administrative Disaster Declaration of a Rural Area for the State of Idaho

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative disaster declaration of a rural area for the state of Idaho dated August 26, 2026.

Incident: Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

DATES: Issued on August 26, 2026.

Incident Period: March 11, 2026, through March 15, 2026.

Physical Loan Application Deadline Date: October 26, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 26, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration of a rural area applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at 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: Clearwater, Latah, Nez Perce.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
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
For Economic Injury:	
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 218056 and for economic injury is 218060.

The state which received an SBA Administrative rural declaration is Idaho.

(Catalog of Federal Domestic Assistance Number 590008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-17851 Filed 8-31-26; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21810 and #21811; INDIANA Disaster Number IN-20023]

Presidential Declaration of a Major Disaster for Public Assistance Only 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 Public Assistance Only 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: Shaquille Lewis, 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, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications 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: Delaware, Fayette, Franklin, Hamilton, Henry, LaPorte, Lake, Madison, Porter, Tipton, Wayne.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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>	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218106 and for economic injury is 218110.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)
James Stallings,
Associate Administrator, Office of Disaster Recovery & Resilience.
[FR Doc. 2026-17866 Filed 8-31-26; 8:45 am]
BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2024-0053]

Social Security Ruling, SSR 26-2p; Titles II and XVI: Documenting and Evaluating Disability in Young Adults

AGENCY: Social Security Administration (SSA).

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 26-2p. This SSR explains our policies and consolidates information from our regulations on documenting and evaluating disability in young adults. This ruling rescinds and replaces SSR 11-2p.

DATES: We will apply this notice on October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Michael J. Goldstein, Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, telephone: (410) 965-1020.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require it, we are publishing this SSR in accordance with 20 CFR 402.160(b)(1). Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all components of SSA (20 CFR 402.160(b)(1)).

We use SSRs to make available to the public precedential final opinions, orders, and statements of policy and interpretation relating to the federal old-age, survivors, disability, Supplemental Security Income, and Special Veteran Benefits programs. We may base SSRs on determinations or decisions made at all levels of our administrative review process, federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of the law and regulations.

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or we publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004—

Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Mark Steffensen,
General Counsel, Social Security Administration.

Policy Interpretation Ruling

SSR 26-2p: Titles II and XVI: Documenting and Evaluating Disability in Young Adults

This SSR rescinds and replaces SSR 11-2p but retains much of its substantive information. We are publishing this SSR to update certain content based on changes to our program rules since 2011. Additionally, we are clarifying some of the examples, adding new examples, and refining some content to emphasize information unique to young adult claims. Furthermore, we are reorganizing some sections to clearly identify information that is helpful to young adult claimants during the initial claims process and to young adult beneficiaries and recipients undergoing a continuing disability review (CDR) or age-18 redetermination. We are publishing these updates and revisions with the goal of improving our customer service to young adults. As a final note, we added a few new sections clarifying evidentiary considerations.

Purpose: This SSR explains our policies for evaluating disability in young adults between the ages of 18 to approximately 25. Specifically, we provide information about how we apply our policies when we determine whether a young adult is disabled under our rules and discuss considerations for developing evidence in young adult cases. This SSR also provides information about continued payments for young adults participating in vocational rehabilitation (VR) plans.

Citations (Authority): Sections 216(i), 222(c), 223(a), 223(c), 223(d), 223(f), 225(b), 1614(a)(3), 1614(a)(4), 1619, and 1631(a) of the Social Security Act (Act), as amended; Regulations 20 CFR 404.130; 404.316, 404.327, 404.328, 404.330, 404.348, 404.350–404.354; 404.1502, 404.1503, 404.1505, 404.1509–404.1510, 404.1512–404.1513, 404.1520–404.1522, 404.1525–404.1526, 404.1529–404.1530, 404.1545–404.1546, 404.1560, 404.1563–404.1569a, 404.1571–404.1576, 404.1584, 404.1589, 404.1590, 404.1593, 404.1594; 416.902, 416.903, 416.905, 416.909–416.910, 416.912–416.913, 416.920–416.922, 416.924a, 416.925–416.926a, 416.929–416.930, 416.945–416.946, 416.960, 416.963–416.969a, 416.971–416.976, 416.987, 416.989–416.989a; 416.990, 416.994; 416.1181; 416.1331, and 416.1338.

DATES: We will apply this notice on October 1, 2026.¹

Introduction

We consider people between the ages of 18 to approximately 25 to be young adults. When we make disability determinations or decisions for young adults, we use the same definition of disability as we do for other adults.² Thus, we use the adult rules to make disability determinations or decisions for young adults in situations³ including:

- When a young adult files a claim for title II child⁴ benefits on a parent's record based on a disability that began before they attained age 22;
- When a child⁵ who is receiving title XVI childhood disability benefits attains age 18 and must undergo a disability redetermination;⁶ and
- When a young adult receiving disability benefits under title II or XVI undergoes a CDR to determine whether they are still disabled.⁷

As in all adult disability claims, a young adult who applies for disability benefits under title II or XVI⁸ is disabled if they have a medically determinable physical or mental impairment(s) (MDI)⁹ that results in an

inability to engage in any substantial gainful activity (SGA).¹⁰

We use a sequential evaluation process¹¹ to determine disability in adult claims, which considers the individual's work activity,¹² the severity¹³ and duration of physical or mental MDIs,¹⁴ whether any impairment or combination of impairments meets or medically equals a listing in the Listing of Impairments (listings),¹⁵ the individual's residual functional capacity (RFC),¹⁶ and whether the individual has the ability to do their past relevant work or other work that exists in significant numbers in the national economy.¹⁷

This SSR identifies and explains issues relevant to determining disability for young adults, ages 18 to approximately 25, including the evidence we need to document a young adult's impairment-related limitations; considerations for evaluating limitations; issues regarding disability insured status; issues related to the sequential evaluation process; and considerations for resolving inconsistencies in the evidence. We also discuss issues related to continued payments for young adults participating in VR or an Individualized Education Program (IEP).

in this SSR to refer to an "impairment or a combination of impairments."

¹⁰ See sections 223(d)(1)(A) and 1614(a)(3)(A) of the Act. The impairment(s) must also satisfy the duration requirement in sections 216(i)(1), 223(d)(1)(A), and 1614(a)(3)(A) of the Act; that is, it must be expected to result in death or must have lasted or be expected to last for a continuous period of not less than 12 months. See also 20 CFR 404.1505, 404.1509, 416.905, and 416.909.

¹¹ See 20 CFR 404.1520 and 416.920 for information about the sequential evaluation process.

¹² If the individual is doing SGA, we will find them not disabled. 20 CFR 404.1520(a)(4)(i), 416.920(a)(4)(i). For the definition of SGA and the rules for how we determine whether work shows that a person has the ability to do SGA, see 20 CFR 404.1510, 404.1571–404.1576, 404.1584, 416.910, and 416.971–416.976. For the specific monthly earnings amounts we generally consider to be SGA, see: <https://www.ssa.gov/oact/COLA/sga.html>.

¹³ An impairment(s) is severe if it significantly limits the person's physical or mental ability to do basic work activities. 20 CFR 404.1520(c) and 416.920(c).

¹⁴ See 20 CFR 404.1509 and 416.909.

¹⁵ The rules for how we determine whether an impairment(s) meets or medically equals a listing are in 20 CFR 404.1525, 404.1526, 416.925, and 416.926. The listings are at 20 CFR part 404, subpart P, appendix 1.

¹⁶ For more information about the rules we use to assess RFC, see 20 CFR 404.1545–404.1546, and 416.945–416.946.

¹⁷ For more information about the rules we use to determine whether a person can perform past work or other work, see 20 CFR 404.1560–404.1569a and 416.960–416.969a.

Policy Interpretation

Sources of Evidence About a Young Adult's Ability To Do Basic Work Activities

Once we have objective medical evidence¹⁸ from an acceptable medical source¹⁹ that establishes the existence of an MDI, we consider all relevant evidence in the case record to determine whether a young adult is disabled. This evidence may come from acceptable medical sources, other medical sources, and nonmedical sources.²⁰ Although we always need objective medical evidence from an acceptable medical source, we will determine what other evidence we need based on the facts of the case.

Medical Sources

In addition to providing evidence establishing an MDI, acceptable medical sources can provide information about how a young adult's impairments affect their ability to perform work-related activities. For example, a licensed physician, licensed advanced practice registered nurse, or a licensed physician assistant who has examined or treated a young adult for asthma might discuss the impact of asthma on the young adult's participation in physical activities. A qualified speech-language pathologist might discuss how a language disorder contributes to limited attention and difficulty communicating in a work setting. A licensed or certified school psychologist might discuss how conditions such as intellectual disability, learning disabilities, or borderline intellectual functioning impact a young adult's ability to remember and carry out instructions.

Additionally, we may receive evidence from other medical sources who we do not consider acceptable medical sources, such as chiropractors, occupational therapists (OT), or physical therapists (PT). We cannot use evidence from these sources to establish that a young adult has an MDI. However, we may use evidence from these sources to evaluate the severity of the impairment(s) and how it affects the young adult's ability to do work-related activities. This evidence can be very helpful, especially if a source sees the young adult regularly. For example:

- A psychiatric social worker (PSW) might comment on the young adult's ability to deal with changes in a routine

¹⁸ See 20 CFR 404.1502(f) and 416.902(k).

¹⁹ See 20 CFR 404.1502(a) and 416.902(a).

²⁰ 20 CFR 404.1502(a), (d) and (e), 416.902(a), (i) and (j).

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the policies that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² See 20 CFR 404.1505 and 416.905.

³ Under title II, we sometimes use the adult definition of disability to make disability determinations or decisions for people under age 18, see 20 CFR 404.1520. In these situations, we will use the content in this SSR to help us make our determination or decision.

⁴ For purposes of title II entitlement, a child is a person who has the required relationship to the insured person. See generally 20 CFR 404.350 and 404.354.

⁵ For purposes of determining disability under title XVI, a child is a person who has not attained age 18. See 20 CFR 416.902(c).

⁶ See 20 CFR 416.987.

⁷ See 20 CFR 404.1590 and 416.990.

⁸ For simplicity, we refer in this SSR only to initial claims for benefits. However, the policy interpretations in this SSR also apply, with some exceptions, to age-18 redeterminations under section 1614(a)(3)(H)(iii) of the Act and 20 CFR 416.987, and to CDRs under sections 223(f) and 1614(a)(4) of the Act and 20 CFR 404.1594 and 416.994. When there is a difference in how the policy applies to age-18 redeterminations or to CDRs, we explain how the policy differs.

⁹ See 20 CFR 404.1521 and 416.921 for the definition of MDI. We use the term impairment(s)

work setting or on how they get along with others.²¹

- An OT or PT might evaluate the impact of a neurological disorder on the young adult's activities and comment on muscle tone and strength and how it affects their ability to stand and walk.
- An OT might comment on the young adult's ability to use fine motor skills to use a computer.

Nonmedical Sources

An individual who knows and has contact with the young adult, but is a nonmedical source, can also provide evidence to help us evaluate the severity and impact of a young adult's impairment(s). These sources include the young adult, family members, educational personnel (for example, teachers and counselors), public and private social welfare agency personnel, and others (for example, friends, neighbors, and clergy). Therefore, we consider evidence in the case record from nonmedical sources when we determine the severity of the young adult's impairment(s) and how the young adult is able to function.

School Programs

Evidence from school programs, including secondary and post-secondary schools, can also help us evaluate the severity and impact of a young adult's impairment(s). We will consider any evidence from school programs that the young adult participated in that had psychosocial supports, extra help, accommodations, or were in structured settings or living arrangements.²² For example:

- Some young adults who received special education (including transition services) or related services²³ before

they attained age 18 continue to receive these services until they are age 22.

Other young adults may participate in postsecondary programs, including college or vocational training.²⁴

- Young adults who receive special education services at age 16 or older will have an IEP, including an IEP transition plan.²⁵ The IEP transition plan describes a student's levels of functioning based on reasonable estimates by both the student and the special education team. It also identifies the kinds of vocational and living skills the young adult needs to develop in order to function independently as an adult.

- The IEP transition goals may range from the development of skills appropriate to supervised and supported work and living settings to those needed in independent work and living situations. For example, an IEP transition goal for an 18-year-old might be, "The student will independently use public transportation," while specific objectives would identify the skills to be developed (for example, reading a bus schedule) and the particular instruction methods to be used to develop the skills

activities, including postsecondary education, vocational education, integrated employment (including supported employment), independent living, or community participation. Such services include instruction, related services, community services, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Related services include transportation and developmental, corrective, and other supportive services (for example, occupational therapy) as are required to assist a student with a disability, as defined by IDEA, to benefit from special education. A student who does not qualify for special education may qualify for related services under section 504 of the Rehabilitation Act of 1973 to ensure a free, appropriate public education.

²⁴ The Higher Education Opportunity Act of 2008 authorizes postsecondary educational services for students with disabilities.

²⁵ IEP transition plans are discussed in 34 CFR 300.320(b). The first IEP a child receives by the time they turn 16 must include transition assessments related to training, education, and employment, as well as the transition services the child needs to reach identified goals. The IEP may be established at a younger age if determined appropriate by the IEP team. IEPs are discussed in SSR 09–2p, 74 FR 7625 (February 2009), available at: https://www.ssa.gov/OP_Home/rulings/ssi/02/SSR2009-02-ssi-02.html. (For the complete titles of all SSRs cited in this footnote and those following, see the CROSS-REFERENCES section at the end of this SSR). The information about IEPs applies equally to people age 18–22 who are still in special education. We may also consider IEPs from a period before the person attained age 18 (for example, senior year of high school) if they are relevant to the period we are considering in connection with an application, age-18 redetermination, or CDR. Recent IEPs will frequently be relevant in age-18 redeterminations. Also see 34 CFR 300.320, available at: <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320>.

(for example, one-to-one tutoring with practice reading a bus schedule).

- The goals in an IEP may be set at a level that the young adult can readily achieve to foster a sense of accomplishment and may be lower than what would be expected of a young adult without impairments.

Regarding IEP goals, a young adult who *achieves* a goal may or may not have limitations in performing basic work activities. We will not equate achievement of an IEP goal with the ability to perform basic work activities without considering if achievement of the goal was in whole or in part due to psychosocial supports and highly structured or supportive settings, or extra help and accommodations.²⁶

A young adult who *does not achieve* a goal may have an impairment-related limitation(s) in their ability to perform work activity. However, a young adult's failure to achieve a goal does not, by itself, establish that the impairment(s) is *disabling*.

In addition to information about special support services, we will also consider results of standardized tests (such as intelligence tests and standardized tests of adaptive functioning). We will consider any available testing in the context of all the evidence in the file, including information about developmental history and daily functioning in a variety of settings.

Considerations in Developing Evidence in Young Adult Cases

We also clarify in this SSR that before we determine that a young adult is not disabled, we will make every reasonable effort to develop a complete medical history for the following periods:

- *Initial-level claims:* Generally, at least 12 months preceding the young adult's application.²⁷
- *Age-18 redeterminations:* Generally, at least 12 months preceding the date of the interview or the month the form *Disability Report-Adult (SSA-3368)*²⁸ is completed.

²⁶ Similar to childhood disability claims, see 20 CFR 416.924a(b)(5) and (b)(7), we may consider special education programs and accommodations in school settings when evaluating function in young adults.

²⁷ We will develop evidence for a different period if there is a reason to believe that development of an earlier period is necessary or unless the young adult states their disability began less than 12 months before the application was filed. See 20 CFR 404.1512(b)(1) and 416.912(b)(1).

²⁸ The standard for requesting evidence for an age-18 redetermination aligns with the process for initial claims in 20 CFR 416.912(b)(1). Also see 20 CFR 416.987. The Disability Report—Adult form is available for viewing at: <https://www.ssa.gov/forms/ssa-3368-bk.pdf>.

²¹ A "medical source" is "an individual who is licensed as a healthcare worker by a State and working within the scope of practice permitted under State or Federal law, or an individual who is certified by a State as a speech-language pathologist or a school psychologist and acting within the scope of practice permitted under State or Federal law." 20 CFR 404.1502(d), 416.902(i). State healthcare practice and licensure laws differ. A certain type of practitioner, *e.g.*, a naturopath or PSW, might qualify as a medical source under one State's laws but not under another's.

²² Similar to childhood disability claims under title XVI, we may consider accommodations or one-to-one assistance in a school or work setting when evaluating function in young adults. We use this information when evaluating the degree of functional limitations for adults when evaluating mental impairments in 20 CFR 404.1520a(c), 404.1545(c), 416.920a(c), and 416.945(c).

²³ In this context, special education is defined as instructional services provided to students through age 21 in primary and secondary education under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

Transition services are a coordinated set of special education services designed to facilitate the student's movement from school to post-school

• *CDRs*: Generally, at least 12 months preceding the month the form *Continuing Disability Review Report (SSA-454)*²⁹ or the *Internet Continuing Disability Review Report (i454)* is completed.

In addition, we may develop the following types of evidence identified by the young adult or their parent or legal guardian and nonmedical sources:

- Evidence from school programs as discussed above, if the young adult is receiving special education services or received these services from age 16 forward.
- Evidence from community experiences discussed above.
- Evidence from a prior claim file if the young adult previously filed for disability benefits. We will copy relevant medical records and school records to the current file. Some examples of relevant records may include information relevant to a young adult's participation in school programs and community experiences, including work settings.
- Evidence that the young adult is participating in a VR or similar program (such as Section 301)³⁰ as described below.

• Longitudinal evidence (medical and nonmedical) if the young adult participated in school programs or has had community experiences including work from age 16 on, or if the impairment(s) or case facts warrant establishing a history that extends beyond the 12-month period of development. For example, intelligence tests administered by a licensed or certified school psychologist after a young adult has attained 16 years of age are relevant to assessing the young adult's general intellectual functioning. Some impairments have periods of fluctuating severity in terms of symptoms and functional effects over time as part of the ongoing disease process, for example, mental disorders or seizure disorders. In such cases, we may develop longitudinal evidence that extends beyond the 12-month period to assist us in evaluating the severity of a young adult's impairment(s) and resulting functional limitations.

²⁹ See 20 CFR 404.1589, 416.989, and 416.989a; and 20 CFR 404.1593(b) and 416.993. The Continuing Disability Review Report is available for viewing at: <https://www.ssa.gov/forms/ssa-454-bk.pdf>.

³⁰ Section 301 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265) provides for continuation of disability benefits to certain individuals whose disability medically ceases while the individual is engaged in a VR program.

Considerations Related To Evaluating a Young Adult's Impairment-Related Limitations

We evaluate a young adult's impairment-related limitations, including symptoms, in the sequential evaluation process to:

- Determine whether their MDI or combination of MDI(s) is severe and meets the duration requirement (*i.e.*, an MDI(s) that is expected to result in death within 12 months of the onset of disability or has lasted or is expected to last a continuous period of at least 12 months);
- Determine whether their MDI(s) meets or medically equals a listed impairment; and
- Assess their RFC and determine if the young adult has the ability to perform past relevant work or other work that exists in significant numbers in the national economy.

The examples in the sections below do not necessarily establish that a young adult is disabled, only that the individual may have limitations affecting their ability to work. We will consider the context for any skills or abilities that are demonstrated when evaluating the ability to function. For example, we will consider whether the individual had psychosocial supports, a highly structured or supportive setting, extra help, or accommodations.

Evidence Regarding Functioning From Educational Programs

As discussed above, we may have evidence about a young adult's functioning from school programs, including their IEP. This evidence may provide insight as to how well a young adult can perform the mental and physical demands of work. The following examples of school-reported difficulties might suggest limitations in work activities:

- Difficulty in understanding, remembering, and carrying out simple instructions and work procedures during a school-sponsored work experience;
- Difficulty communicating spontaneously and appropriately in the classroom or educational setting;³¹
- Difficulty with maintaining attention for extended periods in a classroom or educational setting;
- Difficulty relating to authority figures and responding appropriately to correction or criticism during school or a work-study experience;
- Difficulty using motor skills to move between classrooms;

³¹ Educational setting means any school-type activities or educational programs that take place outside of a traditional classroom setting.

- Difficulty functioning outside a supported or highly structured classroom or educational setting;
- Difficulty with hyperfocus (an intense focus on things that interest an individual, such as video games), along with a limitation in their ability to focus on other tasks, sustaining focus, or transitioning from one task to another in the educational setting;
- Difficulty independently and appropriately initiating, sustaining, and completing assignments within the classroom or educational setting; and,
- Difficulty sustaining attendance due to illness, treatment of medical conditions, or disciplinary action(s) related to medical conditions.

Community Experiences, Including Job Placements

A young adult may receive services in a community setting(s) through a school or a community agency, such as a mental health center or VR agency. These services may include:

- *Community-based instruction (CBI)*, or instruction in a natural, age-appropriate setting (for example, trips to the grocery store to develop math, sequencing, travel, and social skills).
- *On-the-job training (OJT)*, or placement in various work sites in the community for vocational training and experience, frequently in an enclave (small group) of students with a job coach (for example, placement in an enclave in a motel to learn housekeeping tasks such as bed-making and vacuuming).
- *Work experience* or supervised part-time or full-time employment to assist a young adult in acquiring job skills and professional work attitudes and habits.
- *VR services*, or services provided by states and local areas through the Workforce Innovation and Opportunity Act (WIOA),³² which provide eligible students (in-school youth) aged 14 to 21 the opportunity to receive tutoring, mentoring, alternative secondary school opportunities, paid and unpaid work experiences, counseling, and related supports. The WIOA also provides services for eligible out-of-school youth (aged 16 to 24).³³

A young adult may participate in OJT or work experience placements that are unpaid, paid at less than SGA levels, or

³² The WIOA was signed into law on July 22, 2014. The intention of the WIOA is help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with skilled workers needed to compete in the global economy. See Pub. L. 113-128; 128 Stat. 1425, 29 U.S.C. 3164, 81 FR 56072 (August 2016), available at: <https://www.congress.gov/113/plaws/publ128/PLAW-113publ128.pdf>.

³³ See 20 CFR 681.210.

paid at SGA levels. Some young adults have multiple placements as part of a transition plan that exposes them to a variety of work settings. Other young adults may have multiple placements because of unsatisfactory performance.

Regardless of whether the work was SGA, information about how well a young adult performed in job placements can help us assess how the young adult functions. For example, a young adult who was unable to sustain OJT placements may have limitations in the ability to learn and remember information or to maintain attention to carry out work-related tasks. In contrast, a young adult who performed OJT placements successfully may have a good ability to respond appropriately to supervision. In addition, information about the degree to which a young adult needs special supports in order to work (such as in supported or transitional employment programs) may also help us assess the young adult's functioning.

The evidence might show that the claimant missed time from work. We will not consider the missed time from work in itself to reflect difficulties with function in the work place or the ability to sustain work activities on a continual basis. However, this evidence may be relevant when evaluating impairment-related limitations.

Psychosocial Supports and Highly Structured or Supportive Settings

As for all adults, psychosocial supports and highly structured or supportive settings may reduce the demands on a young adult and help them function. However, the young adult's ability to function in settings that are less demanding, more structured, or more supportive than those in which people typically work does not necessarily show how the young adult will be able to function in a work setting. We will consider the type and extent of support or assistance and the characteristics of any structured setting in which the young adult spends their time when we evaluate the effects of their impairment(s) on functioning.

Extra Help and Accommodations

Working requires an individual to be able to do the tasks of a job independently, appropriately, effectively, and on a sustained basis. In this regard, the analysis for adult disability determination purposes is similar to our extra help rules for children.³⁴ If a young adult with an impairment(s) needs or would need greater supervision, assistance, or some other type of accommodation because of

the impairment(s) than an employee who does not have an impairment, the young adult has a work-related limitation that should be considered in the RFC. For example, a young adult with an intellectual development disorder or a severe anxiety disorder may need additional supports to stay on task or transition from one task to another; we would consider that when assessing the young adult's RFC.

We consider how independently a young adult is able to function, including whether the young adult needs help from other people or special equipment, devices, or medications to perform daily activities. We evaluate the degree of help, the use of any special devices or medications that enable the young adult to function, and if the extra help or support can be used effectively on a sustained basis. If there are adverse side effects or continuing limitations, we will evaluate limitations that nevertheless persist.³⁵

Accommodations

Accommodations are adjustments or modifications to tasks or an environment that allow an individual with an impairment to complete the same activity or task as other people. Accommodations can include a change in setting, timing, or scheduling, or an assistive or adaptive device.

Some young adults with impairments need accommodations in their educational program in order to participate in the general curriculum or in a transitional program.³⁶ The fact that a young adult receives or has received accommodations as a part of their IEP or Section 504 plan³⁷ may be an indication that they have a limitation in the work setting.

Some accommodations may indicate or provide evidence to support that a young adult's impairment(s) meets or medically equals a listing. For example, a young adult's need for an augmentative or alternative

communication (AAC) device (e.g., an electronic picture board accessed via an app on a smartphone or electronic tablet) may indicate a speech impairment that meets listing 2.09 or might provide evidence to support impairment severity that meets one of the neurological listings in section 11.00 of the listings or the autism spectrum disorder listing 12.10.

When we determine whether an individual can perform their PRW, we do not consider potential accommodations or whether an individual would be eligible for or require a particular workplace accommodation. We cannot find that a young adult can do their PRW with accommodations unless we find the young adult actually performed that PRW with those accommodations.³⁸ If their employer made the accommodation, the young adult performed PRW with the accommodation, and the young adult's RFC supports they can do PRW with those accommodations, we will find the young adult can do PRW as they actually performed it.

When we determine whether an individual can adjust to other work that exists in significant numbers in the national economy, we do not consider whether the individual could do so with accommodations, even if an employer would be required to provide reasonable accommodations under a statute, including the Americans with Disabilities Act of 1990.³⁹

Effects of Treatment, Including Medications

Treatment, including medications, can have a positive effect on an individual's ability to function in a work setting. For example, a young adult who takes an antidepressant medication may be able to interact appropriately with supervisors and co-workers. However, treatment may not resolve all of the functional limitations that result from an impairment(s). Medications or other treatment may cause side effects that affect the mental or physical ability to work. For example, an anti-epileptic medication may cause drowsiness that affects the ability to concentrate; daily chest percussion therapy for cystic fibrosis may cause fatigue because of the physical effort involved in the therapy. Common side

³⁵ Additional information that may provide insight to function and limitations or special support is in the Adult Listings for Mental Disorders, see 12.00C4; available at:

<https://www.ssa.gov/disability/professionals/bluebook/12.00-MentalDisorders-Adult.htm>.

³⁶ We provide more detail about accommodations in IEPs in SSR 09–2p.

³⁷ Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance. Public Law 93–112, section 504; 29 U.S.C. 794(a), as amended. Under this section, schools must provide a free, appropriate public education to each student with a disability. See 34 CFR 104.33(a). When a student has a disability that limits his or her access to the educational setting, the school will conduct an evaluation of specific areas of educational need and, if necessary, have a written plan for the aids and services that will be provided.

³⁸ As described below, work may not be SGA due to a special employment situation, an impairment-related work expense, or extensive subsidy and therefore it would not be considered PRW.

³⁹ The Americans with Disabilities Act of 1990 requires an employer to provide reasonable accommodations to a qualified person with a disability. See 42 U.S.C. 12112; SSR 00–1c.

³⁴ See 20 CFR 416.924a(b)(5)(ii).

effects of medication causing symptoms such as fatigue, dizziness, and impaired motor function are considered in the medical evaluation.⁴⁰ The nature and frequency of a young adult's treatment may preclude them from maintaining a work schedule of 8 hours a day for 5 days a week, on a sustained basis.⁴¹

The record might include evidence that the individual failed to follow prescribed treatment. If the individual would otherwise be entitled to benefits, but we have evidence that (1) the individual's own medical source(s) prescribed treatment for the MDI(s) upon which the disability finding is based and (2) the individual did not follow the prescribed treatment, we will determine whether the individual has failed, without good cause, to follow prescribed treatment.⁴² Examples of good cause include incapacity and circumstances where the individual's own medical sources disagree about whether the individual should follow a prescribed treatment.⁴³

Work-Related Stress

Working involves many factors and demands that can be stressful. For example, some individuals may experience stress related to the demands of getting to work regularly, having work performance supervised, or remaining in the workplace for a full day, five days per week on a sustained basis. Moreover, one individual's reaction to stress associated with the demands of work may be different from that of another individual, even among individuals with the same impairment(s). Evaluating functional limitations based on the reaction to the demands of work is highly individualized.⁴⁴

Evidence provided by nonmedical sources, including information contained in school records, may provide insight about the effect of stress on a young adult's physical or mental functioning and what, if any, psychosocial supports, or structure they would need when experiencing work-related stress.⁴⁵ We consider impairment-related limitations created by an individual's response to the demands of work on an individualized basis when we evaluate symptoms and assess RFC.

We consider the consistency of the young adult's statements about the

effects of stress and determine whether they can be reasonably related to an MDI. If so, we consider the degree to which the intensity, persistence, and limiting effects of the individual's symptom(s) are consistent with and supported by the objective signs, laboratory findings, and other medical and nonmedical evidence.⁴⁶

Insured Status Issues for Young Adults

When a young adult has worked, we consider whether they are insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits under title II of the Act. While the Act provides the standard for determining insured status for young adults aged 21 up to age 24, there is no similar statutory standard for young adults under the age of 21. We use the same rule for both groups—a young adult meets the disability insured status requirements if they have 6 quarters of coverage in the 12-quarter period ending with the quarter in which the disability began.⁴⁷

When our records do not establish disability insured status, but the claimant alleges sufficient work and earnings for that purpose, we will look to see if there are any covered earnings that are not yet shown in our records to apply towards establishing insured status.

Determining Disability: Specific Issues That May Arise During the Sequential Evaluation Process

Determining Whether a Young Adult's Work Activity is SGA⁴⁸

We primarily consider a young adult's earnings to determine if their work activity was SGA unless there is evidence that indicates that the earnings are greater than the reasonable value of the work.

⁴⁶ See 20 CFR 404.1529 and 416.929.

⁴⁷ Claimants age 24 to the attainment of age 31 meet the disability insured status requirement when they have quarters of coverage in at least one-half of the quarters beginning with the quarter after the quarter they attained age 21 and ending with the quarter in which disability began. For example, a claimant who becomes disabled in the quarter in which they attain age 25 needs 8 quarters of coverage during the 16 quarters ending in the quarter in which they became disabled. If the number of quarters in the period we are considering is an odd number, we reduce it by one to determine how many quarters of coverage the young adult needs. See 20 CFR 404.130(c).

⁴⁸ The SGA step of the sequential evaluation process applies only to applications under titles II and XVI and to CDRs under title II. We do not consider the SGA step in age-18 redeterminations or in title XVI CDRs. See 20 CFR 416.987(b) for the rules on determining disability in age-18 redeterminations. See 20 CFR 416.994(b)(5) for the sequential evaluation process for title XVI CDRs for adults.

Work Activity: Many young adults with mental or physical impairments have worked or are working. The work experience may have been (or may be, if the individual is still working) subsidized, in a sheltered setting, or performed under special conditions. As for any adult, we subtract the value of any subsidized earnings and the reasonable cost of any impairment-related work expenses from a young adult's gross earnings to determine if the work is SGA.⁴⁹ In addition, some young adults whose impairments arose during military service remain on active duty and receive full pay while they are in treatment for their impairments. They may also receive payments while working in a designated therapy program or on limited duty. Active-duty status or receipt of pay (for example, sick pay) by a member of the military *does not* indicate by itself that the service person has demonstrated the ability to do SGA. We will consider the actual work activity, not the amount of pay the service person receives or the duty status of the service person when we determine whether the work is SGA.⁵⁰

Volunteer Service: Young adults with disabilities may participate in government-sponsored programs for volunteer activity, such as AmeriCorps VISTA. We do not count payments an individual receives from some of these programs as earnings.⁵¹

Considering Illiteracy When Evaluating MDI(s), RFC, and Vocational Factors

Under the vocational rules, we may find young adults not disabled even if we determine that their educational level is illiterate.⁵² However, a young adult's illiteracy can be an indication of an underlying impairment(s) that affects our assessment of RFC. For example, if a young adult, despite having attended high school, is illiterate or has a limited reading ability, they may have an MDI, such as a learning disability or language disorder. Any such MDI may affect a young adult's RFC. As we noted above, these types of disorders can cause limitations in more than one area.

⁴⁹ See 20 CFR 404.1574 and 416.974 for evaluating work as an employee and 20 CFR 404.1575 and 416.975 for work in self-employment. For monthly SGA amounts by disability type, see <https://www.ssa.gov/oact/COLA/sga.html>.

⁵⁰ See 20 CFR 404.1574(a)(3) and 416.974(a)(3) and SSR 84-24. Additionally, when calculating SGA, impairment-related work expenses may be considered and subtracted from the SGA amount, see 20 CFR 404.1576 and 416.976.

⁵¹ See 20 CFR 404.1574(d) and 416.974(d); see also SSR 84-24.

⁵² See 20 CFR, Part 404, Subpart P, Appendix 2, 201.00(h).

⁴⁰ For more information about how we consider the nature and severity of symptoms, see 20 CFR 404.1529 and 416.929.

⁴¹ See 20 CFR 404.1545 and 416.945.

⁴² See 20 CFR 404.1530 and 416.930.

⁴³ See SSR 18-3p.

⁴⁴ See 20 CFR 404.1545(c) and 416.945(c).

⁴⁵ See 20 CFR 404.1545 and 416.945.

When illiteracy or limited reading ability is related to an MDI, we consider how the MDI affects the individual's ability to meet the requirements of work when we assess RFC.⁵³ For example, a young adult who has an intellectual disorder may be limited in their ability to understand and remember instructions, which results in an inability to read and write. The intellectual disorder may also affect their ability to maintain attention on tasks that they have difficulty remembering. When we assess the young adult's RFC, we assess limitations in maintaining attention as well as in understanding and remembering instructions. When we determine whether they can do other work, we assess an individual's vocational factor of education, including consideration of illiteracy as an educational category.⁵⁴

Additional Considerations for Age-18 Redeterminations

*Young Adult Previously Found Disabled as a Child Under a Listing*⁵⁵

Although our rules use different words to describe the concept, listing-level severity is generally the same for both the adult listings (part A) and the childhood listings (part B). Most of the part B childhood listings have an equivalent adult listing in part A, and many contain identical criteria. Listings that include functioning among their criteria are generally based on a standard of *extreme* limitation in a specific function (such as balance while standing or walking) or in a broad area (domain) of functioning (such as concentrating, persisting, or maintaining pace), or *marked* limitations in two areas of functioning.

While the areas of functioning may differ between analogous listings in parts A and B, we intend for these criteria to be equally severe. Therefore, a child's impairment(s) that met or medically equaled a part B listing will often meet or medically equal a part A listing at age 18, unless the impairment(s) has medically improved.

○ *NOTE:* We only use the medical improvement review standard in CDRs. In age-18 redeterminations, we evaluate the young adult's impairment(s) under the adult standard for disability used for initial claims.

Resolving Inconsistencies in the Evidence

We evaluate all the case evidence for relevancy, sufficiency, and consistency, and to resolve any inconsistencies.

After reviewing all relevant evidence, we determine whether there is sufficient evidence to make a finding about disability. The evidence we review may include:⁵⁶

- A complete medical history;
- Evidence that establishes an MDI;
- Evidence (medical or functional) to evaluate impairment severity;
- Evidence to determine the duration of an MDI; and
- Evidence to support establishing the onset date of disability.

If the evidence is sufficient and there are no inconsistencies in the case record, we will make a determination or decision. We consider evidence to be inconsistent when it conflicts with other evidence, contains an internal conflict, is ambiguous, or when the medical evidence does not appear to be based on medically acceptable clinical or laboratory diagnostic techniques. If there are inconsistencies in the record, but the evidence is nevertheless sufficient, we will proceed to make a determination or decision, addressing and explaining the inconsistencies, as appropriate.⁵⁷

For example, a young adult with vision loss had two visual acuity tests, one indicating best corrected visual acuity in both eyes was 20/200 and another indicating a best corrected visual acuity of 20/200 in one eye and 20/400 in the other eye. Despite the inconsistency in the visual acuity measurements, a visual acuity of 20/200 (or less) meets the listing criteria for 2.02. Thus, the evidence is sufficient despite the inconsistency.

A finding might appear inconsistent but may be a normal variation in function or reflect the impact of treatment on functioning. For example, the record for a young adult with attention-deficit/hyperactivity disorder (ADHD) may include longitudinal evidence of minimal hyperactivity at home, in the classroom, and on work experience placements, but at a consultative examination (CE) the young adult has great difficulty staying

focused, cannot sit still, and leaves the room several times. The observations during the CE may represent increased symptoms or limitations on a particular day, rather than the overall level of functioning or the effect of an unfamiliar situation or setting.⁵⁸ In this case, the evidence is not inconsistent but documents a variation in functioning during a one-time event.

As another example, for a young adult with ADHD, their ability to play video games for extended periods may not be evidence of their ability to engage in work because of the difference in context. A young adult with ADHD may be able to play video games independently and maintain attention for several hours without being distracted at home, but the same individual may be unable, due to their impairment, to maintain attention in a task such as scanning items at a cash register in a work setting. The difference in the young adult's ability to maintain attention may be related to the context of each activity; these tasks may not demonstrate an inconsistency in the ability to maintain attention related to the ability to work. Additionally, the game play does not address how well a young adult would respond appropriately to others in the workplace, focus attention on work activities and stay on task at a sustained rate, and deal with changes in a routine work setting.

If the evidence of record is inconsistent and insufficient to make a determination or decision, or if the evidence is consistent but insufficient to make a determination or decision, we will determine the best way to resolve the inconsistency or insufficiency, *e.g.*, by requesting additional evidence or asking the claimant to attend a consultative examination.⁵⁹

*Continued Payments for Young Adults Participating in a VR or Similar Program (Section 301)*⁶⁰

When we determine that a young adult is no longer disabled due to medical improvement, we will continue payments if:

- The young adult is participating in an appropriate program of VR,

⁵⁸ See section 12.00C.6 of the adult listings at 20 CFR part 404, subpart P, appendix 1. Accepting the observation of the young adult's behavior or performance in an unusual setting, like a CE, without considering the rest of the evidence could lead to an erroneous conclusion about the young adult's overall functioning.

⁵⁹ See 20 CFR 404.1520b(b)(2) and 416.920b(b)(2).

⁶⁰ We commonly refer to this provision as "Section 301" because the initial legislative authority for continued payment of benefits was provided in Section 301 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265).

⁵³ See 20 CFR 404.1545 and 416.945.

⁵⁴ See 20 CFR 404.1564(b)(1) and 416.964(b)(1).

⁵⁵ See 20 CFR 404.1525(b) and 416.925(b). When we are making a disability determination or decision under title II for a person under age 18, we consider part B childhood listings until the person attains age 18. We may also consider part A adult listings for the period before the person attains age 18, if there is no appropriate part B listing and the disease processes have a similar effect on adults and children. As for all adults, we use only part A of the Listing of Impairments when we determine whether a young adult's impairment(s) meets or medically equals a listing. We never use part B childhood listings for people who are at least 18 years old.

⁵⁶ See 20 CFR 404.1512, 404.1520, 416.912, and 416.920.

⁵⁷ See 20 CFR 404.1520b(b)(1) and 416.920b(b)(1).

employment, or other support services;⁶¹

- The young adult began participating in the program before the date their disability or blindness ended;⁶² and
- Completion of the program or continued participation for a specified period will increase the likelihood that the young adult will not receive benefits based on disability or blindness once again in the future.⁶³

This consideration for continued payment applies under title II and title XVI when an individual's disability or blindness ends for medical reasons while they are participating in an appropriate program, including when a young adult's disability has ended as a result of a title XVI age-18 redetermination.⁶⁴

Appropriate programs include but are not limited to: The Ticket to Work and Self-Sufficiency Program, an individualized plan for employment (IPE) with a State VR agency, Plan to Achieve Self-Support (PASS) under title XVI,⁶⁵ and an IEP (ages 18–21) under the provisions of the IDEA.

To ensure that Section 301 benefits are applied to all eligible individuals, we will inquire whether a young adult is participating in an appropriate program and request evidence of that participation before we determine whether or not their disability ended for medical reasons. If we determine that they are no longer medically disabled and are participating in an appropriate program, we will issue a notice to the young adult containing language that their case is being referred to another office for a decision about continued payments based on their participation in a VR, employment, training, or educational program.

Likelihood Determination

When a young adult is a student age 18 through 21 participating in an IEP under the provisions of the IDEA, we will find that completion of or continuation in the IEP will increase the likelihood that they will not receive benefits based on disability or blindness once again in the future.⁶⁶ In this circumstance, we will continue benefit payments until the IEP is completed or the person stops participating in the IEP for any reason. When a young adult is participating in another appropriate program, we will find that completion

of or continuation in that program will increase the likelihood that the individual will not receive benefits based on disability or blindness once again in the future if the program provides the individual with:

- Work experience that will increase the likelihood of being able to perform PRW; or
- Education or work experience that will increase the likelihood of adjusting to other work.⁶⁷

For example, if a young adult successfully completed a VR-sponsored training program to become a certified computer technician, she has acquired computer skills that will permit direct entry into semiskilled or skilled occupations, thus increasing her overall ability to adjust to other work. We would determine that the training program would increase the likelihood that she will not return to the disability or blindness benefit rolls.

Effective Date: We will apply this SSR on October 1, 2026.

Cross-References: SSR 84–24: Titles II and XVI: Determination of Substantial Gainful Activity for Persons Working in Special Circumstances—Work Therapy Programs in Military Service—Work Activity in Certain Government-Sponsored Programs; SSR 00–1c: Sections 222(c) and 223(a), (d)(2)(a), and (e)(1) of the Social Security Act (42 U.S.C. 422(c) and 423(a), (d)(2)(A), and (e)(1)) Disability Insurance Benefits—Claims Filed Under Both the Social Security Act and the Americans with the Disabilities Act; SSR 09–2p: Title XVI: Determining Childhood Disability—Documenting a Child's Impairment-Related Limitations; SSR 09–3p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Acquiring and Using Information”; SSR 09–4p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Attending and Completing Tasks”; SSR 09–5p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Interacting and Relating with Others”; SSR 09–6p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Moving About and Manipulating Objects”; SSR 09–7p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Caring for Yourself”; SSR 09–8p: Title XVI: Determining Childhood Disability—The Functional Equivalence Domain of “Health and Physical Well-Being”; SSR 18–3p: Titles II and XVI: Failure to Follow Prescribed Treatment; SSR 24–2p: Titles II and

XVI: How We Evaluate Past Relevant Work.

[FR Doc. 2026–17814 Filed 8–31–26; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 13086]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to Congress on the dates indicated.

DATES: The dates of notification to Congress are shown on each of the 25 Letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at <https://www.pmdtcc.state.gov/ddtc> public and select “Contact Us,” then scroll down to “Contact the DDTC Response Team” and select “Email.” Please add this subject line to your message, “ATTN: Congressional Notification of Licenses.”

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner.

The following comprise recent notifications and are published to give notice to the public.

January 2, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–079.

Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including

⁶¹ See 20 CFR 404.316(c)(1)(i), 404.327(a), and 416.1338(a)(1), (c).

⁶² 20 CFR 404.316(c)(1)(ii) and 416.1338(a)(2).

⁶³ See 20 CFR 404.316(c)(1)(iii), 404.328 and 416.1338(a)(3), (e).

⁶⁴ See 20 CFR 416.1338(a).

⁶⁵ See 20 CFR 416.1181.

⁶⁶ See 20 CFR 404.328(b) and 416.1338(e)(2).

⁶⁷ See 20 CFR 404.328(a) and 416.1338(e)(1).

technical data, and defense services to Germany and the Republic of Korea to support the manufacture of a targeting system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

January 2, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–080.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Germany to support the manufacture, assembly, qualification, and testing of engine parts and components for U.S. heavy lift helicopters.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

January 2, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–090.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the assembly and testing of inertial measurement units.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

January 13, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–106.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to

the UK to support the manufacture, design, assembly, qualification, test, repair, and maintenance of the aircraft electrical systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

January 14, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–109.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and the UK to support the manufacture, repair, and overhaul of aircraft landing gear and brake system components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

January 14, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–064.

Pursuant to Section 36(c) of the Arms Export Control Act (AECA), please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$14,000,000 or more.

The transaction contained in the attached certification involves the export of armored ground vehicles to Iraq.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

January 14, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–120.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of M2A2 .50 caliber machine guns and spare parts to Norway.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

January 14, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–121.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of M240, M2 and M48 machine guns to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

January 20, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–105.

Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, please

find enclosed a certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the manufacture of aircraft engine parts and components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

February 6, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–049.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services to Switzerland to perform depot level maintenance of fighter aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause

competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

February 6, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–094.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the integration, operation, and testing of airborne intelligence, surveillance, and reconnaissance platforms.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

February 17, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–072.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and

components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Ghana of 5.56 mm select-fire rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

March 5, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–095.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Germany, Greece, Netherlands, Poland, and Luxembourg to support the operation of depot level maintenance facilities for an air defense missile.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, non-proliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

March 5, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–115.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support sale, delivery, integration, and installation of Identification Friend or Foe (IFF) Interrogators for end use by the Japanese Air Self Defense Force.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations,

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs*

March 5, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–127.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62 mm machine guns, to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

March 5, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–139.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 12.7 mm machine guns to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

March 6, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–107.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Norway to support the integration, engineering, assembly, operation, testing, repair and maintenance of surface-to-air missile system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

March 6, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–111.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the integration, installation, operation, training, testing, maintenance, and repair of aerial refueling aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

March 6, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–116.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia to support the integration of precision guided munitions.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of
Legislative Affairs

March 6, 2026**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–117.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the proposed export of 5.56mm automatic rifles and spare parts to Kuwait.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

March 6, 2026**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–123.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm machine guns and associated equipment to the Republic of Korea.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification

which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

March 6, 2026**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–140.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Sweden of .338 and 7.62mm fully automatic machine guns, 7.62mm automatic rifles, suppressors, and associated spare parts.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

March 10, 2026**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–085.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed

a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and the UK for the procurement of heavy mobility aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

March 10, 2026**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–125.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, Poland, and the UK to support the airworthiness-related work, systems studies, training, and delivery of hardware and operations and sustainment activities for an Unmanned Aerial System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause

competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

March 13, 2026

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 25–135.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Netherlands and Germany to support the modernization of aircraft cockpit upgrades.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,
*Senior Bureau Official, Bureau of
Legislative Affairs.*

Michael J. Vaccaro,
*Deputy Assistant Secretary, Directorate of
Defense Trade Controls, U.S. Department of
State.*

[FR Doc. 2026–17813 Filed 8–31–26; 8:45 am]

BILLING CODE 4710–25–P

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket Number USTR–2026–0497]

**Request for Comments and Notice of
Public Hearing Concerning Russia’s
Implementation of Its WTO
Commitments**

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The Office of the United States Trade Representative (USTR) is seeking public comments to assist in the preparation of its annual report to Congress on Russia’s implementation of its obligations as a Member of the World Trade Organization (WTO). This notice includes the schedule for the submission of comments for the Russia report and a public hearing.

DATES: *October 1, 2026, at 11:59 p.m.*

EDT: Deadline for submission of written comments, requests to testify, and written testimony.

October 14, 2026, at 10:00 a.m. EDT: USTR will convene a public hearing to receive oral testimony at USTR’s offices located at 1724 F Street NW, Rooms 1 & 2, Washington, DC. Please be sure to bring required identification if you wish to attend or participate in the hearing.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <https://www.regulations.gov> (Regulations.gov). Follow the instructions for submitting written comments, requests to testify, and written testimony in sections III and IV below, using Docket Number USTR–2026–0497. For alternatives to on-line submissions, please contact Silvia Savich, Deputy Assistant U.S. Trade Representative for Russia and Eurasia, in advance of the relevant deadline at Silvia.Savich@ustr.eop.gov or (202) 395–2256.

FOR FURTHER INFORMATION CONTACT: Silvia Savich, Deputy Assistant U.S. Trade Representative for Russia and Eurasia, at Silvia.Savich@ustr.eop.gov or (202) 395–2256.

SUPPLEMENTARY INFORMATION:

I. Background

Russia became a Member of the WTO on August 22, 2012. On December 21, 2012, following termination of the application of the Jackson-Vanik amendment to Russia and the extension of permanent normal trade relations to the products of Russia, the United States and Russia filed letters with the WTO withdrawing their notices of non-application and consenting to have the

WTO Agreement apply between them. In accordance with Section 201(a) of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Pub. L. 112–208), USTR is required to submit annually a report to Congress on the extent to which Russia is implementing the WTO Agreement, including the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Trade Related Aspects of Intellectual Property Rights. The report also must assess Russia’s progress on acceding to and implementing the Information Technology Agreement (ITA) and the Government Procurement Agreement (GPA). In addition, to the extent that USTR finds that Russia is not implementing fully any WTO agreement or is not making adequate progress in acceding to the ITA or the GPA, USTR must describe in the report the actions it plans to take to encourage Russia to improve its implementation and/or increase its accession efforts. In accordance with Section 201(a), and to assist it in preparing this year’s report, USTR is soliciting public comments. You can find last year’s report on USTR’s website at: <https://ustr.gov/sites/default/files/files/Countries%20and%20Regions/Russia/Russia%20WTO%20Implementation%20Report%202025%20final.pdf>.

The terms of Russia’s accession to the WTO are contained in the Marrakesh Agreement Establishing the World Trade Organization and the Protocol on the Accession of the Russian Federation to the WTO (including its annexes) (Protocol). The Report of the Working Party on the Accession of the Russian Federation (Working Party Report) provides detail and context to the commitments listed in the Protocol. You can find the Protocol and Working Party Report on USTR’s website at <https://ustr.gov/node/5887> or on the WTO website at <https://docsonline.wto.org> (document symbols: WT/ACC/RUS/70, WT/MIN(11)/2, WT/MIN(11)/24, WT/L/839, WT/ACC/RUS/70/Add.1, WT/MIN(11)/2/Add.1, WT/ACC/RUS/70/Add.2, and WT/MIN(11)/2/Add.1.).

II. Hearing Participation

USTR will convene a public hearing to receive oral testimony related to Russia’s implementation of its WTO commitments on October 14, 2026.

To ensure participation, you must submit requests to present oral testimony at the hearing and written testimony by 11:59 p.m. EDT on October 1, 2026, via [Regulations.gov](https://www.regulations.gov), using Docket Number USTR–2026–0497.

Instructions for submission are in Sections III and IV below. Remarks at the hearing will be limited to no more than five minutes to allow for possible questions from the Trade Policy Staff Committee (TPSC). Because it is a public hearing, testimony should not include any business confidential information (BCI).

Small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments should self-identify as such, so that we may be aware of issues of particular interest to small businesses.

Written comments and/or oral testimony should address Russia's implementation of the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

- a. Trading rights.
- b. Import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses, trade facilitation).
- c. Export regulation.
- d. Standards and technical regulations.
- e. Sanitary and phytosanitary measures.
- f. Trade-related investment measures (including local content requirements).
- g. Taxes and charges levied on imports and exports.
- h. Other internal policies affecting trade (including national treatment, Most-Favored-Nation treatment, subsidy commitments, and state-owned, controlled, and trading enterprises).
- i. Intellectual property rights (including intellectual property rights enforcement).
- j. Services.
- k. Government procurement.
- l. Rule of law issues (e.g., transparency, judicial review, uniform administration of laws and regulations) and the status of legal reform.
- m. Other WTO commitments.

III. Procedures for Written Submissions

To be assured of consideration, submit your written comments, requests to testify, and written testimony by the October 1, 2026, 11:59 p.m. EDT deadline. All submissions must be in English. USTR strongly encourages submissions via *Regulations.gov*, using Docket Number USTR-2026-0497.

To make a submission via *Regulations.gov*, enter Docket Number USTR-2026-0497 in the "search for" field on the home page and click "search." The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice by selecting

"notice" under "document type" in the "refine documents results" section on the left side of the screen and click on the link entitled "comment."

Regulations.gov allows users to make submissions by filling in a "type comment" field, or by attaching a document using the "upload file" field. USTR prefers that you provide submissions in an attached document and, in such cases, that you write "see attached" in the "type comment" field on the online submission form. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If you use an application other than those two, please indicate the name of the application in the "type comment" field.

At the beginning of your submission or on the first page (if an attachment), include the following text: (1) 2026 Russia WTO Implementation Report; (2) your organization's name; and (3) whether the submission is a written comment, request to testify, or written testimony. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Please do not attach separate cover letters, exhibits, annexes, or other attachments to electronic submissions. Rather, include any such items in the same file as the submission itself, not as separate files. You will receive a tracking number upon completion of the submission procedure at *Regulations.gov*. The tracking number is confirmation that *Regulations.gov* received your submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for *Regulations.gov*.

For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on "How to Use *Regulations.gov*" on the bottom of the home page. USTR may not consider submissions that you do not make in accordance with these instructions.

If you are unable to provide submissions as requested, please contact Silvia Savich, Deputy Assistant U.S. Trade Representative for Russia and Eurasia, in advance of the deadline at Silvia.Savich@ustr.eop.gov or (202) 395-2256, to arrange for an alternative method of transmission. USTR will not accept hand-delivered submissions. USTR may not consider submissions that you do not make in accordance with these instructions.

General information concerning USTR is available at www.ustr.gov.

IV. Business Confidential Information (BCI) Submissions

If you ask USTR to treat information you submit as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters "BCI." You must clearly mark any page containing BCI with "BUSINESS CONFIDENTIAL" at the top of that page. Filers of submissions containing BCI also must submit a public version of their submission that will be placed in the docket for public inspection. The file name of the public version should begin with the character "P." Follow the "BCI" and "P" with the name of the individual or organization submitting the comments.

V. Public Viewing of Review Submissions

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view submissions at *Regulations.gov* by entering Docket Number USTR-2026-0497 in the search field on the home page.

Mark DiPlacido,

*Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.*

[FR Doc. 2026-17820 Filed 8-31-26; 8:45 am]

BILLING CODE 3390-F4-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA-2026-5677; Summary Notice No. 2026-20]

Petition for Exemption; Summary of Petition Received; Texas Woman's University

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

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–2026–5677 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.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

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: Kara White, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–5677.

Petitioner: Texas Woman's University.

Section(s) of 14 CFR Affected: § 61.160.

Description of Relief Sought: Texas Woman's University requests relief from

§ 61.160 to allow students who were enrolled their first year during the 2024–2025 academic year to qualify for a Restricted ATP (R–ATP) certificate. The requested relief is based on the university's Letter of Authorization (LOA), which was issued in August 2025, before the start of the 2025–2026 academic year.

[FR Doc. 2026–17883 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–8915; Summary Notice No. 2026–19]

Petition for Exemption; Summary of Petition Received; Wichita State University Campus of Applied Sciences and Technology

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

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–2026–8915 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.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

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: Kara White, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–8915.

Petitioner: Wichita State Campus of Applied Sciences and Technology.

Section(s) of 14 CFR Affected: § 61.160(c).

Description of Relief Sought: Wichita State Campus of Applied Sciences and Technology (WSU) is seeking relief from § 61.160(c) to allow for 31 students enrolled, enrolled its Applied Associates of Science in Professional Flight program who completed required training and coursework prior to its Letter of Authorization (LOA) dated October 18, 2024. WSU requests an exemption regarding the effective date of the LOA for students who completed courses from August 2023 to October 2024.

[FR Doc. 2026–17880 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2024–0063]

Commercial Driver's License Standards: Landair Transport LLC d/b/a Covenant Logistics Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its final decision to renew the exemption granted to Landair Transport LLC d/b/a Covenant Logistics (Covenant Logistics) from the requirement that a commercial driver's license (CDL) holder with the proper class and endorsements be seated in the front seat of the commercial motor vehicle (CMV) at all times while the commercial learner's permit (CLP) holder is engaged in behind-the-wheel training on public roads or highways, but only after the CLP holder has passed the CDL skills test. FMCSA has analyzed the exemption application and public comments and determined that the exemption, subject to the terms and conditions set forth below, is likely to achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is effective July 30, 2026, and expires July 30, 2031.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Bernadette.Walker@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation***Viewing Comments and Documents*

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2024-0063/document> and choose the document to review. To view comments, click this notice, then click "Document Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in the DOT West Building, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the exempted party will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background*Current Regulatory Requirements*

Under 49 CFR 383.25(a)(1), a CLP holder operating a CMV must be accompanied by a CDL holder with the proper CDL class and endorsements necessary to operate the CMV. The CDL holder must be physically present at all times in the front seat of the CMV next to the CLP holder and must have the CLP holder under observation and direct supervision.

Applicant's Request

Covenant Logistics' application for an exemption renewal was described in detail in a **Federal Register** notice published on April 21, 2026 (91 FR 21366) and will not be repeated as the facts have not changed.

IV. Public Comments

The Agency received ten comments. Eight comments opposed the exemption. The Truck Safety Coalition (TSC) filed a joint comment with Citizens for Reliable and Safe Highways and Parents Against Tired Truckers and said, "All carriers should be willing and

prepared to meet the cost that minimal safety compliance requires. TSC calls on FMCSA to demonstrate its unwavering commitment to safety and to deny this inadequately justified exemption application for renewal."

Sid Abma said about new truck drivers, "The little bit of driving they do at a driving school does not give them real world experience."

Maureen Shumway said, "With a CLP you are PROHIBITED from hauling freight. Therefore, your training has been 100% with an empty trailer. Empty, roughly 30,000 lbs vs loaded up to 80,000 lbs are 2 vastly different experiences and requires training and supervision. I beg you not to allow this to continue. Not with Covenant. Not with Landstar. Not with ANY company."

Starla Dubose said, "Truck driving schools only teach the most basic skills required to perform the job. While the U.S. government classifies this profession as 'unskilled,' reality is that it is anything but that. While the majority of those skills are learned by practical application, driving in a large city to make deliveries is a reckless place to hone a driver's skills, especially without a trainer to assist them."

One comment was neither for nor against the exemption. Ricky Sowder, General Manager of NuTech Transportation Services, Inc., said, "Not sure about Covenant's true attitude about this request. But, I can tell you their brokerage division operates with very little respect for carrier relationships and general goodwill."

The Truckload Carriers Association (TCA) submitted the only comment in support of the exemption. TCA said, "The drivers covered under this exemption have already successfully completed all required knowledge and skills tests and are otherwise fully qualified to hold a CDL. Granting this limited exemption solely to allow the CLP holder to return to their state of domicile to obtain the physical CDL document would preserve safety while reducing unnecessary logistical limitations on motor carriers and drivers alike."

V. FMCSA Decision

FMCSA has evaluated Covenant Logistics' application for an exemption and the public comments and believes that Covenant Logistics will likely maintain a level of safety under the exemption that is equivalent to, or greater than, the level of safety achieved without the exemption. The premise of comments opposing the exemption is that CLP holders lack experience and are safer drivers when directly observed

by a CDL holder who is on duty and in the front seat of the vehicle. However, CLP holders who have passed the CDL skills test are eligible to obtain a CDL without further training. Because these drivers have passed the CDL skills test, the only necessary step to begin driving a CMV without any on-board supervision is to retrieve the physical CDL from the State Drivers Licensing Agency (SDLA) in the driver's State of domicile. If these CLP holders had obtained their training and CLPs in their State of domicile, they could immediately obtain their CDL at the in-State SDLA and immediately begin driving a CMV without any on-board supervision. In contrast, under the exemption, the CDL holder will remain in the CMV while the CLP holder (who has passed the skills test and is eligible to retrieve their CDL document from the SDLA) is operating the CMV.

FMCSA is unaware of any evidence of a degradation of safety attributable to the current exemption for Covenant Logistics drivers. Furthermore, the Agency has granted the same exemption to other applicants.¹ FMCSA clarifies in the terms and conditions below that the CLP holder may operate for no more than 30 days after passing the CDL skills test without a CDL holder present in the front passenger seat. This allows the CLP holder time to travel to his or her State of domicile to retrieve the CDL document.

FMCSA concludes that the exemption, subject to the terms and conditions set forth in section VI, would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, in accordance with 49 U.S.C. 31315(b)(1).

VI. Exemption

A. Grant of Exemption

FMCSA renews the exemption from the requirement in 49 CFR 383.25(a)(1), that a valid CDL holder be in the front seat of the vehicle next to the CLP holder, for a period of five years subject to the terms and conditions of this decision.

¹ To CRST Expedited [83 FR 53149, Sept. 23, 2018 (original) and 89 FR 42055, Sept. 24, 2023 (renewal)]; to New PRIME [82 FR 29143, June 27, 2017 (original) and 87 FR 38449, June 28, 2022 (renewal)]; to C.R. England [80 FR 33329, June 11, 2015 (original), 82 FR 26975, June 12, 2017 (renewal), 82 FR 48889, Oct. 20, 2017 (renewal), and 87 FR 36360, June 16, 2022 (renewal)]; to Wilson Logistics [86 FR 11050, Feb. 23, 2021 (original) and 91 FR 9914, Feb. 27, 2026 (renewal)]; and to Werner Enterprises, Inc. [87 FR 18855, Mar. 31, 2022].

B. Applicability of Exemption

This exemption from 49 CFR 383.25(a)(1) permits Covenant Logistics' drivers who hold a CLP and have successfully passed a CDL skills test to drive a CMV without a CDL holder being present in the front seat of the vehicle, but remains present in the CMV, for no more than 30 days after the CLP holder has passed the CDL skills test.

C. Terms and Conditions

When operating under this exemption, Covenant Logistics and its drivers are subject to the following terms and conditions:

- (1) Covenant Logistics and its drivers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR parts 350–399);
- (2) A CLP holder may operate under the exemption for no more than 30 days after passing the CDL skills test;
- (3) The drivers must be in possession of a valid State driver's license, CLP with the required endorsements, and documentation that they have passed the CDL skills test;
- (4) The drivers must not be subject to any out-of-service order or suspension of driving privileges;
- (5) The accompanying CDL holder must have the proper CDL class and endorsements necessary to operate the CMV operated by the CLP holder; and
- (6) The drivers must provide this exemption document upon demand to enforcement officials.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

E. Notification to FMCSA

Covenant Logistics must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5T), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

1. Identifier of the Exemption: "Covenant Logistics"
2. Name of operating carrier and USDOT number;
3. Date of the accident;

4. City or town, and State, in which the accident occurred, or closest to the accident scene;

5. Driver's name and license number;

6. Co-driver's name (if any) and license number;

7. Vehicle number and State license number;

8. Number of individuals suffering physical injury;

9. Number of fatalities;

10. The police-reported cause of the crash, if provided by the enforcement agency;

11. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and

12. The total on-duty time accumulated during the 7 consecutive days prior to the date of the crash, and the total on-duty time and driving time in the work shift prior to the crash.

Reports filed under this provision shall be emailed to MCPSPD@DOT.GOV with "Covenant Logistics FMCSA–2024–0063" in the subject line.

VII. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, the exemption will be revoked if: (1) Covenant Logistics' or the drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Derek Barrs,
Administrator.

[FR Doc. 2026–17878 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–1684]

Notice of Petition for Waiver of Compliance

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

ACTION: Notice.

SUMMARY: This document provides the public notice that CSX Transportation Inc. (CSXT) petitioned FRA for relief from certain regulations concerning inspections performed by qualified mechanical inspectors (QMIs).

DATES: FRA must receive comments on the petition by November 2, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Caleb Rogers, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202-493-6322, email: caleb.rogers@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated June 5, 2026, CSXT petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229 (Railroad Locomotive Safety Standards). FRA assigned the petition Docket Number FRA-2026-1684.

Specifically, CSXT seeks relief from the requirements of § 229.23(b)(2), *Periodic inspection: general*, related to locomotives equipped with advanced microprocessor-controlled systems. CSXT seeks to eliminate the requirement for QMIs to perform a daily inspection once every 33 days on a microprocessor-equipped locomotives maintained on extended 184-day periodic inspection cycles.

In support of its request, CSXT states that microprocessor-based systems allow “continuous monitoring of locomotive health and system performance” and “immediate digital reporting [of such performance] to mechanical personnel,” enabling the identification and rectification of issues in real time before they impact the locomotive’s operation. CSXT asserts that its ability to use the data from microprocessor-based systems to identify developing faults and provide

continuous oversight and rapid response “exceeds the value of a periodic 33-day inspection,” which creates “additional line-of-road exposure [and] disruption in train operations” and “diverts skilled mechanical personnel away from shop-based maintenance activity.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by November 2, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA’s dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026-17870 Filed 8-31-26; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2026-1421]

Petition for Approval of Test Program; Extension of Comment Period

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

ACTION: Notice; Extension of comment period.

SUMMARY: This document extends the period for public comment regarding the Union Pacific Railroad Company (UP) request for FRA approval of a test program related to a locomotive control system, and the temporary suspension of certain FRA safety regulations in connection with that program.

DATES: FRA must receive comments on the petition by September 30, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Fred Mottley, Systems Engineer, Engineering, Technology, and Automation Division, FRA, telephone: 617-494-3160, email: fred.mottley@dot.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2026, FRA published notice¹ that UP submitted a request for FRA approval of a test program (Program) related to a locomotive control system, and the temporary suspension of certain FRA safety regulations in connection with the Program. FRA assigned the petition Docket Number FRA-2026-1421.

On August 10, 2026, the Brotherhood of Locomotive Engineers and Trainmen

¹ <https://www.regulations.gov/document/FRA-2026-1421-0002>.

requested that FRA extend the comment period on this petition.² Through this notice, FRA is extending the comment period for an additional 30 days (until September 30, 2026).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments relating to the Program and associated regulatory suspension requests. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by September 30, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2026-17778 Filed 8-31-26; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2026-1420]

Notice of Petition for Waiver of Compliance

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

ACTION: Notice.

SUMMARY: This document provides the public notice that Union Pacific Railroad Company (UPRR) petitioned FRA for relief from certain regulations concerning inspections performed by qualified mechanical inspectors (QMIs). **DATES:** FRA must receive comments on the petition by November 2, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Caleb Rogers, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202-493-6322, email: caleb.rogers@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated June 9, 2026, UPRR petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229 (Railroad Locomotive Safety Standards). FRA assigned the petition Docket Number FRA-2026-1420.

Specifically, UPRR seeks relief from § 229.23(b)(2), *Periodic inspection: general*, related to locomotives equipped with advanced microprocessor-controlled systems.

UPRR requests a waiver from the requirement that the daily inspection conducted once every 33 days on a microprocessor-equipped locomotive be performed by a QMI, which, as defined under § 229.5, *Definitions*, must have a primary responsibility that includes work generally consistent with locomotive troubleshooting, inspection, testing, maintenance, and repair of locomotives. As a result, UPRR proposes to remove the requirement for a QMI to perform the referenced periodic inspection.

In support of its request, UPRR states that it has collected data on daily inspections performed by QMIs and non-QMIs and found “no statistical difference between the quality of daily inspections.” UPRR explains that the relief “will improve overall safety by reducing additional walking, getting [on and off] equipment, as well as improving the overall inspection quality by cross[-]training employees in multiple aspects of multiple interconnected mechanical systems.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by November 2, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/>

² <https://www.regulations.gov/document/FRA-2026-1421-0004>.

privacy-notice for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2026-17869 Filed 8-31-26; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2026-1156]

Pipeline Safety: Joint Meeting of the Gas and Liquid Pipeline Advisory Committees

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of advisory committee meeting; reopening of comment period.

SUMMARY: On July 17, 2026, PHMSA published a **Federal Register** notice titled: "Pipeline Safety: Joint Meeting of the Gas and Liquid Pipeline Advisory Committees," which provided an opportunity for public comment by August 31, 2026, on the proceedings of the Gas and Liquid Pipeline Advisory Committees meeting related to 13 notices of proposed rulemakings (NPRM). These proposed rules covered topics such as special permit conditions, in-plant piping, incidental gathering lines, coating damage assessments, atmospheric corrosion, class change pressure tests, maximum allowable operating pressure reconfirmation, operator identification notifications, limitations on welding, remote valves, the property damage definition, right-of-way patrols, and reporting deadlines. PHMSA received requests from stakeholders to extend the comment period. Based on those requests, PHMSA is reopening the comment period for the joint Pipeline Advisory Committee (PAC) proceedings related to the 13 regulatory modernizing NPRMs to September 4, 2026.

DATES: The comment period for the document published July 17, 2026 at 91 FR 44965 is reopened. The closing date for filing comments on the joint PAC meetings is September 4, 2026. Consistent with 49 CFR 190.323, the agency will consider late-filed comments to the extent practicable.

ADDRESSES: Submit comments identified by the docket number PHMSA-2026-1156 and the docket number corresponding to the relevant

proposal listed below in the **SUPPLEMENTARY INFORMATION** section by any of the following methods:

- *E-Gov Web:* <https://www.regulations.gov>.

This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. Hand delivery is available between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays. Submit two copies if you submit your comment by mail, and, include a self-addressed stamped postcard if you wish to receive confirmation of receipt.

- *Fax:* 202-493-2251.

For commenting instructions and additional information about commenting, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joe Berry by phone at 720-601-3577 or by email at joseph.berry1@dot.gov.

SUPPLEMENTARY INFORMATION: On July 17, 2026, PHMSA published a **Federal Register** notice (91 FR 44965) announcing a joint public meeting of the Technical Pipeline Safety Standards Committee, also known as the Gas Pipeline Advisory Committee (GPAC), and the Technical Hazardous Liquid Pipeline Safety Standards Committee, also known as the Liquid Pipeline Advisory Committee (LPAC), to discuss 13 NPRMs related to regulatory modernization. In the notice, PHMSA announced that the public meeting would be held on July 30, 2026, and specified that comments on the proceedings of the Committees must be submitted by August 31, 2026.

Following the conclusion of the meeting, PHMSA received comment extension requests from the Pipeline Safety Trust (PST) and the Environmental Defense Fund (EDF). PST and EDF requested an additional 30 days to provide comment on the proceedings of the Committees, which would bring the comment deadline to October 1, 2026.

Based off these requests, PHMSA will reopen the comment submission deadline for the joint proceedings of the GPAC and the LPAC on the 13 NPRMs from August 31, 2026, to September 4, 2026. Consistent with 49 CFR 190.323, PHMSA will consider late-filed comments to the extent practicable.

Instructions: Identify the docket number PHMSA-2026-1156 and the

docket number corresponding to the relevant proposal at the beginning of your comments. The rulemakings and their dockets are as follows:

(1) *Pipeline Safety: Rationalize Special Permit Conditions*, Docket Number PHMSA-2025-0135. PHMSA proposed amendments to ensure that special permit conditions are connected directly to the provision being waived.

(2) *Pipeline Safety: Integration of Innovative Remote Sensing Technologies for Right-of-Way Patrols on Gas and Hazardous Liquid Pipelines*, Docket Number PHMSA-2025-0118. PHMSA proposed to clarify that right-of-way patrol requirements for gas, hazardous liquid, and carbon dioxide pipelines are technology neutral, and that operators can use remote sensing technologies, such as unmanned aerial systems and satellites, to satisfy those requirements.

(3) *Pipeline Safety: Property Damage Definition for Reporting Incidents on Gas Pipelines and Accidents on Hazardous Liquid and Carbon Dioxide Pipelines*, Docket Number PHMSA-2025-0109. PHMSA proposed to revise the definition of property damage for determining when a release from a gas, hazardous liquid, or carbon dioxide pipeline facility meets the definition of a reportable incident or accident, including for immediate notifications to the National Response Center.

(4) *Pipeline Safety: Adjustment to OPID Notifications for Construction*, Docket Number PHMSA-2026-1551. PHMSA proposed to increase the monetary threshold for Operator Identification Number (OPID) notifications for certain construction and maintenance tasks on gas, hazardous liquid, and carbon dioxide pipeline facilities. PHMSA also proposed to provide a mechanism in 49 CFR part 191, appendix A for annual updates to these thresholds.

(5) *Pipeline Safety: Timeframe to Make RMVs Operational*, Docket Number PHMSA-2026-1553. PHMSA proposed to amend the required timeframes for making rupture-mitigation valves and alternative equivalent technology operational on gas transmission, hazardous liquid, and carbon dioxide pipelines.

(6) *Pipeline Safety: Exception for In-Plant Piping Systems*, Docket Number PHMSA-2025-0112. PHMSA proposed amendments to codify an exception in the gas pipeline safety regulations for in-plant piping systems.

(7) *Pipeline Safety: Adjust Annual Report Deadlines*, Docket Number PHMSA-2025-0108. PHMSA proposed to extend from March 15 to June 15 the annual report data submission deadline

for operators of gas pipelines, specifically gas distribution pipelines, gas transmission pipelines, regulated gas gathering pipelines, Type R gas gathering lines, underground natural gas storage facilities, and liquefied natural gas facilities. PHMSA also proposed to extend the National Pipeline Mapping System information submission deadline for operators of gas transmission and liquefied natural gas facilities.

(8) *Pipeline Safety: Eliminating Limitations on Welders and Welding Operators*, Docket Number PHMSA–2026–1552. PHMSA proposed to remove the exclusion from welding on compressor station pipe and components for welders or welding operators qualified by nondestructive testing.

(9) *Pipeline Safety: Harmonize Class Change Pressure Test Requirements with Subpart J Pressure Test Requirements*, Docket Number PHMSA–2025–0116. PHMSA proposed amendments to align the minimum pressure testing duration for certain short segments affected by class location changes with the longstanding pressure test duration requirements for other short segments.

(10) *Pipeline Safety: Removing Unnecessary Provision for Material Properties Verification During MAOP Reconfirmation*, Docket Number PHMSA–2026–1549. PHMSA proposed to remove an unnecessary provision from the MAOP reconfirmation requirements for testing pipe materials cut out from test manifold sites.

(11) *Pipeline Safety: Codify Enforcement Discretion on Incidental Gathering Lines*, Docket Number PHMSA–2025–0113. PHMSA proposed to codify a 2022 exercise of limited enforcement discretion applicable to certain incidental gathering lines.

(12) *Pipeline Safety: Eliminating Burdensome and Duplicative Deadlines for Gas Pipeline Coating Damage Assessments and Remedial Actions*, Docket Number PHMSA–2025–0114. PHMSA proposed to eliminate unnecessarily prescriptive and burdensome deadlines on gas transmission and certain gas gathering lines for completing coating damage assessments following trench backfilling of newly installed pipe and remedial actions following failed coating assessments. This proposal would replace those existing requirements with a general requirement to complete, prior to the in-service date of the pipeline, any coating damage assessments for newly installed pipe, as well as remedial actions undertaken in response to a failed coating damage assessment.

(13) *Pipeline Safety: Atmospheric Corrosion Reassessment for Pipeline Replacements*, Docket Number PHMSA–2025–0115. PHMSA proposed to eliminate an existing requirement for a 3-year atmospheric corrosion reassessment interval for gas distribution service lines following replacement of pipeline segments or components undertaken in response to a previous identification of atmospheric corrosion. Operators replacing a pipeline facility would instead be able to employ on that replacement facility the default 5-year reassessment interval provided for elsewhere in the Federal pipeline safety regulations.

Note: All comments received are posted without edits to <http://www.regulations.gov>, including any personal information provided.

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

- **Confidential Business Information:** Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential;” (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the Freedom of Information Act and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Joseph Berry at the email address listed in **FOR FURTHER INFORMATION CONTACT**. Any material PHMSA receives

that is not specifically designated as CBI will be placed in the public docket.

- **Docket:** Access the dockets of each rulemaking at <http://www.regulations.gov>. The dockets contain background documents and comments received. Alternatively, you may review the documents in person at the street address listed above.

Issued in Washington, DC, on August 28, 2026, under authority delegated in 49 CFR 1.97.

Thomas Correll,

Associate Administrator for Pipeline Safety.

[FR Doc. 2026–17890 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. DOT–OST–2026–3367]

60-Day Notice of Proposed Information Collection: Information Collection Request (ICR) for the Drone Infrastructure Inspection Grant (DIIG) Program

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Highly Automated Systems Safety Center of Excellence (HASS COE), Bureau of Transportation Statistics, Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and its implementing regulations, the Office of the Assistant Secretary for Research and Technology (OST–R) invites the general public and all other interested entities to comment on a new information collection request associated with a new Federal Assistance program entitled “2026 Drone Infrastructure Inspection Grant (DIIG) Program.” This program was established under the FAA Reauthorization Act of 2024 to support government entities in deploying and enhancing highly automated drone systems for critical infrastructure safety inspections.

OST–R is seeking a new OMB Control Number for this data collection effort.

DATES: Comments must be submitted on or before October 27, 2026.

ADDRESSES: You may submit comments, identified by Docket No. DOT–OST–2026–3367, using any of the following methods:

Electronic Federal eRulemaking Portal: Go to [regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.

Mail: Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building 5th Floor, Room W58-213, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: For specific questions related to this collection, please contact the HASS COE DIIG Program Administration via email at thy.nguyen@dot.gov or via the HASS COE Engagement Office.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, OST–R invites interested parties to comment on the following ICR regarding:

(1) whether the information collection activities are necessary for OST–R to properly execute its functions, including whether the activities will have practical utility.

(2) the accuracy of OST–R's estimates of the burden of the information collection activities, including the

validity of the methodology and assumptions used to determine the estimates.

(3) ways for OST–R to enhance the quality, utility, and clarity of the information being collected.

(4) ways for OST–R to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. (See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).)

OST–R believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, OST–R reasons that comments received will advance three objectives:

(1) reduce reporting burdens.

(2) organize information collection requirements in a “user-friendly” format to improve the use of such information.

(3) accurately assess the resources expended to retrieve and produce information requested. (See 44 U.S.C. 3501.)

The summary below describes the ICR that OST–R will submit for OMB clearance as the PRA requires:

Program Title: Drone Infrastructure Inspection Grant (DIIG) Program Application and Reporting Requirements.

Forms: SF–424, SF–424A, SF–424B, and DIIG Specific Project Narrative and Budget Templates.

Type of Review: New Information Collection Request (ICR).

Background: The DIIG Program provides competitive federal funding up to \$9,000,000 to state, local, tribal, and territorial government entities to safely integrate drone technologies into workflow processes for evaluating bridges, dams, roads, and other essential physical infrastructures. Collected information will enable the HASS COE technical evaluation panel to verify applicant eligibility, evaluate merit according to multi-jurisdictional complexity criteria, and ensure compliant fiscal oversight throughout the post-award grant lifecycle.

Respondents: State, local, tribal, and territorial government authorities requesting federal matching grants for drone system expansion, training, and deployment.

ESTIMATED BURDEN

Collection instrument/activity	Respondents	Frequency	Annual responses	Hours/ response	Total annual burden hours
DIIG application narrative package	60	1 per competition	60	40	2,400
Optional Federal-share waiver request under section 912(g)	12	1 if requested	12	4	48
Periodic performance report	5 active recipients	Quarterly	20	8	160
Program evaluation/data submission	5 active recipients	Annual	10	8	80
Final performance report	5 recipients	Once at closeout	5	20	100
Total .....	.....	.....	107	80	2,788

ANNUALIZED RESPONDENT LABOR COST

Annual burden hours	Loaded hourly rate	Calculation	Estimated annual labor cost
2,738	\$66.41	2,788 × \$66.41	\$185,151.08

Note: Total anticipated program awards will be limited to approximately 5 distinct government recipients ranging from \$500,000 to \$9,000,000 per award, resulting in a significantly lower overall post-award compliance burden compared to the initial application field.

Request for Public Comments

Comments are specifically invited on:

1. Whether the planned information collection is vital for the proper execution of HASS COE infrastructure validation goals.

2. The accuracy of the agency's technical calculation of the estimated time and cost burden.

3. Specific avenues to leverage modern technical tools (e.g., cloud data platform templates) to streamline workflow burden for local jurisdictions.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), OST–R informs all interested parties that a respondent is not required to respond to, conduct or sponsor a collection of information unless it displays a currently valid OMB control number. (Authority: 44 U.S.C. 3501–3520.)

Issued in Washington, DC, on Aug 27th, 2026.

Thy H. Nguyen,

SMART Grants Agreements Officer.

[FR Doc. 2026–17776 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Agency Information Collection Activities; Comment Request on Form 1098-E**

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 November 2, 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. 1545-1576" 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 LaNita Van Dyke, 202-317-6009.

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 its 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 be 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: Student Loan Interest Statement (1098-E).

OMB Control Number: 1545-1576.

Form Number: 1098-E

Abstract: Section 6050(b)(2) of the Internal Revenue Code requires people (financial institutions, governmental units etc.) to report payments of \$600 or more paid on student loans to the IRS and the students. Form 1098-E is used to meet this requirement.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 22,424,200.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 2,690,905.

Dated: August 28, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026-17839 Filed 8-31-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Bureau of the Fiscal Service Information Collection Requests**

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before October 1, 2026 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular

information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927-5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:**Bureau of the Fiscal Service (BFS)**

1. *Title:* Application by Survivors for Payment of Bond or Check Issued Under Armed Forces Leave Act of 1946.

OMB Control Number: 1530-0038.

Type of Request: Extension of a currently approved collection.

Description: The information is requested to support payment of an Armed Forces Leave Bond or check issued under Section 6 of the Armed Forces Leave Act of 1946, as amended, where the owner died without assigning the bond to the Administrator of Veterans Affairs prior to payment, or without presenting the check for payment.

Forms: FS Form 2066.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 100.

Frequency of Response: On occasion.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50 hours.

2. *Title:* Request to Reissue U.S. Savings Bonds to a Personal Trust.

OMB Control Number: 1530-0036.

Type of Request: Extension of a currently approved collection.

Description: The information is necessary to support a request for reissue of savings bonds in the name of the trustee of a personal trust estate.

Forms: FS Form 1851.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 10,600.

Frequency of Response: On occasion.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,650 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026-17780 Filed 8-31-26; 8:45 am]

BILLING CODE 4810-AS-P

DEPARTMENT OF THE TREASURY**Agency Information Collection Activities; Submission for OMB Review****Comment Request; Multiple Internal Revenue Service Information Collection Requests**

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before October 1, 2026 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927-5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:**Internal Revenue Service (IRS)**

1. *Title:* Country-by-Country Reporting.

OMB Control Number: 1545-2272.

Type of Request: Extension of a currently approved collection.

Description: 26 CFR 1.6038-4, issued under the authority of 26 U.S.C. 6001, 6011, 6012, 6031, 6038, and 7805, requires U.S. persons that are the ultimate parent entity of a U.S. multinational enterprise (U.S. MNE) group with annual revenue for the preceding reporting period of \$850 million or more to file Form 8975 with their income tax return. Form 8975 and Schedules A (Form 8975) are used by filers to annually report certain information with respect to the filer's U.S. MNE group on a country-by-country basis. The filer must list the U.S. MNE group's constituent entities, indicating each entity's tax jurisdiction

(if any), country of organization and main business activity, and provide financial and employee information for each tax jurisdiction in which the U.S. MNE does business. The financial information includes revenues, profits, income taxes paid and accrued, stated capital, accumulated earnings, and tangible assets other than cash. Separate Schedules A (Form 8975) are filed for each tax jurisdiction in which a group has one or more constituent entities resident.

Form Number: Form 8975.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 46,790.

Estimated Time per Response: 6 hours, 41 minutes.

Estimated Total Annual Burden Hours: 299,822.

2. *Title:* Carrier Summary Report, Terminal Operator Report, and Request for Extension of Time to File an ExSTARS Information Return.

OMB Control Number: 1545-1733.

Type of Request: Extension of a currently approved collection.

Description: Representatives of the motor fuel industry, state governments, and the Federal government are working to ensure compliance with excise taxes on motor fuels. This joint effort has resulted in a system to track the movement of all products to and from terminals. Form 720-CS is an information return used by bulk transport carriers to report monthly receipts and disbursements of all liquid products at a storage location designated by a facility control number (FCN). Form 720-TO is completed by terminal operators to report monthly receipts and disbursements of all liquid products to and from all approved terminals. Form 8809-EX is used to request a 30-day extension of time to file an Excise Summary Terminal Activity Reporting System (ExSTARS) information report (Form 720-CS or Form 720-TO).

Form Number: Form 720-CS, 720-TO, and 8809-EX.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 544,380.

Estimated Time per Response: 4 hours, 39 minutes.

Estimated Total Annual Burden Hours: 2,530,383.

3. *Title:* Return for Nuclear Decommissioning Funds and Certain Related Persons.

OMB Control Number: 1545-0954.

Type of Request: Extension of a currently approved collection.

Description: This form is used by nuclear decommissioning funds to

report contributions received, income earned, administration expenses, and the tax on modified gross income. It is also sometimes used to report and pay the section 4951 taxes on self-dealing.

Form Number: Form 1120-ND.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time per Response: 32 hours, 35 minutes.

Estimated Total Annual Burden Hours: 326.

4. *Title:* IRS e-file Provider Participation and Compliance Requirements.

OMB Control Number: 1545-1708.

Type of Request: Revision of a currently approved collection.

Description: The information collections include reporting, recordkeeping, and third-party disclosure requirements associated with IRS e-file provider participation and operational compliance. These requirements are described in Publication 3112, IRS e-file Application and Participation; Publication 1345, Authorized IRS e-file Providers of Individual Income Tax Returns; Publication 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns; and related IRS e-file guidance, such as the Automated Enrollment Guide.

Publication 3112 provides information for applicants and Authorized IRS e-file Providers regarding applying to and participating in IRS e-file. Publication 1345 provides rules and requirements for Authorized IRS e-file Providers participating in IRS e-file of individual income tax returns and related forms and schedules. Publication 4163 provides MeF information and requirements for Authorized IRS e-file Providers and Large Taxpayers filing business returns through MeF. The Automated Enrollment Guide explains enrollment and maintenance of A2A client application systems for access to IRS e-file functionality. The IRS uses the collected information to administer IRS e-file program, ensure compliance with e-file participation requirements, safeguard taxpayer information, support electronic transmission of returns, and identify persons and entities participating in the filing of electronic returns.

Publication Number: 1345, 3112, 4163, and Automated Enrollment Guide.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, local, or tribal governments.

Estimated Number of Respondents: 151,451,972.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 151,451,972.

5. *Title:* Clean Vehicle Credits.

OMB Control Number: 1545–2137.

Type of Request: Extension of a currently approved collection.

Description: Revenue Procedure 2022–42 provides procedures for vehicle manufacturers to certify qualified clean vehicles and submit monthly reports to the IRS regarding vehicles eligible for the clean vehicle credits under sections 30D, 45W, and 25E. The collection of information is used by the IRS to verify manufacturer eligibility, determine whether vehicles satisfy statutory requirements, verify the amount of allowable credits, and support seller reporting obligations. This submission is limited to the collections associated with Form 15400, Clean Vehicle Seller Report, and the manufacturer monthly reporting requirements under Revenue Procedure 2022–42. There has been a decrease in the number of respondents and overall burden due to statutory changes. The clean vehicle credits under sections 25E, 30D, and 45W, to which this collection relates, were terminated under the OBBBA for vehicles acquired after September 30, 2025. As a result of the statutory termination of the credits, the IRS expects a reduction in the volume of filings and associated burden associated with Revenue Procedure 2022–42, including Form 15400 and manufacturer monthly reporting requirements.

Regulatory Project Number: Revenue Procedure 2022–42.

Affected Public: Individuals or Households; Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Response: 2 hours 15 minutes.

Estimated Total Annual Burden Hours: 1,125.

6. *Title:* Low-Income Communities Bonus Credit Program.

OMB Control Number: 1545–2308.

Type of Request: Extension of a currently approved collection.

Description: TD 9979 contains final regulations concerning the application of the low-income communities bonus credit program for the energy investment credit established pursuant to the Inflation Reduction Act of 2022. Revenue Procedure (Rev Proc 2023–27) provides procedural and clarifying guidance applicable to section 48(e).

Regulatory Project Number: Treasury Decision 9979, Revenue Procedure

2023–27 and Revenue Procedure 2024–19.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 70,000.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 210,000.

7. *Title:* Pre-Filing Registration for Elective Payment and Transfer Elections.

OMB Control Number: 1545–2310.

Type of Request: Extension of a currently approved collection.

Description: Treasury Decisions (TD) 9988, 9989, and 9993 prescribe the procedures to register and make payment elections under Internal Revenue Code sections 48D, 6417, and 6418.

Regulatory Project Number: TD 9988, 9989, and 9993.

Affected Public: Business or other for-profit organizations; Individuals or Households.

Estimated Number of Respondents: 70,500.

Estimated Time per Response: 6 hours, 12 minutes.

Estimated Total Annual Burden Hours: 434,471.

8. *Title:* Reporting Requirements for Recipients of Points Paid on Residential Mortgages and Mortgage Interest Statement.

OMB Control Number: 1545–1380.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code (IRC) section 6050H provides that an information return must be made by any person who is engaged in a trade or business and who, during that trade or business, receives from any individual \$600 or more of interest on any mortgage in a calendar year. Any person required to make an information return under IRC section 6050H also must furnish a statement to the payor of record on or before January 31 of the year following the calendar year in which the interest was received. Form 1098, Mortgage Interest Statement, is used to report mortgage interest (including points) received during the year.

Form Number: Form 1098.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 75,912,060.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 18,946,931.

9. *Title:* Miscellaneous Income.

OMB Control Number: 1545–0115.

Type of Request: Revision of a currently approved collection.

Description: Form 1099–MISC is used by payers to report payments of \$600 or more of rents, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, \$10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of \$5,000 or more.

Form Number: Form 1099–MISC.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 43,763,450.

Estimated Time per Response: 28 minutes.

Estimated Total Annual Burden Hours: 20,568,822.

10. *Title:* Form 8857—Request for Innocent Spouse Relief.

OMB Control Number: 1545–1596.

Type of Request: Extension of a currently approved collection.

Description: Section 6103(e) of the Internal revenue code allows taxpayers to request, and IRS to grant, “innocent spouse” relief when: taxpayer filed a joint return with tax substantially understated; taxpayer establishes no knowledge of or benefit from, the understatement; and it would be inequitable to hold the taxpayer liable. Form 8857 is used to request relief from liability of an understatement of tax on a joint return resulting from a grossly erroneous item attributable to the spouse.

Form Number: Form 8857.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 50,000.

Estimated Time per Response: 6 hours, 19 minutes.

Estimated Total Annual Burden Hours: 316,000.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–17781 Filed 8–31–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Regulation Agency Protests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before October 1, 2026 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927–5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Title: Regulation Agency Protests.
OMB Control Number: 1505–0107.
Type of Review: Extension without change of a currently approved collection.

Description: The Federal Acquisition Regulation (FAR); 48 CFR Chapter 1 provides general procedures on handling protests submitted by contractors to federal agencies. Treasury regulations provide detailed guidance for contractors doing business with acquisition offices within the U.S. Department of the Treasury to implement the FAR. FAR part 33.103,

Protests to the agency prescribes the policies and procedures for filing protests to the agency. Information is requested of contractors so that the Government will be able to evaluate protests effectively and provide prompt resolution of issues in disputes when contractors file protests.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 5.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 10.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–17779 Filed 8–31–26; 8:45 am]

BILLING CODE 4810–AK–P



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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Parts 32 and 71

National Wildlife Refuge System; 2026–2027 Station-Specific Hunting and Sport Fishing Regulations; Final Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Parts 32 and 71**

[Docket No. FWS-HQ-NWRS-2026-1223; FXRS12610900000-267-FF09R20000]

RIN 1018-BI71

National Wildlife Refuge System; 2026–2027 Station-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS or Service), open or expand hunting opportunities on 111 field stations, including 107 units of the National Wildlife Refuges System (Refuge System or NWRS) and 4 units of the National Fish Hatchery System (Hatchery System or NFHS). This includes opening hunting or sport fishing opportunities for the first time on 14 National Wildlife Refuges (NWR) and 3 National Fish Hatcheries (NFH). These actions will open or expand more than 1,450 opportunities for hunting and fishing across the NWRS and NFHS in order to increase access for the American public. In accordance with Secretary's Order (S.O.) 3447 and Director's Order (D.O.) 233, we also make changes to existing station-specific regulations in order to improve the clarity and accuracy of regulations, reduce the regulatory burden on the public, ensure consistency across FWS lands and waters, and comply with a Presidential mandate for plain-language standards.

DATES: This rule is effective August 31, 2026.

Information collection requirements: If you wish to comment on the information collection requirements in this rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this rule between 30 and 60 days after the date of publication of this proposed rule in the **Federal Register**. Therefore, comments should be submitted to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, (see "Information collection requirements" below under **ADDRESSES**) by October 1, 2026.

ADDRESSES: This final rule is available on the internet at <https://www.regulations.gov>. Comments and materials we received are available for public inspection on [https://](https://www.regulations.gov)

www.regulations.gov at Docket No. FWS-HQ-NWRS-2026-1223.

Information collection requirements: Written comments and suggestions on the information collection requirements should be submitted within 30 days of publication of this document to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803 (mail); or Info_Coll@fws.gov (email). Please reference OMB Control Number 1018-0140 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Julie Henning, Branch Chief of Conservation Planning and Policy, julie_henning@fws.gov, 571-389-3584. 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:

Background

The National Wildlife Refuge System Administration Act of 1966, as amended (Administration Act; 16 U.S.C. 668dd-668ee), closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review hunting and sport fishing programs to determine whether to include additional refuges or hatcheries (*i.e.*, stations) or whether individual station regulations governing existing programs need modifications.

Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to station-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of station purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations (CFR) at part 32 (50 CFR part 32), and provisions for hatcheries at part 71 (50 CFR part 71). We regulate hunting and sport fishing to:

- Ensure compatibility with station purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other values;
- Ensure visitor safety; and
- Provide opportunities for fish- and wildlife-dependent recreation.

On many stations where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate to meet these objectives. On other stations, we must supplement State regulations with more restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined under Statutory Authority, below. We issue station-specific hunting and sport fishing regulations when we open NWRs and NFHS to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish; seasons; bag or creel (container for carrying fish) limits; methods of hunting or sport fishing; descriptions of areas open to hunting or sport fishing; and other provisions as appropriate.

Statutory Authority

The Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105-57), governs the administration and public use of refuges, and the Refuge Recreation Act of 1962 (Recreation Act; 16 U.S.C. 460k-460k-4) governs the administration and public use of refuges and hatcheries.

Amendments enacted by the Improvement Act were built upon the Administration Act in a manner that provides an "organic act" for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge

System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System and the Hatchery System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge or hatchery lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate public uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop station-specific regulations to ensure the compatibility of the hunting and fishing programs with the purpose(s) for which we established the refuge or hatchery and the Refuge or Hatchery System mission, respectively. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired land through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges or hatcheries to the lists of areas

open to hunting and sport fishing in 50 CFR part 32 or 71, respectively. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

Summary of Comments and Responses

On May 27, 2026, we published in the **Federal Register** (91 FR 31580) a proposed rule to modify hunting and sport fishing programs at 111 field stations, including 107 units of the Refuge System and 4 units of the Hatchery System for the 2026–2027 season. We accepted public comments on the proposed rule for 30 days, ending June 26, 2026. By that date, we received 19,679 comments on the proposed rule. Approximately 91 percent of these comments were form letters or otherwise identical duplicates of other comments. Approximately 28 percent of the comments received were not relevant to this rule, including a mass form letter campaign with 5,484 identical comments from individuals about National Park Service hunting and sport fishing programs, and an additional 20 unique comments that were also not relevant to this rule. We discuss the remaining unique comments we received below by topic (including our request in the proposed rule requesting public comment on whether or not to promulgate a lead-free requirement for hunting on the entire Canaan Valley NWR with immediate or delayed effect at Comment 16). Beyond our responses below, additional station-specific information on how we responded to comments on particular hunting or sport fishing opportunities at a given refuge or hatchery can be found in that station's final hunting and/or sport fishing package, available at <https://www.regulations.gov> at Docket No. FWS–HQ–NWRs–2026–1223.

Comment (1): We received numerous comments expressing general support for the proposed changes in the rule. These comments of general support either expressed appreciation for the increased hunting and sport fishing access in the rule overall, expressed appreciation for increased access at particular stations, or both. In addition to this general support, some commenters requested additional hunting and sport fishing opportunities, increased access at specific stations, as well as expanded methods of take (e.g., archery, falconry).

Our Response: Hunting and sport fishing on Service lands is a tradition that dates back to the early 1900s. In passing the Improvement Act, Congress

reaffirmed that the Refuge System was created to conserve fish, wildlife, plants, and their habitats, and would facilitate opportunities for Americans to participate in compatible wildlife-dependent recreation, including hunting and sport fishing on Refuge System lands. We prioritize wildlife-dependent recreation, including hunting and sport fishing, when doing so is compatible with the purpose of the station and the mission of the System.

As detailed further in our response to *Comment (2)*, below, opening or expanding hunting or sport fishing opportunities on Service lands is not a quick or simple process. The annual regulatory cycle begins in June or July of each year for the following hunting and sport fishing season (the planning cycle for this 2026–2027 final rule began in June 2025). This 18-month process allows us time to collaborate closely with our State, Tribal, and Territorial partners, as well as other partners including nongovernmental organizations, on potential opportunities. It also provides us with time to complete environmental analyses and other requirements for opening or expanding new opportunities. Once we determine that a hunting or sport fishing opportunity can be carried out in a manner compatible with individual station purposes and objectives, we work expeditiously to open it. In addition to open and expanded hunting and sport fishing on Service managed lands, this also applies to increased access at specific stations, as well as expanded methods of take.

We will continue to open and expand hunting and sport fishing opportunities across Refuge and Hatchery Systems lands, where such uses are determined to be compatible. However, opportunities to expand hunting and sport fishing are limited by the amount of Service managed land that is suitable for these uses. As a result, future expansions are likely to be incremental and may occur through land acquisitions, changes to State regulations, and other management actions. Within these ongoing annual regulatory cycles, the Service welcomes input from nongovernmental organizations and individual hunters and anglers and encourages them to share their perspectives on potential future opportunities through public comments and other available forums. We strive to provide hunting and sport fishing opportunities that support our wildlife and aquatic conservation and management objectives while offering hunters and anglers a high-quality recreational experience. We carefully consider all requests and

recommendations we receive, including those related specifically to waterfowl hunting.

We did not make any changes to the rule as a result of these comments.

Comment (2): Many commenters expressed general opposition to any hunting or sport fishing on Service lands. Some of these commenters stated that expanded hunting access would interfere with or take away from nonconsumptive experiences (*e.g.*, wildlife observation, birding, hiking) enjoyed by other members of the public. Others stated that hunting was antithetical to the purposes of a refuge, which, in their opinion, should serve as an inviolate sanctuary for all wildlife. Additionally, some commenters expressed concerns regarding the enforcement of hunting and sport fishing regulations and public safety. The remaining commenters generically opposed expanded or new hunting or sport fishing opportunities at specific stations.

Our Response: The Service prioritizes facilitating each of the six wildlife-dependent recreational opportunities on Service land in compliance with applicable Service law and policy. For refuges, the Administration Act stipulates that hunting (along with sport fishing, wildlife observation and photography, and environmental education and interpretation), if found to be compatible, is a legitimate and priority general public use of a refuge and should be facilitated (16 U.S.C. 668dd(a)(3)(D)). Thus, we only allow hunting of wildlife on NWR lands if such activity has been determined compatible with the established purpose(s) of the station and the mission of the Refuge System as required by the Administration Act. For all 111 stations for which hunting and/or sport fishing programs were modified in this rule, we determined that the proposed actions were compatible.

Each station manager makes a decision regarding hunting and sport fishing opportunities only after rigorous examination of the available information, consultation and coordination with States and Tribes, and compliance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and section 7 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), as well as other applicable laws and regulations. The many steps taken before a station opens or expands ensure that the Service does not allow hunting or sport fishing opportunities that would compromise the purpose of the station or the mission of the system.

Hunting of resident wildlife on Service lands generally occurs consistent with State regulations, including seasons and bag limits. Station-specific hunting regulations can be more restrictive (but not more permissive) than State regulations and often are more restrictive to help meet specific station objectives. These objectives include resident wildlife population and habitat objectives, minimizing disturbance impacts to wildlife, maintaining high-quality opportunities for hunting and other wildlife-dependent recreation, minimizing conflicts with other public uses and/or station management activities, and protecting public safety.

The word “refuge” includes the idea of providing a haven of safety as one of its definitions, and as such, hunting might seem an inconsistent use of the Refuge System. However, again, the Administration Act stipulates that hunting, if found compatible, is a legitimate and priority wildlife dependent public use of a wildlife refuge. Furthermore, we manage stations to support healthy wildlife populations that in many cases produce harvestable surpluses that are a renewable resource. As practiced on refuges and hatcheries, hunting and sport fishing do not pose a negative threat to wildlife populations. It is important to recognize that harvesting certain individuals through hunting does not necessarily lead to a decrease in the overall population, as it can substitute for other types of mortality. In some cases, however, we use hunting as a management tool with the explicit goal of reducing a population; this is often the case with exotic and/or invasive species that threaten ecosystem stability. Therefore, facilitating hunting opportunities is an important aspect of the Service’s roles and responsibilities as outlined in the legislation establishing the Refuge System, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific station and the mission of the Refuge and Hatchery Systems.

We did not make any changes to the rule as a result of these comments.

Comment (3): We received comments from 11 individual State agencies, the Association of Fish and Wildlife Agencies, the Northeastern Association of Fish and Wildlife Agencies, the Southeastern Association of Fish and Wildlife Agencies, and the Western Association of Fish and Wildlife Agencies on the proposed rule.

We received comments expressing general support for the increased hunting and sport fishing opportunities and increased alignment with state

regulations from the Georgia Department of Natural Resources, Wildlife Resources Division; Montana Department of Fish, Wildlife and Parks; South Dakota Department of Game, Fish, and Parks; Utah Division of Wildlife Resources; Virginia Department of Wildlife Resources; Washington State Department of Fish and Wildlife; West Virginia Division of Natural Resources; and Wyoming Game and Fish Department. This support was echoed by the Association of Fish and Wildlife Agencies, the Northeast Association of Fish and Wildlife Agencies, the Southeastern Association of Fish and Wildlife Agencies, and the Western Association of Fish and Wildlife Agencies.

Several States were supportive of the proposed rule and also requested changes. The Arkansas Game and Fish Commission requested that the limit of one game-camera on Arkansas refuges be reconsidered to better align with State Wildlife Management Area regulations. Colorado Parks and Wildlife recommended specific elk harvest numbers to achieve carrying capacity objectives. The Indiana Division of Fish, Wildlife & Nature Preserves provided numerous recommendations for further alignment with state regulations at Patoka NWR, Big Oaks NWR, and Muscatatuck NWRs. The Virginia Department of Wildlife Resources expressed support for the proposed rule; acknowledges the rescission of lead-free ammunition and/or tackle requirements that would have otherwise gone into effect September 1, 2026 at Eastern Virginia Rivers NWR Complex, Potomac River NWR Complex, Great Dismal Swamp NWR, Eastern Shore of Virginia NWR, Fisherman Island NWR, Chincoteague NWR, and Wallops Island NWRs; recommends adding ‘removal of carcasses’ in addition to ‘removal of gut piles’ as an encouraged practice; and offered numerous recommendations to further align with state regulations.

Regarding the removal of restrictions on lead ammunition and tackle, we received comments in support of increasing alignment with State regulations from three individual state agencies, in addition to the Association of Fish and Wildlife Agencies and the Northeast Association of Fish and Wildlife Agencies. Regarding the rescission of lead restrictions at nine stations that would have gone into effect on September 1, 2026, this proposed action was acknowledged by the Indiana Division of Fish, Wildlife & Nature Preserves and the Virginia Department of Wildlife Resources. The West Virginia Division of Natural Resources expressed support for the removal of

lead restriction requirements for big game and upland game hunting on the Big Cove Unit at Canaan Valley NWR rather than promulgating a lead restriction requirement on the entire station, see our response to *Comment (16)*, below, for additional discussion. The Virginia Department of Wildlife Resources, the Association of Fish and Wildlife Agencies, and the Northeastern Association of Fish and Wildlife Agencies encouraged the Service to continue voluntary lead-free incentives, education and outreach to promote lead-free alternatives, and the West Virginia Division of Natural Resources also commented that they remain open to voluntary lead-free incentives, education, and outreach. See responses to *Comments (5) and (16)*, below, for additional discussion of comments specific to lead ammunition and tackle, and potential impacts of lead ammunition and tackle used for hunting and sport fishing on refuge and hatchery resources.

Our Response: The Service appreciates the support of, and is committed to working with, our State partners to expand hunting and sport fishing access, remove unnecessary barriers, and ensure consistency across Service lands and waters in support of S.O. 3447 Expanding Hunting and Fishing Access, Removing Unnecessary Barriers, and Ensuring Consistency Across the Department of the Interior Lands and Waters (January 7, 2026) and D.O. 233 Expanding Hunting and Fishing Access, Removing Unnecessary Barriers, and Ensuring Consistency Across U.S. Fish and Wildlife Service Lands and Waters (February 2, 2026). Coordination with State fish and wildlife agencies is essential to provide high-quality, compatible opportunities that are consistent with principles of sound fish and wildlife management, and to promote regulatory alignment where appropriate.

We value input from State partners on the proposed rule, and responses to station-specific requests are addressed below. For all other comments, we value the support for the increased hunting and sport fishing opportunities through this rule and appreciate the recognition of our collaboration and coordination on increasing access and feedback regarding voluntary, educational based approaches to issues associated with lead ammunition and tackle. We look forward to continuing our collaborative work in identifying additional opportunities for future consideration.

In response to the request by the Arkansas Game and Fish Commission (AGFC) to reconsider the one game-camera limit, we have made no changes

to the rule. The one game-camera limit is a consistent regulation across most NWRs in Arkansas and has decreased the issues related to abandonment, theft, privacy, and hunter conflicts. We are committed to fostering our partnership with AGFC and will continue to explore strategies for effectively balancing public access and stewardship on National Wildlife Refuges.

In response to the Indiana Division of Fish, Wildlife and Parks regarding numerous alignment opportunities at Patoka NWR, Big Oaks NWR, and Muscatatuck NWR, we have made no changes to the rule as the comments suggested new additions rather than modifications to the proposed hunts, however, comments received will be considered during development of 2027–2028 proposals.

In response to the Virginia Department of Wildlife Resources, we appreciate the comments in overall support of the rule. Our response to *Comment (14)*, below, addresses the rescinding of phase outs in greater detail. We incorporated several minor editorial changes to supporting documents in this year's rulemaking cycle. As detailed further in our responses to *Comments (1) and (2)*, above, developing additional hunting or fishing opportunities on Service lands requires a rigorous process with planning and coordination, and therefore recommendations for further alignment and new or expanded hunting opportunities will be considered during development of 2027–2028 proposals.

Comment (4): Comments were received from two Tribes. We received comments from the Yankton Sioux Tribe where, given the limited nature of the hunt, they took no position on the proposal to open archery deer hunting on Karl E. Mundt NWR. However, they recommended continued consultation among the Tribe, the Service and South Dakota Game, Fish and Parks, as we implement the hunt program. The Yankton Sioux Treaty Steering Committee, Ihanktonwan Dakota Oyate Steering Committee, and the Yankton Sioux Tribal Historic Preservation Office expressed concerns over potential impacts to cultural resources and wintering bald eagles (*Haliaeetus leucocephalus*). We also received a comment from the Shoshone-Bannock Tribe that was generally supportive of the proposed rule but requested that we acknowledge the 1868 Fort Bridger Treaty between the Shoshone-Bannock Tribe and the Federal Government in Service planning documents to capture Treaty hunting rights. The Tribe also expressed that the 30-day comment

period was insufficient to adequately respond to the proposed rule.

Our Response: In response to the Yankton Sioux Tribe, the Service is committed to working with our Tribal partners, including ongoing consultation, to fulfill our trust responsibility to Tribes in our management of federal lands and waters. Secretary's Order 3447 (January 2026) and D.O. 233 (February 2026) also emphasize that collaboration with Tribes is essential to responsible planning of hunting and fishing activities. The Service welcomes every opportunity to coordinate with Tribal leaders prior to the implementation of hunting activities and to continue consultation as we implement these hunting programs to ensure protection of cultural resources and conservation of bald eagles, and other wildlife that occupy Karl E. Mundt NWR.

In response to the Shoshone-Bannock Tribes, the Service acknowledges the Tribe's off-reservation hunting rights established by the 1868 Fort Bridger Treaty. A formal Government-to-Government consultation meeting with the Shoshone-Bannock Tribes was held on May 18, 2026. The Service will continue to participate in Government-to-Government consultation pursuant to the Tribe's requests. The Environmental Assessment for the Grays Lake NWR Hunting and Fishing Plan and Compatibility Determination for elk hunting at Camas NWR reference the 1868 Fort Bridger Treaty and clarify that neither the existence of hunting and sport fishing plans, nor any portion of their contents is intended to enlarge or diminish treaty rights, or to have any effect on treaty rights. Consultation continues, therefore, more specific language in Service planning documents are not included at this time.

With regards to the comment period, the standard public comment period for the annual rule proposing amendments to the regulations governing hunting and sport fishing on Service lands is 30 days. We provided 30 days for public comments with consideration of the balance between providing as much opportunity for public comment as possible while keeping delays to fall hunting opportunities to a minimum.

We did not make any changes to the rule as a result of these comments.

Comment (5): Several commenters noted that in recent rulemakings, the Service's openings and expansions of hunting and sport fishing did not include lead. Commenters requested that the Service explain the current approach to developing hunting and sport fishing programs, explain the reasoning for the decision to include the

use of lead ammunition and tackle as part of opening and expanding hunting and sport fishing, and to provide any new evidence that supports this decision.

Our Response: In support of President Trump's Administration priorities, Executive Order 14192), S.O.s 3447 and 3421, and D.O. 233, the Service is committed to expand hunting and sport fishing access, remove unnecessary barriers, and ensure consistency across the NWRs and NFHs. The rule reflects a broader effort to simplify and modernize Federal regulations. By better aligning Federal regulations with State fish and wildlife laws, the rule reduces confusion for the public, improves consistency across field stations and reinforces the role of States as primary managers of fish and wildlife resources. Hunting and sport fishing are priority public uses on Service-managed lands. Many lead-free ammunition and/or sport fishing tackle restrictions are reversed or removed in accordance with S.O. 3447 and D.O. 233. This includes nine NWRs proposing to rescind all lead ammunition and/or sport fishing tackle requirements, promulgated in 2022 and 2023 with delayed effect, that would have taken effect on September 1, 2026. The regulatory streamlining within the CFR includes more than 1,000 modifications to the 50 CFR parts 32 and 71, including simplifying and deleting provisions to reduce regulatory burden on the public as directed by S.O. 3447, D.O. 233, and Executive Order (E.O.) 14192 and S.O. 3421.

While there are concerns about lead and the general potential for ecological health impacts, the use of lead ammunition and tackle on refuges and hatcheries in this rulemaking is not expected to significantly impact the environment, impair endangered or threatened species, or negatively impact wildlife populations. The use of lead ammunition and tackle, like any other visitor activity, can only be allowed on a station if, and only for as long as the station applies the best available science and sound professional judgment to find it compatible. On stations where lead ammunition or tackle is allowed, the Service has determined the use will not materially interfere with or detract from the station purpose or fulfillment of the mission to protect the ecological integrity of the system. The number of new hunters or anglers expected to use lead ammunition and/or tackle as a result of the new or expanded opportunities is anticipated to be very low, therefore the resulting addition of lead into the environment should be negligible or minor. Furthermore, the Service determined that the proposed

action was not likely to adversely affect any listed species, nor jeopardize any listed species. We also determined that the proposed action was not likely to jeopardize any proposed or candidate species for listing as threatened or endangered. See our responses below to *Comments (6)* for further discussion of the limited scope of hunting and sport fishing opportunities opened or expanded, *(8)* for discussion of the Service's compatibility determinations, *(9)* for more about compliance with NEPA, and *(10)* for more information about compliance with section 7 of the ESA.

The Service has taken specific steps to limit the use of lead in hunting and sport fishing activities on refuges and hatcheries. Some individual stations have developed station-specific regulations requiring the use of lead-free ammunition or tackle, where it aligns with State regulations, nearby State-managed lands, and particularly in wetland areas important to waterfowl and based on site-specific concerns. However, the Service has no broad requirements for lead-free ammunition outside of the longstanding nontoxic requirements for waterfowl hunting. Instead, the Service continues to educate hunters and anglers on the impacts of lead on the environment. The Service also initiated a voluntary incentive program in 2024 to promote the use of lead-free ammunition while preserving hunter choice; 13 stations participated in the program during the 2025–2026 hunting seasons. The Service encourages hunters and anglers to voluntarily use lead-free ammunition and tackle for all harvest activities. However, cost and availability of lead-free ammunition and tackle continue to be a challenge (see our response to *Comment (6)*, below).

We share a strong partnership with the States in managing wildlife and therefore, when determining whether to prohibit the use of lead ammunition or tackle, we have traditionally deferred to State regulations. Stations where the Service allows lead ammunition and tackle, including at stations where lead restrictions are being removed or rescinded, improves consistency with the States and AFWA's collaborative approach in prioritizing education, information, and voluntary, informed choice to effectively reduce unintended ingestion of lead residues in wildlife (https://www.fishwildlife.org/application/files/5317/7343/7715/Approved_AFWA_LEAD_BMP_-_Resolution_August_2025.pdf).

Ultimately, our goal is for all NWRs and NFHs whose purposes support hunting and sport fishing to be open to

these activities, except in cases where legitimate exceptions are warranted (*i.e.*, threatened or endangered species, human safety, habitat sensitivity, local stakeholder concerns, legislative prohibitions). The Service is committed to doing what best serves the public interest and our conservation mission, including facilitating compatible, wildlife-dependent, recreational hunting and sport fishing. Based on the recent expansions in our hunting and sport fishing programs, the Service will continue to evaluate lead use in hunting and sport fishing on Service lands and waters.

We did not make any changes to the rule as a result of these comments.

Comment (6): Numerous commenters expressed opposition to allowing the use of lead ammunition and tackle noting that lead-free alternatives are widely available, only marginally more expensive, and similarly effective. However, we also received several comments from hunters who noted that availability, cost, and effectiveness remain barriers. While several commenters stated that lead-free ammunition is readily available where they live, others reported the opposite, noting that availability remains a challenge in many parts of the country. One commenter specifically noted that for certain bullet calibers and firearm types used in hunting, no lead-free alternatives are readily available. Others reported that high prices and low supplies can be exacerbated by excessive purchasing by a small number of consumers.

Our Response: The fact remains that there are bullet calibers and firearm types used in hunting for which lead-free alternatives are not readily available, particularly in rural areas. In November 2025, while preparing the draft rule, we compared the availability and price per round for lead-free alternatives compared to traditional lead-based ammunition for five different popular calibers. We assessed the availability in stock on-site and price per round at 1 urban and 1 rural location in each of the 8 Service regions (16 retailers total). We found that lead-free alternatives for certain calibers may still be difficult to obtain at brick-and-mortar retail locations; for example, only 3 of 16 retail locations offered lead-free 12 gage slugs, 4 of 16 had .308 Winchester, and only 4 of 16 had 270 Winchester ammunition in stock. Among the participants in the 2025–2026 Voluntary Lead Free Program, the second highest factor when selecting ammunition for hunting was availability; only accuracy ranked higher as noted in the findings of the

Service's 2025–2026 Lead Free Program Evaluation Report. Barriers identified by survey participants to obtaining lead-free ammunition continues to be “difficulty to find” (58 percent) and “not available in by caliber” (20 percent). Local availability was considered in producing a national rule.

Fifty-eight percent of participants in the 2025–2026 lead-free incentive program cite cost as a barrier to obtaining lead-free ammunition. When advancing regulations requiring the use of lead-free ammunition and tackle during the previous administration, we anticipated that the cost of lead-free alternatives would continue to decline relative to the cost of lead ammunition, but this has not occurred. Based on a survey of in-stock ammunition at brick-and-mortar retailers conducted in November 2025, the cost per round remains 37 percent to 245 percent higher for 5 popular caliber types. Hunters continue to face ongoing ammunition supply constraints that may increase cost and limit participation. The 2025–2026 Voluntary Lead Free Program Evaluation Report is available from <https://iris.fws.gov/APPS/ServCat/Reference/Profile/193738>.

We did not make any changes to the rule as a result of these comments.

Comment (7): Some commenters expressed that the voluntary lead-free program is not a scalable solution to the problem of lead in the Refuge System and those in support of voluntary, educational approaches acknowledged the complex issue. Some commenters believed approaches to limit lead use should reside with the state.

Our Response: American hunters and anglers continue to be educated on the benefits of lead-free ammunition and tackle through outreach efforts by Federal and State wildlife agencies, hunter conservation organizations, and university programs. These efforts, including by the Service, have scaled up in recent years and are proving to be effective in reaching hunting and sport fishing enthusiasts, as noted in the findings of the Service's 2025–2026 Voluntary Lead Free Program Evaluation Report. The Service's Lead-Free Voluntary Incentive Program (LFVIP) increased hunter participation by 58 percent between the 2024–2025 and 2025–2026 hunting season and likewise increased the number of participating refuges by 57 percent. Over three quarters of survey respondents (77 percent) reported that they used only lead-free ammunition for hunting on refuges during the 2025–2026 season, up from 46 percent in the prior year.

Hunters are more receptive to conservation-framed messaging than regulatory mandates. The voluntary adoption of lead-free alternatives by the hunting community exemplifies its continued tradition of actively supporting wildlife and habitat conservation. Outreach, education, and incentives are an approach to voluntarily limit lead use on Service managed lands. The 2024–2025 Voluntary Lead Free Pilot Program Evaluation Report is available from <https://iris.fws.gov/APPS/ServCat/Reference/Profile/193737>.

The 2025–2026 Voluntary Lead Free Program Evaluation Report is available from <https://iris.fws.gov/APPS/ServCat/Reference/Profile/193738>.

We did not make any changes to the rule as a result of these comments.

Comment (8): We received several comments that alleged the proposed rule is, or certain parts of the proposed rule are, a violation of the Service's mandate to ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans (16 U.S.C 668dd(a)(4)(B)). In addition, many commenters asserted that the use of lead ammunition and/or tackle on refuges goes against the Improvement Act. Commenters asserted that the compatibility standard in law is based on whether a use will materially interfere with or detract from the fulfillment of the purposes of the refuge or the mission of the Refuge System. They further-critiqued the Service's reliance on a lack of observed population-level impacts to wildlife in determinations of compatibility for hunting and sport fishing opportunities, including the use of lead ammunition and tackle, noting that compatibility determinations are intended to prevent unacceptable impacts before they rise to the level of measurable population declines and should take into account the potential for these impacts before they occur.

Our Response: We do not allow hunting on a refuge if it is found incompatible with that individual refuge's purposes or with the mission of the Refuge System. We manage refuges to support healthy wildlife populations that in many cases produce harvestable surpluses that are a renewable resource, and/or to control populations of non-native invasive species. Part of the mission of the Refuge System is to ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans (16 U.S.C.

668dd(a)(4)(B)). The Improvement Act identifies six priority wildlife-dependent recreational uses of the Refuge System, but it does not define any hierarchy among them. When determining whether or not other public uses of a refuge are compatible, the Service protects these priority public uses as well as the safety of visitors and refuge employees. For instance, the use of lead ammunition and tackle, like any other visitor activity, can only be allowed on a refuge if, and only for as long as, the refuge applies the best available science and sound professional judgment to find it compatible. In case conflicts arise between priority public uses, access for multiple uses can often be accommodated through restrictions or regulations, as appropriate. Therefore, each station manager uses “sound professional judgment” (see the definition of this term in the Service Manual at 603 FW 2.6.U., available online at <https://www.fws.gov/policy/603fw2.html>) in making these inherently complex management decisions to ensure that each proposed action complies with these mandates while following the rule-making process that is required before hunting and sport fishing opportunities can be opened or expanded on refuges. Each manager incorporates field experience, knowledge of refuge resources, considerations of the refuge's role within an ecosystem, applicable laws, compatibility with refuge purposes and the mission of the Refuge System, and best available science in making these decisions. Service biologists and wildlife professionals, in consultation with the State, determine the optimal number of each game animal that should reside in an ecosystem and then establish hunt parameters (e.g., bag limits, sex ratios) based on those analyses.

Whenever necessary for station purposes, conservation goals, ecological health, or compatibility with other uses, the Service imposes alternate and/or additional rules and regulations to those of the relevant State agencies. In regard to lead ammunition and tackle use, the Service may take specific steps to limit the use of lead in hunting and sport fishing activities on refuges and hatcheries to ensure the use is compatible. Some individual stations have developed station-specific regulations requiring the use of lead-free ammunition or tackle, where it aligns with State regulations, nearby State-managed lands, and particularly in wetland areas important to waterfowl and based on site-specific concerns.

With respect to wildlife monitoring and analysis of wildlife populations, the Service does its own monitoring and analyses and looks to these first. We do also draw on the work of State partners, both because it provides more data to inform our decisions and because it ensures we have information about fish and wildlife on a larger geographic scale, which is critical for many species with large ranges that extend far from Service lands and waters.

We carefully consider how a proposed hunt fits with individual station goals, objectives, and strategies before allowing the hunt. On stations where lead ammunition or tackle is allowed, the Service has determined the use will not materially interfere with or detract from the station purpose or fulfillment of the mission to protect the ecological integrity of the system. As practiced on refuges, hunting and sport fishing do not pose a negative threat to wildlife populations. It is important to recognize that harvesting certain individuals through hunting does not necessarily lead to a decrease in the overall population, as it can substitute for other types of mortality. While there are concerns about the broader general potential ecological health impacts for lead, the use of lead ammunition and tackle on refuges and hatcheries in this rulemaking is not expected to significantly impact the environment, impair endangered or threatened species, or negatively impact wildlife population health. Furthermore, the new or expanded hunting and/or sport fishing opportunities in this rule are not expected to individually or collectively result in significant adverse direct, indirect, or cumulative impacts to hunted populations of migratory birds and resident wildlife, nonhunted migratory and resident wildlife, endangered and threatened species, habitat and plant resources, or other natural resources. We considered these impacts in each station's compatibility determination, NEPA evaluations, ESA section 7(a) evaluations, and in the 2026–2027 cumulative impacts report. For more discussion on the NEPA process, see the response to *Comment (9)*, below. For more discussion on ESA section 7(a) evaluations see our response to *Comment (10)*, below.

We did not make any changes to the rule as a direct result of these comments, but changes that we made for other reasons may reduce the potential for minimal biological and environmental impacts.

Comment (9): We received several comments arguing that we should have prepared an environmental impact statement (EIS) instead of station-

specific environmental analyses combined with a national cumulative impact report. Some of these comments also argued that specific stations should have prepared an environmental assessment (EA) where we prepared a categorical exclusion. A few commenters also stated that the use of lead ammunition or tackle specifically presents an extraordinary circumstance that does not allow for the use of a categorical exclusion and that we could not adopt a categorical exclusion for the rule itself. Some commenters requested a nationally standardized station-specific analysis of possible impacts for openings and expansions of hunting and sport fishing or more in-depth analysis of possible impacts for specific stations in the rule. Relatedly, many commenters expressed concerns about the type of analysis done under NEPA due to concerns that the Service should be evaluating hunting pressure on wildlife amid environmental challenges like development, habitat loss, drought, wildfire, invasive species, and water quality issues. Some specifically highlighted climate-driven habitat loss, noting that drought, wetland decline, and wildfire have reduced habitat for waterfowl in the Pacific Flyway, making refuges more critical and potentially intensifying hunting impacts during low water years.

Our Response: The Service disagrees with the assertion that we should prepare an EIS before proposing expanded hunting and sport fishing opportunities on refuges or hatcheries. The Service complied with NEPA and other laws and regulations in preparation of the rule. For perspective, of the approximately 96 million acres in the Refuge System, 92 million acres (95 percent) are already open to hunting or sport fishing. The majority of actions (~99 percent) in the 2026–2027 proposed rule occur on acres already open to hunting and/or sport fishing, while only about 1 percent of the acres opening in this year's rule have never previously been open to hunting and/or sport fishing.

Hunting and sport fishing are priority public uses on Service lands and waters and the rulemaking process is procedural in nature to authorize these activities, thus a categorical exclusion is applied to the rulemaking action itself. Analysis of the effects of the specific regulatory actions individually are provided by an environmental assessment (EA) or categorical exclusion, as appropriate, for each individual field station that is part of this rulemaking. The Service ensures that the hunting and sport fishing programs at these stations, when

considered individually and collectively, will not have a significant effect on the human environment and, if such analysis determined that a given hunting or sport fishing activity, in conjunction with the effects of all impacts raised by the commenters (*e.g.*, development), would result in adverse impacts to protected species or biological integrity, then the refuge manager would not authorize the activity.

We completed individual EAs for, or applied categorical exclusions to, actions at 111 stations in compliance with NEPA to evaluate the impacts of opening or expanding hunting and sport fishing opportunities on the refuges and hatcheries, including the use of lead ammunition and/or tackle, and pressures such as urbanization and drought, in this rulemaking. These documents are publicly available and can be found in the Service Catalog (ServCat) online application. These EAs and categorical exclusions underwent regional and national review to address and consider these actions from a local, regional, multi-State, and/or flyway perspective, and to consider the cumulative impacts from this larger geographical context. The Service relies on our own authoritative data where possible, for example to consider the population health of migratory birds and to assess the potential presence and possible impacts to threatened and endangered species. State partners typically have the best available information about the population health of game species that are not migratory bird species and also the population health of other non-target wildlife. We rely heavily on the local knowledge and experience of station managers to develop hunting and sport fishing opportunities that meet the needs of the American people and avoid negative impacts to station resources. Hunting seasons are based on biological monitoring and coordination with our State partners. In some circumstances, seasons may be adjusted based on predicted harvest rates, population levels, seasonal factors, environmental factors (*e.g.*, drought, wildfire), and other assessments. As the variables mentioned above change, the Service responds by altering its regulations accordingly. These regulatory changes are incremental changes that build on previous changes. Any major changes in station or environmental conditions, such as an unsustainable decrease in a species population or sizeable increases in refuge or hatchery acreage, would trigger additional planning, NEPA and ESA section 7(a) evaluation processes,

in addition to Compatibility Determinations. Station managers also may manage adaptively for changes in local conditions, such as through limited-duration area closures that may be enacted for a limited period of time, or even an emergency closure for an entire hunt season. These required planning and management processes ensure that adverse impacts will not significantly impair the station resources.

The Service examines cumulative impacts through our cumulative impacts report that considers national and regional cumulative impacts from hunting and sport fishing on the Refuge System and the Hatchery System. These analyses are available as part of the supporting documents for the final rule. The 2026–2027 cumulative impacts report concludes, after analyzing the impacts, collectively, of all EAs and categorical exclusions prepared in connection with this rule, that the rule would not have significant impacts at the local, regional, or national level. The commenters who have raised these environmental analysis concerns have provided no additional information that would change this analysis or our conclusion. As discussed above, we annually conduct management activities on refuges and hatcheries that minimize or offset impacts of hunting and sport fishing on physical and cultural resources, including establishing designated areas for hunting; restricting levels of use; confining access and travel to designated locations; providing education programs and materials for hunters, anglers, and other users; and conducting law enforcement activities. A Federal court found that this approach, using a bottom-up analysis to assess the cumulative impact of increased hunting and sport fishing across the entire Refuge System, was an appropriate way for the Service to analyze the impacts of the rule in compliance with NEPA (see *Fund for Animals v. Hall*, 777 F. Supp. 2d 92, 105 (D.D.C. 2011)).

In this rulemaking, the Service is increasing opportunities for recreational hunting and sport fishing. As a result of the changes to hunting and sport fishing programs, visitor use for wildlife-dependent recreation on these stations may change. Field stations estimate the maximum increase in visitation for the purpose of hunting or fishing based on the best available information, which may include baseline data on station specific visitation, the number of additional permits or tags that would be issued, visitation data from nearby public lands managed by other state or federal agencies, or county or state-level

recreation data sourced from state wildlife agencies. Field stations also estimate the number of additional use days these visitors will participate in, considering factors such as the demand for the target species, the nature of the hunting or fishing opportunity including the season length, and the availability of similar opportunities in the vicinity. These additional opportunities do not necessarily result in increased impacts to station resources. We anticipate that for some stations, the opening of new species or expansions of existing hunting or sport fishing programs will not result in changes in usage of the station. In other cases, they may lead to some increase in use of stations, but these changes would likely be minor. Of the stations increasing hunting opportunities, the median of the maximum expected additional hunter use days is 45 per year per station; however, we expect 0 additional hunter use days per year associated with many of these opportunities. For example, in some cases there are more acres available to hunt but no additional permits, and in others the new huntable species are not highly sought after by hunters. Opening of new stations may attract people to the station, but these hunters and/or anglers were likely already participating elsewhere on State or other Federal lands thus not likely adding additional hunter use days. Due to the overall number of additional use days dispersed across refuges, we do not expect this final rule to have a significant impact on the environment. As noted in our cumulative impacts report, hunter participation trends have been generally declining, some stations attract a very small number of participants, and often participation rates decline over the course of a season. We also disagree with the contention that the use of lead ammunition or tackle presents an extraordinary circumstance that will not allow for the use of a categorical exclusion. This question is directly addressed by managers when they determine whether a categorical exclusion is appropriate for a given expansion to hunting and sport fishing on a station. Just as the level of lead introduced from hunting and sport fishing has been found unlikely to produce significant adverse impacts in all of our environmental assessments, it was not considered to have significant adverse impacts for those stations where an expansion to the hunting and/or sport fishing programs met the criteria for a categorical exclusion. In many cases, additional residual lead from proposed hunting is expected to be

negligible, given the low density of hunters on refuges, small increase in participation expected, small number of additional acres hunted, and/or addition of huntable species to acres that are already open to hunting of other species.

In response to comments, we reviewed all EAs and categorical exclusions. The Service disagrees with the assertion that, for any of the stations in this rule, we should have prepared an EIS instead of an EA, or an EA instead of a categorical exclusion, or that environmental challenges were not addressed in the NEPA process.

We did not make any changes to the rule as result of these comments.

Comment (10): We received numerous comments that claimed the Service had not adequately addressed possible impacts of hunting and sport fishing on endangered and threatened species, including both short-term and long-term, direct and indirect effects, and the use of lead ammunition and tackle. Some of these comments pointed to one or more particular species.

Our Response: In compliance with section 7 of the ESA, every station determined that their proposed actions would have either “no effect” or were “not likely to adversely affect” endangered and threatened species or designated critical habitat. We also determined that the proposed action was not likely to jeopardize any proposed or candidate species for listing as threatened or endangered. The ESA requires Federal agencies to ensure that the actions they carry out, fund, or authorize do not jeopardize the continued existence of endangered or threatened species (listed species).

We disagree with the assertion of some commenters that any use of lead ammunition or tackle in connection with opening and expanding hunting and sport fishing on the refuges and hatcheries in this rulemaking will impair endangered or threatened species. Each station carefully evaluated possible impacts on endangered and threatened species as part of the environmental compliance process. As discussed above, on stations, where lead ammunition or tackle is allowed, we found that the low number of hunters and anglers using lead ammunition or tackle would result in no more than a negligible increase of lead in the environment when compared to the lead ammunition and tackle being used in the surrounding areas.

While there may be some minor, localized, and temporary (short-term) impacts to endangered and threatened species as a result of hunting or sport fishing activities, every station ensured

that these impacts were avoided, minimized and, in many cases, offset through a variety of management activities. For example, in the past ten years at Patoka NWR, as many as twelve endangered whooping cranes (*Grus americana*) have begun using the refuge as a wintering site. The whooping cranes primarily use Cane Ridge Wildlife Management Area, which is closed to all public access. It is possible that whooping cranes may use the main refuge, which is open to hunting, but disturbance would be temporary. Hunting activity, including the use of lead ammunition, is not expected to cause impacts at current or anticipated levels of use and there is sufficient refugia for whooping cranes adjacent to hunting areas. Given the size of the refuge with relatively low numbers of hunters dispersed across a large area, impacts from residual lead from spent ammunition is expected to be minimal and not highly concentrated in any one area. The refuge also encourages use of lead-free alternatives through educational materials and removal of gut piles or whole harvested animals and spent shells. Furthermore, whooping cranes are infrequent visitors to the huntable portions of the refuge, thus, overlap of whooping cranes and residual lead is unlikely. Refuge staff also educate hunters about the presence of these protected birds and provide interpretive signs in the field of other similar appearing species including snow geese, swans, white pelicans, and sandhill cranes. No adverse effects to whooping cranes from the conduct of hunts on Patoka NWR have been documented to date.

We did not make any changes to the rule as a result of these comments.

Comment (11): We received several comments expressing concerns about the impacts of lead ammunition on bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) that are protected under the Bald and Golden Eagle Protection Act of 1940 (BGEPA; 16 U.S.C. 668–668c). The commenters noted that the BGEPA prohibits the “take” of either of these species which includes the act of poisoning and asserted that the use of lead ammunition or tackle would violate the law.

Our Response: We are not aware of any significant negative effects on bald and golden eagles due to current hunting activities and we do not expect this to change with the proposed increase in hunting opportunities. On stations where lead ammunition or tackle is allowed, we found that the number of hunters and anglers using lead ammunition or tackle would result in no more than a negligible increase of

lead in the environment. As a result, we found there would be no significant impact to the environment from the use of lead ammunition and/or tackle for the station.

Every station reviews the impacts of these new or expanded hunting and sport fishing opportunities, including the allowance or prohibition of lead, under section 7 of the ESA and the BGEPA. The Service avoids or minimizes possible impacts on eagles through mitigation measures such as developing compatible hunting programs with carefully delineated hunt units, limiting activities surrounding nesting sites that may cause excessive loud noise, restricting access to identified ground nesting sites, developing station-specific regulations, and setting permit conditions that account for the local issues on site.

Many States have additional regulations and management considerations in place to protect these species in addition to Federal law. The Service works closely with the State wildlife agencies when considering available opportunities in each area, to include re-evaluating areas as needed based on ground conditions for healthy population densities. Additionally, stations provide hunters with brochures capturing requirements, clear signage, and hunter education programming. Also see our response to *Comment (12)*, below, for more information about how the Service considers possible impacts to migratory birds for openings and expansions of hunting and sport fishing.

We did not make any changes to the rule as a result of these comments.

Comment (12): We received several comments concerned with impacts of this rule on migratory birds that are protected under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 *et seq.*). A few of these commenters were particularly concerned about those refuges whose purposes include “inviolate sanctuaries for migratory birds”. In addition to these concerns, several comments specifically expressed concern about potential impacts of the unintended ingestion of lead ammunition and tackle residues on foraging migratory birds, including long-necked waterbirds, but also other migratory birds that may forage in upland areas where residual lead fragments could occur. Some of these comments pointed to one or more particular species. Commenters asserted that allowing the use of lead ammunition and/or tackle would violate the MBTA.

Our Response: All of the migratory bird hunting opportunities on Service lands are done within the frameworks

set by the Service in compliance with the MBTA. These frameworks set season lengths, bag limits, and areas for migratory game bird hunting and ensure that hunting will not have adverse impacts on the populations of the various species of migratory birds through rigorous biological monitoring, information collection, and data review. To determine the appropriate frameworks for each species, the Service considers factors such as population size and trend, geographical distribution, annual breeding effort, the condition of breeding and wintering habitat, the number of hunters, and the anticipated harvest. After frameworks are established for season lengths, bag limits, and areas for migratory game bird hunting, States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more restrictive in their selections than the Federal frameworks, but never more permissive. For more information on this process, see the 2026–2027 cumulative impacts report at <http://www.regulations.gov> under Docket No. FWS–HQ–NWRs–2026–1223.

Our analysis in the cumulative impacts report of the expansion of hunting of migratory game birds on Service lands through this rule indicates that the proposed harvests, or intentional take, of each species will constitute a negligible component of both national and flyway harvest. Station-specific migratory game bird hunting regulations are established within the above discussed frameworks and in compliance with NEPA to ensure that adverse impacts will not accumulate over time; thus, the harvest is expected to have a negligible impact on migratory bird resources within NWRs or NFHs.

In addition to all hunting for migratory game birds being set within this national framework, and as with all species hunted on Service managed lands, each station must also ensure that the hunting or sport fishing opportunity is compatible, or in the case of NFHs not detrimental, with the purpose of that station and complies with applicable provisions of NEPA, ESA, and other applicable laws and policy before opening or expanding migratory bird hunting. This thorough process ensures that the Service has analyzed the potential impacts of the proposed hunting or sport fishing opportunity and determined that the opportunity would not have a significant impact on any migratory bird species, not just the targeted species.

A NWR may have multiple establishing purposes, including

inviolate sanctuary for migratory birds, depending on the acquisition authorities used to purchase or acquire the land. Where inviolate sanctuaries occur on NWRs, all uses must be evaluated for appropriateness and, if necessary, compatibility. The language within the Administration Act only applies to those lands with the designation of inviolate sanctuary for migratory birds. Therefore, other uses (e.g., big game hunting, hiking, auto tours, etc.) can be allowed as long as they are compatible. When determining compatibility, the Service must consider the requirements that the inviolate sanctuary designation established.

In addition, NWRs with this designation will have to evaluate the influence of uses occurring or potentially occurring on other portions of the refuge and how they may affect the inviolate sanctuaries. Although this designation sets a higher level of consideration, it is clear that Congress intended for these areas to be considered for use when compatible. As discussed previously, each station goes through several different processes, including compatibility determinations, NEPA compliance, and ESA compliance, to ensure that the hunting and sport fishing opportunities proposed would have no significant impacts on populations of migratory birds in compliance with the Service's mandates under the MBTA, Administration Act, or other applicable laws and policies. Compatibility determinations, NEPA and section 7 analyses completed for the openings and expansions are available as part of the supporting documents for the final rule and can be found in the Service Catalog (ServCat) online application.

We disagree that the use of lead ammunition will violate the MBTA. The potential for lead to threaten any species, including migratory birds and eagles in particular because of their protection under these statutes, is a key part of the NEPA and ESA analyses that are conducted before the authorization of any hunting or sport fishing on a station for which lead ammunition or lead sport fishing tackle is allowed (see our responses to *Comments (9) and (10)*, above). This ensures hunting and sport fishing activities are compliant with these statutes. In fact, the MBTA explicitly authorizes the Secretary of the Interior to create regulations governing "take" for all of the migratory bird species covered by the treaty, including eagles (16 U.S.C. 704(a)). The promulgation of the hunting regulations in this rule under the authority of the Secretary of the Interior means that the Secretary has determined these hunting

activities are compatible with the terms of the MBTA and with the international conventions that are the basis for the MBTA. Thus, the hunting regulations in this rule do not violate the MBTA or the associated treaties.

We have clarified and/or discussed additional lead ammunition and tackle impacts for certain migratory bird species brought to our attention through public comments in station-specific NEPA documents and the 2026–2027 cumulative impacts report, where appropriate.

We did not make any changes to the rule as a result of these comments.

Comment (13): We received numerous comments expressing concern about the Service having adequate funding and staffing, including law enforcement officers, to administer our hunting and sport fishing opportunities, as well as staff to monitor and adjust if negative impacts from recreation activities are observed. Several commenters specifically expressed concerns about the scale of the increased recreational access from years of sustained staffing shortages, a high percentage of resignations and early retirements since 2025, and projected further decreases in funding for both the Refuge System and the Hatchery System. Several commenters raised concerns about reduced staff capacity and law enforcement preventing the Service from detecting negative impacts on wildlife due to the use of lead ammunition and/or tackle, and responding appropriately.

Our Response: We appreciate the concern of these commenters for sufficient funding and staffing to safely and effectively develop and administer hunting and sport fishing activities throughout the Refuge System and Hatchery System, and to ensure that recreational uses remain compatible with refuge purposes, or not detrimental to hatchery operations. While we acknowledge that the loss of some staffing and resources is a challenge for both the Refuge System and the Hatchery System, we remain committed to opening and expanding as much hunting and sport fishing access for the American people as we can.

Importantly, to comply with the Recreation Act (16 U.S.C. 460k–460k–4) and Service policy (603 FW 2.12.A.(7); see <https://www.fws.gov/policy-library/603fw2>) station managers must determine that adequate resources, including personnel, exist or can be provided by the Service or a partner to properly develop, operate, and maintain the use in a way that will not materially interfere with or detract from fulfillment of the refuge purpose(s) and the

Service's mission. If resources are lacking for establishment or continuation of wildlife-dependent recreational uses, the refuge manager will make reasonable efforts to obtain additional resources or outside assistance from States, other public agencies, local communities, and/or private and nonprofit groups before determining that the use is not compatible. For example, when Service law enforcement resources are lacking, we are often able to rely upon State fish and game law-enforcement capacity to assist in enforcement of hunting and sport fishing regulations. Alignment with State laws, especially regarding lead ammunition and/or tackle regulations, as discussed in *Comment (5)* above, reduces confusion for the public and clarifies enforceability. For all stations opening or expanding hunting or sport fishing in this rule, we have determined that we have retained adequate resources, including available funds and personnel, to develop, operate, and maintain the proposed hunting and sport fishing programs. Additionally, unstaffed stations are managed and incorporated into a broader complex with other refuges and/or partnered with State agencies for staffing and funding support, enabling compatibility for hunting and sport fishing to continue. See our responses to *Comments (8) and (9)*, above, for additional discussion of the compatibility determination process and NEPA compliance as it pertains to all impacts associated with hunting and sport fishing, including the use of lead ammunition and tackle.

We did not make any changes to the rule as a result of these comments.

Comment (14): We received a large number of comments from both environmental nongovernmental organizations and individual commenters opposed to the decision not to implement phase outs on nine refuges that would have gone into effect on September 1, 2026, if no action were taken. Commenters critiqued the Service for not providing new evidence to support a different conclusion from the previous decision to codify phase outs in the 2022–2023 rule, that was based on the best available science at that time. Commenters asserted that the rescission of these phase outs would therefore be arbitrary and capricious under the Administrative Procedure Act because an agency reversing a prior determination must provide a reasoned explanation. Several commenters further asserted that it would be arbitrary and capricious to reverse lead ammunition and/or tackle restrictions in this proposed rule at these nine stations

while retaining restrictions in place at other stations.

Our Response: The phase outs codified in the 2022–2023 rule were reconsidered in an effort to align with State regulations. We also considered cost and availability of lead-free ammunition but relied on compatibility in our determinations for site-specific and species-specific lead-free requirements. The use of lead ammunition and tackle, like any other visitor activity, can only be allowed on a station if, and only for as long as, the station applies the best available science and sound professional judgment to find it compatible.

In response, the Northeast Association of Fish and Wildlife Agencies commended the Service's proposed rule reversing the phase outs in order to align with State regulations. Additionally, the Indiana Division of Fish, Wildlife & Nature Preserves provided numerous recommendations for further alignment with State regulations at Patoka NWR. The phase out reversal also supports D.O. 233 and S.O. 3447.

Lead-free alternatives for certain calibers are still difficult to obtain. At the time these phase outs were evaluated, we anticipated further developments and efficiencies in manufacturing and increased market demand would increase the availability and reduce the cost of lead-free ammunition. However, these changes have not happened yet at a scale that impacts the availability and cost in each of the states. In fact, the overall availability and cost of lead-free alternatives fluctuate dynamically, and in some cases the cost of lead-free alternatives has increased since these phase outs were implemented in 2022. See also our response to *Comment (6)* for additional discussion regarding the cost and availability of lead-free ammunition. Where necessary for public safety and compatibility, we supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities. In reconsidering the phase outs, we determined there was not a need for more-restrictive Federal regulations at these refuges in regard to lead at this time. The Service has determined the use will not materially interfere with or detract from the refuge purpose or fulfillment of the mission to protect the ecological integrity of the system at the nine phase out refuges, but we will continue to consider restrictions based on site-specific and species-specific scientific evidence at these stations in future rules.

We did not make any changes to the rule as a result of these comments.

Comment (15): In addition to comments received about the reversal of lead phase outs at nine refuges that were codified in the 2022–2023 rulemaking, we also received several comments regarding the removal of lead ammunition and tackle restrictions at other refuges. Some commenters expressed support for removing these restrictions. Other commenters expressed opposition to these changes and asserted that the decision to reverse lead restrictions at these particular stations, while simultaneously retaining lead restrictions at other stations, was arbitrary and capricious and not supported by any new scientific evidence or analysis.

Our Response: We disagree with the comments that it is arbitrary and capricious to reverse lead restrictions at some stations while retaining lead restrictions at other stations. Some stations have retained station-specific regulations requiring the use of lead-free ammunition or tackle, where it has been found compatible and aligns with State regulations, nearby State-managed lands, wetland areas important to waterfowl, or based on other site-specific concerns. Each station carefully evaluated possible impacts to the environment, including to endangered and threatened species, as part of the NEPA process. On stations where lead ammunition or tackle is allowed, we found that the number of hunters and anglers using lead ammunition or tackle would result in no more than a negligible increase of lead residue in the environment. As a result, we found there would be no significant impact to the environment from the use of lead ammunition and/or tackle for the station. Stations in the rule that retained lead restrictions demonstrate the thoroughness of analysis that was taken to appropriately apply lead restrictions where there are legitimate reasons to maintain the restriction. Reversal on lead restrictions is in alignment with S.O. 3447.

We are committed to aligning with State regulations when possible, increasing consistency for stations within the same State, or complex, and removing unnecessary regulatory burdens on the hunting and sport fishing public. These updates to hunting and sport fishing programs are determined to be compatible based on site-specific evaluations, which are included in the supporting documents that are publicly available in the Service Catalog (ServCat) online application. See also our responses to *Comments (5), (8), (9), and (10)*, above.

We did not make any changes to the rule as a result of these comments.

Comment (16): In the proposed rule, we solicited comments on whether to promulgate a lead-free requirement at Canaan Valley NWR, which already had a requirement for lead-free hunting at the Big Cove Unit. Many commenters expressed support for a refuge-wide lead-free requirement. The supportive commenters noted that the Service used the best available science to support the decision to phase out lead at the Big Cove Unit and asserted that it would be arbitrary and capricious to reverse this decision. However, the State of West Virginia expressed opposition to lead-free requirements at the refuge that are not in alignment with State regulations and instead was supportive of removing these requirements. A smaller number of individual commenters, primarily hunters, also requested that the Service remove the lead-free requirement noting the burdens that these additional regulations impose on hunters.

Our Response: After considering the comments received, we have removed the lead-free requirement that was previously implemented at the Big Cove Unit of Canaan Valley NWR. The regulations for Canaan Valley NWR with respect to the use of lead ammunition now reflect alignment with regulations for the State of West Virginia. This is the preferred alternative that was identified in the environmental assessment due to the findings of few additional hunters in a large hunt area, the amount of lead used every year continuing to decline as many hunters are voluntarily switching to lead-free ammunition, and low levels of additional hunt use days. This decision supports our commitment to provide as many hunting and sport fishing opportunities for the American people as we can and to remove overly burdensome regulations. See also our responses to *Comments (5), (8), (9), (10), (14) and (15)*, above.

Comment (17): We received a small number of comments expressing concern about opening and expanding opportunities for hunting of predator species within the Refuge System. Some commenters alleged that we did not give enough consideration to the impacts that may be incurred as a result of this practice, which conflicted with the Service's mandates under the Administration Act to maintain the biological integrity, diversity, and environmental health of the refuge.

Our Response: Station managers consider predator management decisions on a case-by-case basis. As with all species, a station manager makes a decision about managing predator populations, which are

included in the category of resident wildlife, including allowing predatory species to be hunted, only after careful examination to ensure the action would comply with relevant laws, policies, and directives. The Administration Act, as amended, directs the Service to manage refuges for “biological integrity, diversity, and environmental health.” Predators play a critical role in the integrity, diversity, and overall health of ecosystems, so before allowing predators to be hunted, a station manager must ensure that these actions do not threaten the integrity, diversity, or health of the refuge ecosystem. The manager must also determine that the action is compatible with station purposes and the mission of the Refuge System, and in keeping with the refuge’s comprehensive conservation plan (CCP) and other step-down plans. In addition, the station manager analyzes the impacts of the actions on the environment through the NEPA process and section 7 of the ESA. Therefore, a station manager must take many steps to ensure that any opportunity for hunting predators on a refuge meets the Service’s applicable laws and policies.

The Administration Act, as amended, also mandates that regulations permitting hunting or sport fishing of fish and resident wildlife within the Refuge System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans (16 U.S.C. 668dd(m)). Therefore, all the opportunities for hunting predators in this rule that are intended to bring greater consistency with State fish and wildlife laws, regulations, and management plans are part of realizing the Service’s mission. All hunting and sport fishing determinations, to include those involving predators, are only made after careful consideration by the station manager to ensure that such actions would not threaten the integrity, diversity, and overall health of the ecosystem and are compatible with both the purpose of the station and the mission of the Refuge System. For NFHs, the hatchery manager makes the decision that such opportunities are not detrimental to the propagation of fish, wildlife, or aquatic species (50 CFR 70.1). Finally, both the NEPA process and the rulemaking process provide the opportunity for the public to provide comments and any additional information on impacts of our actions. We considered the additional information provided from the public on this issue from the public comment period and determined that they did not affect our initial determinations that

these small and minor opportunities for hunting predators on specific refuges or hatcheries will have no more than minor impacts on the population health of these species or other wildlife at the local, regional, or national level.

We did not make any changes to the rule as a result of these comments.

Comment (18): We also received numerous comments expressing the concern that “trophy hunting”, trapping, baiting, and hounding to pursue predators are viewed as unethical practices that provide hunters with an unfair advantage. Additional commenters expressed concern that these activities may unintentionally harm non-target wildlife species and are inappropriate uses on Service managed lands.

Our Response: The Service does not attempt to define or authorize “trophy hunting” in any of our laws, regulations, or policies concerning hunting. We follow State hunting and sport fishing regulations, except for where we determine it is necessary to be more restrictive on individual stations, including State regulations concerning responsible hunting, or prohibitions on wanton waste (defined as “to intentionally waste something negligently or inappropriately”). We only allow hunting on refuges and hatcheries when we have determined that the opportunity is sustainable and compatible.

The use of dogs for hounding is prohibited on refuges by 50 CFR 26.21(b) unless authorized by station-specific regulations, and many stations only authorize the use of dogs for retrieval of migratory birds, upland game birds, and small game. Most stations that allow dogs require the dogs to be under the immediate control of the hunter at all times or leashed unless actively retrieving an animal. There are also some hatcheries that allow hounding. All of them do so in order to provide complete consistency with State regulations in the interest of effective law enforcement, as the hatcheries that allow this activity are small and are only providing access on their land for hounding because they are surrounded by State lands that allows this practice. In cases where there may be concerns with use of dogs impacting the management and purpose of the hatchery, those hatcheries have also been closed to hounding. In States where baiting is allowed, some stations have elected to be more restrictive and not support this method of hunting.

Trapping is not a valid method of take as part of hunting programs in the Refuge System. Under the Improvement Act, trapping is not considered a

priority wildlife-dependent recreational use of the Refuge System. Trapping on refuges is generally only implemented to accomplish specific wildlife management objectives. These objectives vary between stations and are often an essential tool in meeting refuge management objectives (e.g., trapping of predators may be necessary to accomplish waterfowl production objectives or to protect an endangered species).

We did not make any changes to the rule as a result of these comments.

Comment (19): We received several comments advocating for increased falconry opportunities on Federal lands. One commenter was opposed to allowing falconry on NWRs, specifically at Laguna Atascosa NWR.

Our Response: We allow hunting of resident wildlife on NWRs only if such activity has been determined compatible with the established purpose(s) of the refuge and the mission of the Refuge System as required by the Administration Act. Service policy, as outlined in our Service manual at 605 FW 2.7.M. (Special Hunts), stipulates, “We will address special types of hunts, such as falconry, in the hunt section of the visitor service plan (VSP).” In other words, each station manager, when developing their step-down VSP (which would include a hunt plan, if appropriate) from their CCP, must first determine if hunting is compatible. Assuming it is found to be compatible, the station manager would next determine the conduct of the hunt, which might include the use of falconry. A station manager has discretion to restrict hunting and types of hunting, including falconry, if, for example, endangered or threatened species are present, the cumulative impacts of a type of hunt have not been analyzed or are not available, or if a type of special hunt is not compatible with the station’s purpose. The MBTA sets the regulatory baseline for falconry in the United States (50 CFR 21.82), outlining standards for states to allow falconry. Station-specific hunting regulations, including falconry, can be more restrictive (but not more permissive) than State regulations and often are more restrictive to help meet specific station objectives. These objectives include resident wildlife population and habitat objectives, minimizing disturbance impacts to wildlife, maintaining high-quality opportunities for hunting and other wildlife-dependent recreation, minimizing conflicts with other public uses and/or station management activities, and protecting public safety. Thus, this issue is decided individually on a station-by-

station basis. The Service remains committed to opening hunting methods, including falconry and especially those methods allowed by State regulations, whenever it is possible to do so at a given station in a manner consistent with all purposes and objectives of the station, in the professional judgment of the station manager.

In response to the comment opposing falconry on Laguna Atascosa NWR, falconry is not a proposed method of take at this time.

We did not make any changes to the rule as a result of these comments.

Comment (20): One commenter raised concerns that the proposed increase in hunting recreation at Cedar Point NWR would violate a deed restriction with the explicit provision that it “Not be used as a public park, campground, or picnic area” and that it would violate inviolate sanctuary requirements.

Our Response: The proposed hunting opportunities at Cedar Point NWR comply with the provisions outlined in the 1964 deed and subsequent deeds and related documents. The 1964 deed to the United States, signed December 18, 1964, and recorded December 21, 1964, at Volume 1867 Page 568 in Lucas County, contained a reversionary clause with the condition that the property would revert to the prior owner if it “ceased to be used for wildlife conservation purposes.” This clause was initially deemed problematic for the acquisition, as were some of the poorly written legal descriptions. There was subsequent correspondence with the Department of Justice about the reversionary clause and the need for a correction deed. The United States was ultimately allowed to acquire the property subject to the reversionary language after a correction deed was issued in 1967, signed November 13, 1967, and recorded March 14, 1968, at Volume 1936 Page 187 in Lucas County, on the condition that the NWR not build any permanent structures or improvements (other than water management and water control infrastructure). Allowing hunting is consistent with “wildlife conservation purposes” as hunting is one of the six primary wildlife-dependent recreational uses of National Wildlife Refuge System lands. In reviewing the acquisition file, the intent of the reversionary clause was to ensure that the property being donated by the hunting club, through the North American Wildlife Foundation, would become a National Wildlife Refuge. There are no terms in any recorded instruments that the Service has been able to locate that would prohibit hunting on the property. There are no plans or intentions in the

2026–2027 hunt proposal to utilize areas open to hunting as a public park, campground, or picnic area.

The proposed modifications comply with requirements for hunting within a refuge designated as an inviolate sanctuary pursuant to 16 U.S.C 715d. Cedar Point NWR encompasses 2,445.42 acres, of which 2,245.42 acres are classified as inviolate sanctuary. The Service authorizes up to 40 percent of this designated sanctuary area to be available for migratory bird hunting. As part of the final rule, we open 852 acres of this area to migratory bird hunting, while 1,541 acres remain closed to migratory bird hunting. This allocation does not exceed the permitted 40 percent threshold, thereby ensuring compliance with inviolate sanctuary provisions.

We did not make any changes to the rule as a result of these comments.

Comment (21): We received several comments about the proposed opening of jackrabbit hunting at Malheur NWR, related to the health of black-tailed jackrabbit (*Lepus californicus*) populations, as well as golden eagle populations. Commenters noted that golden eagles in the Great Basin are in decline, and highlighted the importance of jackrabbits as a food source for the eagles, and the importance of Malheur NWR to populations of both species. One commentator has participated in a 10-year study of golden eagle nesting across the state of Oregon, and currently monitors about 100 sites annually, including 30 golden eagle nests on or immediately adjacent to Malheur NWR that have territories overlapping the NWR. He provided data showing that only four of these sites produced young this year, and that none on the NWR had successful nests, representing the lowest nesting success since 1990 and likely the lowest since monitoring began in the 1940s. Finally, they raised concerns about the use of lead ammunition and impacts to the golden eagle population from consuming residual lead fragments, given the importance of jackrabbits as a primary food source. Based on these observations they assert that low jackrabbit numbers are the primary reason for low nest success.

Our Response: We acknowledge that black-tailed jackrabbits serve as an important food source for golden eagles, whose nesting success is closely tied to the abundance of these rabbits. Jackrabbit populations are known to fluctuate significantly over time. There are no statewide surveys or mandatory hunt reporting for jackrabbit, and at Malheur NWR, no recent surveys of jackrabbit have been conducted. Both

cottontail and jackrabbit numbers have declined across the western United States in recent decades likely due to factors like habitat changes, drought, predation, and disease. Although Oregon allows year-round hunting and considers populations stable, refuge staff at Malheur NWR have observed consistently low jackrabbit numbers, which appear to follow broader regional trends. See *Comment (11)* for additional discussion on how the Service considered possible impacts to eagles.

As a result of these comments and additional site-specific data, Malheur NWR will not open to hunting jackrabbit in the final rule. No other changes were made in response to these comments. The existing hunt for cottontail rabbit remains an available hunting opportunity at the station.

Comment (22): Numerous commenters raised concerns about increasing hunting access at Theodore Roosevelt NWR Complex. Several commenters expressed concern regarding recent overcrowding, public safety issues, and reduced hunt quality, noting a lack of staff and law enforcement to administer the current hunt program. One commenter raised additional concerns including (1) lack of baseline data on wildlife, habitat, and public use; (2) lack of clear triggers for reducing hunting if negative impacts are detected; (3) insufficient law enforcement to protect sensitive habitat and prevent poaching or overharvesting.

Our Response: Staff continue seeking opportunities to collect data, implement justified management changes, and secure additional law enforcement support. The NWR Complex also partners with State agencies to solicit their input and work closely with State conservation officers to help address the limited Federal law enforcement presence. Toll-free numbers are available for reporting violations, and NWR signage is updated as needed to inform hunters and anglers. Staff remain available to speak with individuals who have observed potential violations and will route information to the appropriate law enforcement officer for follow-up. Efforts to expand enforcement capacity are ongoing. If negative impacts are documented, refuges may temporarily close areas on a case-by-case basis and at the local level, when warranted. See *Comment (13)*, above, for discussion of how station managers adaptively manage hunting and sport fishing to avoid unacceptable impacts.

We did not make any changes to the rule as a result of these comments.

Comment (23): Several commenters expressed concern about equipment

authorized for use during hunting activities at Theodore Roosevelt NWR Complex. Firstly, several commenters raised concerns regarding the use of e-bikes, including observed disturbance to wildlife, impacts to infrastructure, damage to habitat, impacts on public safety, and reduced quality of hunting. The commenters suggested that e-bikes should be restricted to designated all-terrain vehicle (ATV) routes. Secondly, one commenter expressed concern regarding motorboat use, and specifically loud noise disturbing waterfowl. The commenter noted that although waterfowl hunting is restricted after 1 p.m. to limit disturbance, motorboats used by other hunters after 1 p.m. still impacts waterfowl.

Our Response: We acknowledge concerns about e-bikes, including misuse, habitat impacts, and risks to public safety, all of which have informed the need for strengthened regulations. Prior to this final rule, they are allowed to go anywhere across the NWR. The changes to these regulations reflect the NWR's commitment to addressing these issues through a clearer, more enforceable framework governing e-bike access across the NWR Complex. All traditional bikes and e-bikes (in pedal-assist mode) must stay on maintained roads, trails, turnrows, fire lanes, power lines, pipelines, levees/earthen dams/dikes, or designated ATV/utility-type vehicle (UTV) trails. This changed management action will significantly reduce wildlife disturbance, damage to habitat, reduce user conflicts, and potentially improve hunting quality by governing where bicycles and e-bikes can go.

The NWR Complex manages potential noise impacts from motorboats and other hunting activities by designating waterfowl sanctuary areas which are seasonally closed to all public access. Closure dates are published in the Mississippi Department of Wildlife, Fisheries, and Parks Outdoor Digest. Sanctuary areas remove all disturbance and provide the greatest benefit to waterfowl. While some disturbance may result from big game and upland game hunts, these activities generally occur in upland habitats or away from waterfowl areas.

In any case of disturbance, including e-bikes and motorboats, areas may be temporarily closed if negative impacts to wildlife and infrastructure are documented.

We did not make any changes to the rule as a result of these comments.

Comment (24): Multiple commenters raised concerns about the proposed increased hunting access at Panther Swamp NWR specifically, within the

Theodore Roosevelt NWR Complex. The concerns raised included: overcrowding, safety concerns, insufficient law enforcement, habitat degradation, reduced deer numbers, increases in feral hog populations and risks of chronic wasting disease transmission to deer associated with hogs.

Our Response: Overcrowding and safety are often managed through limited draw hunts, which may limit the number of participants, method of take (e.g., archery, firearms) or age (e.g., youth or senior). The changes to regulations at Panther Swamp NWR in this rule will reduce the number of hunters afield during a single hunt. Specifically, the limited muzzleloader draw hunt will be extended to another weekend for senior hunters. This change will maintain the same number of opportunities but will reduce the number of hunters afield per day, thus minimizing overcrowding and burden on law enforcement resources. See our response to *Comment (13)*, above, for more discussion on staffing and capacity.

Habitat degradation, population, and disease issues related to white-tailed deer are cooperatively managed with the Mississippi Department of Wildlife, Fisheries, and Parks and monitored to ensure no long-term negative impacts occur. Hunting remains a critical tool used to protect habitat for overpopulation of both native and non-native wildlife. Feral swine damage management is cooperatively addressed through public hunting, contractor involvement, and coordination with the U.S. Department of Agriculture.

We did not make any changes to the rule as a result of these comments.

Comment (25): We received one comment expressing concern about expanded waterfowl hunting access at Julia Butler Hansen Refuge for the Columbian white-tailed deer questioning whether these opportunities are compatible with refuge purposes that include recovery of Columbian white-tailed deer (*Odocoileus virginianus leucurus*).

Our Response: Waterfowl hunting at Julia Butler Hansen Refuge for the Columbian white-tailed deer was analyzed in the 2010 CCP and EIS. A Compatibility Determination for hunting on four islands, including Crims and Price Islands, found it compatible with NWR purposes, since waterfowl hunting occurs along shorelines and sloughs—not in the interior habitat of the Columbian white-tailed deer. The proposed waterfowl hunting expansion implements the Crims and Price Islands access specified in the 2010 CCP and

EIS. See our response to *Comment (8)*, above, for more discussion about our compatibility process.

We did not make any changes to the rule as a result of these comments.

Comment (26): Several commenters raised concerns about proposed additional recreation access at Cahaba NWR, given that the refuge is currently unstaffed and the CCP completed several years ago noted lack of staff and law enforcement as an obstacle to effective management.

Our Response: As discussed in Cahaba NWR's Hunting Compatibility Determination, Cahaba River NWR is part of the Wheeler NWR Complex, and its management is carried out using existing staff, funding, equipment, and facilities through Mountain Longleaf NWR, an established refuge within the Wheeler NWR Complex. Hunting opportunities at Cahaba River NWR are supported by extensive contributions from staff, volunteers, and partners—most notably through a longstanding partnership with the Alabama Department of Conservation and Natural Resources' William R. Ireland, Sr.—Cahaba River Wildlife Management Area. See our response to *Comment (8)*, above, for more discussion about our compatibility process and *Comment (13)*, above, for more discussion on staffing and capacity.

We did not make any changes to the rule as a result of these comments.

Comment (27): One commenter expressed concern about the impacts of discarded waste associated with hunting activities, including litter, on Camas NWR and the potential impacts to the refuge environment and other visitors to the refuge.

Our Response: It is illegal to abandon property or dispose of waste on a refuge (see 50 CFR 27.93 and 27.94), whether hunting-related or not. Camas NWR has been open to waterfowl and upland game bird hunting for decades and has been open to elk hunting since 2021. Staff have observed no issues with littering or trash dumping associated with hunting.

We did not make any changes to the rule in response to these comments.

Changes From the Proposed Rule

Based on consultation with States and other partners, comments we received on the proposed rule, and comments we received on NEPA documents for individual refuges and hatcheries, we made a number of changes between the proposed rule and this final rule, some of which have been discussed above under the Summary of Comments and Responses. The summary below describes changes made to the CFR

language at the following National Wildlife Refuges and National Fish Hatcheries.

We corrected the CFR to include Bandon Marsh NWR, Green Lake NFH, and Holt Collier NWR, which were omitted by error from the proposed rule. Bandon Marsh NWR expanded snipe hunting to additional acres and the CFR for the station was simplified to allow the same species to be hunted on two units of the refuge. Green Lake NFH in Maine is opening hunting for the very first time and Holt Collier NWR regulations are rewritten to more closely match other refuges within the State of Mississippi. These stations were listed in the proposed rule in Attachment A detailing all openings and expansions. The hunt plans and compliance documents for each station were also included in the supporting documents available at <https://www.regulations.gov> at Docket No. FWS-HQ-NWRS-2026-1223 and underwent public review during the proposed rule comment period.

Modifications to the list of huntable species were made for selected field stations in the final rule. At Minnesota Valley NWR, we added badgers and unprotected wild animals (designated by the State) as huntable species to align with the State of Minnesota regulations. We added hunting for Eurasian collared dove at Umatilla NWR in Oregon. We made an administrative change at Bowdoin NWR adding big game to the CFR as it had already been open in the past but not codified. At Malheur NWR, rabbit hunting was clarified by adding the word “cottontail” and removing “hare”—this clarifies that jackrabbit hunting is not authorized on this station. At Shiawassee NWR, we removed bear from the list of huntable species, in coordination with the State of Michigan. The inclusion of bear at Shiawassee NWR in the proposed rule was an error, and this opportunity was not included in the hunt plan or other supporting compliance documents that went out for public review.

We made other adjustments to hunting and sport fishing opportunities at some stations, such as the locations, season dates, hours, and authorized equipment. We removed only allowing archery and muzzleloader hunting for white-tailed deer at the Driftless Area Wetland Management District (WMD) to align method of take with State regulations. At Kootenai NWR and J. Clark Salyer NWR, we removed the nontoxic shot requirement. Also, at J. Clark Salyer NWR, we updated hunt

area locations. At Upper Souris NWR, we updated hunt units and dates for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant to avoid conflicts with other hunting opportunities. At Wallkill NWR, we removed the specific night hunting hours as well as the nontoxic ammunition requirement for big game.

We also made some other changes to the administration of hunting. For the refuges in the State of Illinois, we edited the tree stand provision to be consistent across the State at each station. Additionally, at Neal Smith NWR, we clarified that the bison/elk enclosure is closed to sport fishing. For Crab Orchard NWR, the Managers Pond unit was removed from the authorized sport fishing area. At Hackmatack NWR in Wisconsin, provisions were added to clarify sport fishing hours and sport fishing devices. At Northern Tallgrass Prairie NWR and Neal Smith NWR a provision prohibiting deer drives was removed. At Union Slough NWR, Northern Tallgrass NWR, and Iowa WMD, the prohibition on gas motors was removed. At Cypress Creek NWR, we removed the prohibition on the use of two poles per angler and two hooks per pole for sport fishing.

The Service also made several other changes for consistency, clarity, or to reduce unnecessary regulatory burdens on hunters and anglers. Finally, we also made various nonsubstantive, editorial corrections and clarifying revisions throughout the rule. These changes ensure clarity and accuracy for the benefit of the public in relying on the regulatory text and the benefit of the stations in administering the regulations.

Effective Date

We are making this rule effective upon the date of its filing at the Office of the Federal Register (see **DATES**, above). We provided a 30-day public comment period for the May 27, 2026, proposed rule (91 FR 31580). We have determined that any further delay in implementing these station-specific hunting and sport fishing regulations would not be in the public interest, in that a delay would hinder the effective planning and administration of refuges' hunting and sport fishing programs. This rule does not impact the public generally in terms of requiring lead time for compliance. Rather, it relieves restrictions in that it allows activities on refuges and hatcheries that we would otherwise prohibit. Therefore, pursuant to 5 U.S.C. 553(d)(1), this rule is

immediately effective upon the date of its filing at the Office of the Federal Register.

Amendments to Existing Regulations

This document codifies changes to hunting and sport fishing regulations for the Refuge and Hatchery Systems that will be effective beginning with the 2026–2027 hunting/fishing season. This rule better informs the general public of the regulations at each station, will increase understanding and compliance with these regulations, and will make enforcement of these regulations more efficient. In addition to publishing the revised regulations in 50 CFR parts 32 and 71, visitors to our stations may find them reiterated in literature distributed by each station or posted on signs. Attachment A: Openings and Expansions for the 2026–2027 Hunting/Sport Fishing Season, provided in the supporting documents in Docket No. FWS-HQ-NWRS-2026-1223 on <https://www.regulations.gov>, summarizes the increased access to hunting and sport fishing opportunities at each of the 111 field stations, and specifically denotes the openings and expansions of migratory bird hunting, upland game hunting, big game hunting, and/or sport fishing, respectively, on each station. Refuges that have never previously been open to either hunting or sport fishing are also added to revised text for each state at § 32.7 of Title 50 of the CFR.

The changes for the 2026–2027 season are based on a complete administrative record, which includes a hunt plan, a compatibility determination (for refuges), and the appropriate NEPA (42 U.S.C. 4321 *et seq.*) analysis, all of which were the subject of a public review and comment process. The record also includes the appropriate ESA (16 U.S.C 1531 *et seq.*) analysis. These documents are available upon request, see **FOR FURTHER INFORMATION CONTACT**, above.

Special Topics in This Rulemaking Related to Lead Use

In 2022 and 2023, the Service finalized regulations requiring the use of non-lead shot shells, single-fire ammunition, and/or fishing tackle at nine NWRs (87 FR 57108, September 16, 2022, and 88 FR 74050, October 30, 2023). These regulations, summarized in table 1, below, were scheduled to go into effect on September 1, 2026. With this final rule, we rescind these regulations, see Corrections to 2022–2023 and 2023–2024 Final Rules, below.

TABLE 1—NON-LEAD AMMUNITION AND TACKLE REGULATIONS FOR NINE NWRs

State	National wildlife refuge	Previously finalized regulation, now rescinded
Indiana	Patoka River NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (87 FR 57108 at 57129, September 16, 2022).
Maine	Great Thicket NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maine	Rachel Carson NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Blackwater NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Eastern Neck NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Patuxent Research Refuge	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Pennsylvania	Erie NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74065, October 30, 2023).
Virginia	Chincoteague NWR	You may only use or possess approved non-lead shot shells and ammunition while in the field (88 FR 74050 at 74066, October 30, 2023).
Virginia	Wallops Island NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74066, October 30, 2023).

Additionally, the Service is rescinding a lead-free ammunition requirement for the Big Cove unit at Canaan Valley NWR in West Virginia. In the proposed rule, the Service requested comments on the use of lead ammunition at the refuge, and whether or not the Service should promulgate a lead-free requirement for hunting on the entire Canaan Valley NWR, with immediate or delayed effect (*i.e.*, a phase out). See *Comment (16)* and our response above.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at <https://www.epa.gov/choose-fish-and-shellfish-wisely>.

Required Determinations

Regulatory Planning and Review (E.O.s 12866, 13563, and 14192)

E.O. 12866 provides that the Office of Information and Regulatory Affairs

(OIRA) in the OMB will review all significant rules. OIRA has determined that this rule is significant.

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. 13563 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. We have developed this final rule in a manner consistent with these requirements.

This final rule is an E.O. 14192 deregulatory action. This rule includes more than 1,000 modifications to the 50 CFR parts 32 and 71, including simplifying and deleting provisions to reduce regulatory burden on the public as directed by S.O. 3447 and D.O. 233.

This rule also opens and/or expands hunting or fishing on field stations which will increase visitor use for wildlife-dependent recreation.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever a Federal 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 entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for "significant impact" and a threshold for a "substantial number of small entities" (see 5 U.S.C. 605(b)).

SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This final rule opens or expands hunting or fishing on 111 FWS stations. For the full statement of the anticipated economic impact of this increased recreational access for hunters and anglers through changes in participation and associated changes to local economic activity around the individual stations, please see the supporting document “Attachment B: Regulatory Flexibility Act Economic Analysis” in Docket No. FWS–HQ–NWRs–2026–1223 on <https://www.regulations.gov>. The Attachment B analysis details that the maximum estimate for the potential impact of added hunter and angler spending on local economies is approximately \$2.2 million annually, with less than one-tenth of 1 percent for local retail trade spending. With the small change in overall spending anticipated from this action, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected stations. Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the RFA (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.)

Since this rule will apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The final rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this final rule would not have significant takings implications. This final rule would affect only NWRs and NFHS visitors and would describe what they can do while they are on a Service station.

Federalism (E.O. 13132)

As discussed under *Regulatory Planning and Review* and *Unfunded Mandates Reform Act*, above, this final

rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this final rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this final rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the E.O.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, or use. E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. Because this final rule would open or expand hunting at 111 stations, it is a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no statement of energy effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects. We coordinate recreational use on NWRs and NFHS with Tribal governments having adjoining or overlapping jurisdiction before we propose regulations.

Paperwork Reduction Act (PRA)

This rule contains existing collections of information. All information collections require approval by the OMB under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*). 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 OMB has reviewed and approved the information collection requirements associated with hunting and sport fishing activities across the National Wildlife Refuge System and National Fish Hatchery System and assigned the following OMB control numbers:

- 1018–0140, “Hunting and Sport Fishing Application Forms and Activity Reports for National Wildlife Refuges and National Fish Hatcheries, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42,

30.11, 31.15, 32.1 to 32.72, 71” (Expires 12/31/2028),

- 1018–0102, “National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36” (Expires 05/31/2029),

- 1018–0135, “Electronic Federal Duck Stamp Program” (Expires 06/30/2028),

- 1018–0093, “Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 13, 15, 16, 17, 18, 22, 23” (Expires 08/31/2029), and

- 1024–0252, “The Interagency Access Pass and Senior Pass Application Processes” (Expires 10/31/2027).

In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), we provided the general public and other Federal agencies with an opportunity to comment on our intent to ask OMB to approval an extension without change to OMB Control Number 1018–0140.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

- (4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

The existing reporting and/or recordkeeping requirements identified below require approval by OMB if DOI continues the collection beyond 12/31/2028 or if DOI exceeds the currently approved burden estimate:

Form 3–2358, “Sport Fishing–Shrimping–Crabbing Permit Application”—Form 3–2358 collects the following information:

- *Date of application:* We often have application deadlines, and this information helps staff determine the order in which we received the

applications. It also ensures that the information is current.

- *State fishing license number:* We ask for this information to verify the applicant is legally licensed by the State (where required).

- *Permit type:* On sport fishing permits, we ask what type of activity (crabbing, shrimping, crabbing, frogging, etc.) is being applied for.

- *Applicant information:* We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process or after receiving a permit.

- *Signature and date:* To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

Form 3-2405 "Self-Clearing Check-In/Out Permit"—Form 3-2405 has three parts:

1. *Self-Clearing Daily Check-in Permit.* Each user completes this portion of the form (date of visit, name, and telephone numbers) and deposits it in the permit box prior to engaging in any activity on the refuge.

2. *Self-Clearing Daily Visitor Registration Permit.* Each user must complete the front side of the form (date, name, city, State, zip code, and purpose of visit) and carry this portion while on the refuge. At the completion of the visit, each user must complete the reverse side of the form (number of hours on refuge, harvest information (species and number), harvest method, angler information (species and number), and wildlife sighted (e.g., black bear and hog)) and deposit it in the permit box.

3. *Self-Clearing Daily Vehicle Permit.* The driver and each user traveling in the vehicle must complete this part and display in clear view in the vehicle while on the refuge.

Form 3-2405 collects:

- Information on the visitor (name, address, and contact information). We use this information to identify the visitor or driver/passenger of a vehicle while on the refuge. This is extremely valuable information should visitors become lost or injured. Law enforcement officers can easily check vehicles for these cards in order to determine a starting point for the search or to contact family members in the event of an abandoned vehicle. Having this information readily available is critical in a search and rescue situation.

- Purpose of visit (hunting, sport fishing, wildlife observation, wildlife photography, auto touring, birding, hiking, boating/canoeing, visitor center, special event, environmental education class, volunteering, other recreation). This information is critical in

determining public use participation in wildlife management programs. This not only allows the refuge to manage its hunt and other visitor use programs, but also to increase and/or improve facilities for non-consumptive uses that are becoming more popular on refuges. Data collected will also help managers better allocate staff and resources to serve the public as well as develop annual performance measures.

- Total number of hunt days on the refuge (at the conclusion of their hunting activities). Refuge management will use this information to monitor and evaluate hunt quality and resource impacts.

- Success of harvest by hunters/anglers (number and type of harvest/caught). This information is critical to wildlife management programs on refuges. Each refuge will customize the form by listing game species and incidental species available on the refuge, hunting methods allowed, and data needed for certain species (e.g., for deer, whether it's a buck or doe and the number of points; or for turkeys, the weight and beard and spur lengths).

- Whether or not visitors observed black bear or hogs, for example. This information will help managers develop annual performance measures for hog removal, and it provides information to help develop resource management planning.

- Photograph of animal harvested (specific refuges only). This requirement documents the sex of animal prior to the hunter being eligible to harvest the opposite sex (where allowed).

- Date of visit and/or area visited.

- Comments. We encourage visitors to comment on their experience.

Refuges may customize Form 3-2405 to remove questions identified above which are not applicable to their site. However, they may not add new questions not approved by OMB.

Form 3-2439, "Hunting Application/Permit"—Form 3-2439 collects the following information:

- *Lottery application:* Refuges who administer hunting via a lottery system use Form 3-2439 as the lottery application. If the applicant is successful, the completed Form 3-2439 also serves as their permit application, avoiding a duplication of burden on the public filling out two separate forms.

- *Date of application:* We often have application deadlines, and this information helps staff determine the order in which we received the applications. It also ensures that the information is current.

- *Methods:* Some refuges hold multiple types of hunts (i.e. archery, shotgun, primitive weapons, etc). We

ask for this information to identify which opportunity(ies) a hunter is applying for.

- *Species permit type:* Some refuges allow only certain species, such as moose, elk, or bighorn sheep, to be hunted. We ask hunters to identify which species hunt they are applying for.

- *Applicant information:* We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process, when the applicant is successful in a lottery drawing, or after receiving a permit.

- *Party members:* Some refuges allow the permit applicant to include additional hunters in their group. We collect the names of all additional hunters, when allowed by the refuge.

- *Parent/Guardian contact information:* We collect name, relationship, address, phone number(s), and email for a parent/guardian of youth hunters. We ask for this information in the event of an emergency.

- *Date:* We ask hunters for their preferences for hunt dates.

- *Hunt/Blind location:* We ask hunters for their preferences for hunt units, areas, or blinds.

- *Special hunts:* Some refuges hold special hunts for youth, hunters who are disabled, or other underserved populations. We ask hunters to identify if they are applying for these special hunts. For youth hunts, we ask for the age of the hunter at the time of the hunt.

- *Signature and date:* To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

- *Disabled hunts:* Some refuges provide an option to allow mobility-impaired applicants to reserve specific hunting blinds upon providing proof of disability. The refuge will not retain the proof of disability. The documentation will be shredded upon approval of the blind reservation.

- *Mentored Hunts:* For refuges conducting mentored hunts, the Service and partners collect the following information to determine eligibility for the program the hunter applies to participate in. The Service requires all mentored hunt participants to sign the Service's "USFWS Release and Waiver of Liability," as well as a Form 3-2260, "Agreement for Use of Likeness in Audio/Visual Products," when they are on the Refuge.

—Emergency contact (name and phone number);

—Applicant hunting history, such as:

—Whether applicant has completed a basic hunter education course;

- Whether applicant has purchased a hunting license, and if yes, when;
- Previous hunting experience;
- Previous participation in a mentored hunt program;
- Interest in hunting;
- Family history of hunting;
- Whether applicant owns equipment and if yes, type of equipment; and
- Medical conditions/allergies for program staff to be aware of in the event of an emergency.

Refuges offering hunting opportunities may customize Form 3–2439 to remove questions identified above which are not applicable to their hunting seasons. However, they may not add new questions not approved by OMB.

Form 3–2542, “Hunter Harvest Report”—Form 3–2542 collects the following information:

- State-issued hunter identification (ID)/license number. (Note: Refuges/hatcheries who rely on the State agency to issue hunting permits are not required to collect the permittee’s personal identifying information (PII) on the harvest form. Those refuges/hatcheries may opt to collect only the State ID number assigned to the hunter in order to match harvest data with their issued permit. Refuges/hatcheries will collect either hunter PII or State-issued ID number, but not both.)

- Species observed—Data will be used by refuge/hatchery staff to document the presence of rare or unusual species.

- Permit number/type—Data will be used to link the harvest report to the issued permit.

- Hunt tag number—Data will be used to link the harvest report to the species-specific hunt tag.

- Number of youth (younger than age 18) in party—Data will be used to better understand volume of youth hunting on a refuge/hatchery. Specific hunter names are not collected, just total number of youths in hunting party.

- Harvested by—Data will be used to determine ratio of adults to youth hunters. Specific hunter names are not collected.

- Species observed—Data will be used by a refuge/hatchery to determine the presence of any unusual species (e.g., endangered or threatened species, or invasive species).

Refuges offering hunting opportunities may customize Form 3–2542 to remove questions identified above which are not applicable to their hunting seasons. However, they may not add new questions not approved by OMB.

Labeling/Marking Requirements—As a condition of the permit, some refuges

require permittees to label hunting and/or sport fishing gear used on the refuge. This equipment may include items such as the following: tree stands, blinds, or game cameras; hunting dogs (collars); flagging/trail markers; boats; and/or sport fishing equipment such as jugs, trotlines, and crawfish or crab traps. Refuges require the owner label their equipment with their last name, the State-issued hunting/fishing license number, and/or hunting/fishing permit number. Refuges may also require equipment for youth hunters include “YOUTH” on the label. This minimal information is necessary in the event the refuge needs to contact the owner.

Required Notifications—On occasion, hunters may find their game has landed outside of established hunting boundaries. In this situation, hunters must notify an authorized refuge employee to obtain consent to retrieve the game from an area closed to hunting or entry only upon specific consent. Certain refuges also require hunters to notify the refuge manager when hunting specific species (e.g., black bear, bobcat, or eastern coyote) with trailing dogs. Refuges encompassing privately owned lands, referred to as “easement overlay refuges,” may also require the hunter obtain written or oral permission from the landowner prior to accessing the land.

Title of Collection: Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges and National Fish Hatcheries (50 CFR parts 32 and 71).

OMB Control Number: 1018–0140.

Form Numbers: 3–2358, 3–2405, 3–2439, 3–2542.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 1,632,759.

Total Estimated Number of Annual Responses: 1,632,759.

Estimated Completion Time per Response: Varies from 5 minutes to 30 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 265,232.

Respondent’s Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non-Hour Burden Cost: \$87,403 (primarily associated with application fees at some refuges hunting and/or sport fishing).

On May 27, 2026, we published proposed regulations (RIN 1018–BI71; *Regulations.gov* Docket No. FWS–HQ–NWRs–2026–1223) to solicit the

required public comments on our intention to seek OMB approval of the information collection requirements associated with hunting and sport fishing on the NWRs and NFHs. The proposed rule solicited public comments for a period of 60 days on the information collection requirements described in this supporting statement, ending on July 27, 2026. We did not receive any comments addressing the information collection requirements. The package did not propose changes to the information being collected; however, DOI did make changes to the estimated burden.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to the proposed revisions and additions to the information collection are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Written comments and suggestions on the information collection requirements should be submitted within 30 days of publication of this document to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please

provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0140 in the subject line of your comments.

Endangered Species Act (16 U.S.C. 1531 et seq.)

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which includes hunting and/or fishing plans—for public use of refuges and hatcheries, and prior to implementing any new or revised public recreation program on a station as identified in 50 CFR 26.32. We complied with section 7 for each of the stations affected by these openings and expansions of hunting and fishing opportunities.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We analyzed these openings and expansions in accordance with the criteria of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of amendments to station-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (516 DM 8). Concerning the actions that are the subject of this rulemaking, we have complied with NEPA at the project level when developing each hunting or fishing opportunity. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document.

Prior to the addition of a refuge or hatchery to the list of areas open to hunting and fishing in 50 CFR parts 32 and 71, we develop hunting and fishing plans for the affected stations. We incorporate the hunting and fishing activities in the appropriate station comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA and the Department of Interior's NEPA regulations at 43 CFR part 46. We

invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available upon request.

Available Information for Specific Stations

Individual refuges and hatcheries have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. You can locate individual refuge information, including contact information, on *FWS.gov*. We also provide general information on our hunting program, including an interactive map of current hunting opportunities at <https://www.fws.gov/library/collections/hunting>. Sport fishing information is available at <https://www.fws.gov/activity/fishing>.

Regulation Summary Table

The regulatory amendments set forth below are presented alongside existing station-specific regulations that have not been amended. For a table that provides additional clarity on which specific regulatory provisions have been amended, please see Docket No. FWS–HQ–NWRS–2026–1223 on <https://www.regulations.gov> for a separate document containing a table that provides additional clarity on which specific regulatory provisions have been amended and how they have been amended.

Primary Author

Julie Henning, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects

50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

50 CFR Part 71

Fish, Fishing, Hunting, Wildlife.

Corrections to 2022–2023 and 2023–2024 Final Rules

We are correcting two final rules published in the **Federal Register** on September 16, 2022 (87 FR 57108), and October 30, 2023 (88 FR 74050), by removing amendatory instructions with a delayed effective date of September 1, 2026.

§ 32.33 [Corrected]

■ In the final rule published on September 16, 2022 (87 FR 57108), on

page 57129, in the third column, amendment 6 for § 32.33 is removed.

In the final rule published on October 30, 2023 (88 FR 74050), the following corrections are made:

§ 32.38 [Corrected]

■ 1. On page 74064, in the first column, amendment 5 for § 32.38 is removed.

§ 32.39 [Corrected]

■ 2. On page 74064, in the second column, amendment 6 for § 32.39 is removed.

§ 32.57 [Corrected]

■ 3. On page 74065, in the second column, amendment 11 for § 32.57 is removed.

§ 32.65 [Corrected]

■ 4. On page 74066, in the first column, amendment 15 for § 32.65 is removed.

Regulation Promulgation

For the reasons described in the preamble, we amend title 50, chapter I, subchapters C and E of the CFR as set forth below:

Subchapter C—The National Wildlife Refuge System

PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

■ 2. Amend § 32.7 by revising and republishing paragraphs (e), (f), (m), (x), (z), (hh), and (oo) to read as follows:

§ 32.7 What refuge units are open to hunting and/or sport fishing?

* * * * *

(e) *California*. (1) Cibola National Wildlife Refuge.

(2) Clear Lake National Wildlife Refuge.

(3) Colusa National Wildlife Refuge.

(4) Delevan National Wildlife Refuge.

(5) Don Edwards San Francisco Bay National Wildlife Refuge.

(6) Grasslands Wildlife Management Area.

(7) Guadalupe-Nipomo Dunes National Wildlife Refuge.

(8) Havasu National Wildlife Refuge.

(9) Humboldt Bay National Wildlife Refuge.

(10) Imperial National Wildlife Refuge.

(11) Kern National Wildlife Refuge.

(12) Lower Klamath National Wildlife Refuge.

(13) Marin Islands National Wildlife Refuge.

(14) Merced National Wildlife Refuge.

(15) Modoc National Wildlife Refuge.
 (16) Sacramento National Wildlife Refuge.
 (17) Sacramento River National Wildlife Refuge.
 (18) Salinas River National Wildlife Refuge.
 (19) San Diego National Wildlife Refuge.
 (20) San Diego Bay National Wildlife Refuge.
 (21) San Luis National Wildlife Refuge.
 (22) San Pablo Bay National Wildlife Refuge.
 (23) Sonny Bono Salton Sea National Wildlife Refuge.
 (24) Stone Lakes National Wildlife Refuge.
 (25) Sutter National Wildlife Refuge.
 (26) Tule Lake National Wildlife Refuge.
 (f) *Colorado*. (1) Alamosa National Wildlife Refuge.
 (2) Arapaho National Wildlife Refuge.
 (3) Baca National Wildlife Refuge.
 (4) Browns Park National Wildlife Refuge.
 (5) Monte Vista National Wildlife Refuge.
 (6) Rocky Flats National Wildlife Refuge.
 (7) Rocky Mountain Arsenal.
 * * * * *
 (m) *Illinois*. (1) Chautauqua National Wildlife Refuge.
 (2) Clarence Cannon National Wildlife Refuge.
 (3) Crab Orchard National Wildlife Refuge.
 (4) Cypress Creek National Wildlife Refuge.
 (5) Emiquon National Wildlife Refuge.
 (6) Great River National Wildlife Refuge.
 (7) Hackmatack National Wildlife Refuge.
 (8) Kankakee National Wildlife Refuge.
 (9) Meredosia National Wildlife Refuge.
 (10) Middle Mississippi River National Wildlife Refuge.
 (11) Port Louisa National Wildlife Refuge.
 (12) Two Rivers National Wildlife Refuge.
 (13) Upper Mississippi River National Wildlife and Fish Refuge.
 * * * * *
 (x) *Mississippi*. (1) Bogue Chitto National Wildlife Refuge.
 (2) Coldwater River National Wildlife Refuge.
 (3) Dahomey National Wildlife Refuge.
 (4) Grand Bay National Wildlife Refuge.

(5) Hillside National Wildlife Refuge.
 (6) Holt Collier National Wildlife Refuge.
 (7) Mathews Brake National Wildlife Refuge.
 (8) Morgan Brake National Wildlife Refuge.
 (9) Panther Swamp National Wildlife Refuge.
 (10) Sam D. Hamilton Noxubee National Wildlife Refuge.
 (11) St. Catherine Creek National Wildlife Refuge.
 (12) Tallahatchie National Wildlife Refuge.
 (13) Theodore Roosevelt National Wildlife Refuge.
 (14) Yazoo National Wildlife Refuge.
 * * * * *
 (z) *Montana*. (1) Benton Lake National Wildlife Refuge.
 (2) Benton Lake Wetland Management District.
 (3) Black Coulee National Wildlife Refuge.
 (4) Bowdoin National Wildlife Refuge.
 (5) Bowdoin Wetland Management District.
 (6) Charles M. Russell National Wildlife Refuge.
 (7) Charles M. Russell Wetland Management District.
 (8) Creedman Coulee National Wildlife Refuge.
 (9) Grass Lake National Wildlife Refuge.
 (10) Hailstone National Wildlife Refuge.
 (11) Hewitt Lake National Wildlife Refuge.
 (12) Lake Mason National Wildlife Refuge.
 (13) Lake Thibadeau National Wildlife Refuge.
 (14) Lamesteer National Wildlife Refuge.
 (15) Lee Metcalf National Wildlife Refuge.
 (16) Lost Trail National Wildlife Refuge.
 (17) Medicine Lake National Wildlife Refuge.
 (18) Ninepipe National Wildlife Refuge.
 (19) Northeast Montana Wetland Management District.
 (20) Northwest Montana Wetland Management District.
 (21) Pablo National Wildlife Refuge.
 (22) Red Rock Lakes National Wildlife Refuge.
 (23) Swan River National Wildlife Refuge.
 (24) UL Bend National Wildlife Refuge.
 (25) War Horse National Wildlife Refuge.
 * * * * *

(hh) *North Dakota*. (1) Appert Lake National Wildlife Refuge.
 (2) Ardoch National Wildlife Refuge.
 (3) Arrowwood National Wildlife Refuge.
 (4) Arrowwood Wetland Management District.
 (5) Audubon National Wildlife Refuge.
 (6) Audubon Wetland Management District.
 (7) Bone Hill National Wildlife Refuge.
 (8) Brumba National Wildlife Refuge.
 (9) Buffalo Lake National Wildlife Refuge.
 (10) Camp Lake National Wildlife Refuge.
 (11) Canefield Lake National Wildlife Refuge.
 (12) Chase Lake National Wildlife Refuge.
 (13) Chase Lake Wetland Management District.
 (14) Cottonwood Lake National Wildlife Refuge.
 (15) Crosby Wetland Management District.
 (16) Dakota Lake National Wildlife Refuge.
 (17) Des Lacs National Wildlife Refuge.
 (18) Devils Lake Wetland Management District.
 (19) Florence Lake National Wildlife Refuge.
 (20) Half Way Lake National Wildlife Refuge.
 (21) Hiddenwood Lake National Wildlife Refuge.
 (22) Hobart Lake National Wildlife Refuge.
 (23) Hutchinson Lake National Wildlife Refuge.
 (24) J. Clark Salyer National Wildlife Refuge.
 (25) J. Clark Salyer Wetland Management District.
 (26) Johnson Lake National Wildlife Refuge.
 (27) Kulm Wetland Management District.
 (28) Lake Alice National Wildlife Refuge.
 (29) Lake George National Wildlife Refuge.
 (30) Lake Ilo National Wildlife Refuge.
 (31) Lake National Wildlife Refuge.
 (32) Lake Nettie National Wildlife Refuge.
 (33) Lake Otis National Wildlife Refuge.
 (34) Lake Patricia National Wildlife Refuge.
 (35) Lake Zahl National Wildlife Refuge.
 (36) Lambs Lake National Wildlife Refuge.
 (37) Little Goose Lake National Wildlife Refuge.

(38) Long Lake National Wildlife Refuge.
 (39) Long Lake Wetland Management District.
 (40) Lords Lake National Wildlife Refuge.
 (41) Lost Lake National Wildlife Refuge.
 (42) Lostwood National Wildlife Refuge.
 (43) Lostwood Wetland Management District.
 (44) Maple River National Wildlife Refuge.
 (45) McLean National Wildlife Refuge.
 (46) Pleasant Lake National Wildlife Refuge.
 (47) Pretty Rock National Wildlife Refuge.
 (48) Rabb Lake National Wildlife Refuge.
 (49) Rock Lake National Wildlife Refuge.
 (50) Rose Lake National Wildlife Refuge.
 (51) School Section National Wildlife Refuge.
 (52) Sheyenne Lake National Wildlife Refuge.
 (53) Sibley Lake National Wildlife Refuge.
 (54) Silver Lake National Wildlife Refuge.
 (55) Slade National Wildlife Refuge.
 (56) Snyder Lake National Wildlife Refuge.
 (57) Springwater National Wildlife Refuge.
 (58) Stewart Lake National Wildlife Refuge.
 (59) Stoney Slough National Wildlife Refuge.
 (60) Storm Lake National Wildlife Refuge.
 (61) Sunburst Lake National Wildlife Refuge.
 (62) Tewaukon National Wildlife Refuge.
 (63) Tewaukon Wetland Management District.
 (64) Tomahawk National Wildlife Refuge.
 (65) Upper Souris National Wildlife Refuge.
 (66) White Lake National Wildlife Refuge.
 (67) Wild Rice National Wildlife Refuge.
 (68) Willow Lake National Wildlife Refuge.
 (69) Wintering River National Wildlife Refuge.
 (70) Wood Lake National Wildlife Refuge.
 * * * *

(oo) *South Dakota*. (1) Huron Wetland Management District.
 (2) Karl E. Mundt National Wildlife Refuge.

(3) Lacreek National Wildlife Refuge.
 (4) Lake Andes National Wildlife Refuge.
 (5) Lake Andes Wetland Management District.
 (6) Madison Wetland Management District.
 (7) Sand Lake National Wildlife Refuge.
 (8) Sand Lake Wetland Management District.
 (9) Waubay National Wildlife Refuge.
 (10) Waubay Wetland Management District.
 * * * *

■ 3. Amend § 32.20 by revising and republishing paragraphs (b) and (d) to read as follows:

§ 32.20 Alabama.

* * * *

(b) *Cahaba River National Wildlife Refuge*. (1) [Reserved]

(2) *Upland game hunting*. We allow hunting of quail, squirrel, rabbit, opossum, raccoon, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) We require hunters to hunt as governed by Alabama Department of Conservation and Natural Resources' William R. Ireland, Sr.—Cahaba River Wildlife Management Area hunting permit conditions.

(ii) Hunters may hunt with shotguns using only #4 shot or smaller, rifles and handguns using rim-fire ammunition only, or archery equipment that complies with State and Federal regulations.

(iii) We allow the use of dogs when hunting upland game.

(iv) Hunters must remove tree stands, blinds, or other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(3) *Big game hunting*. We allow the hunting of white-tailed deer, feral hog, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(i) and (iv) of this section apply.

(ii) We prohibit the use of firearms for hunting deer on the refuge. However, you may archery hunt in the portions of the refuge that are open for deer hunting during the archery, shotgun, and muzzleloader seasons established by the State.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer. We also prohibit drives for feral hogs.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge.

* * * *

(d) *Eufaula National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of mourning dove and Eurasian-collared dove, duck, and goose on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a signed refuge hunt permit (signed brochure) when hunting.

(ii) All youth hunters (ages 10 through 15) must remain within sight and normal voice contact of a properly licensed hunting adult age 21 or older. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than two youth hunters.

(iii) All waterfowl hunting opportunities are spaced-blind and assigned by lottery. Hunters wishing to participate in our waterfowl hunt must submit a Waterfowl Lottery Application (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(iv) Hunters must remove all stands/blinds and other personal property at the end of each day's hunt (see § 27.93 of this chapter).

(v) We allow access to the refuge for hunting from 1½ hours before legal sunrise to 1½ hours after legal sunset.

(vi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(vii) We prohibit hunting or observing from an elevated stand without use of a full body harness.

(2) *Upland game hunting*. We allow hunting of gray squirrel and rabbit on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i), (ii) and (v) through (vii) of this section apply.

(ii) We allow only shotguns and state-designated archery equipment as means of take for upland game hunting.

(3) *Big game hunting*. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) through (vii) of this section apply.

(ii) We allow youth gun hunting opportunities that are spaced-blind and assigned by lottery. Hunters wishing to participate in our youth gun hunt must

submit a Big/Upland Game Hunt Application (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(iii) All youth hunters must remain within sight and normal voice contact of a properly hunting-licensed adult age 21 or older. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than one youth hunter.

(iv) All big game hunting opportunities, except for youth gun, are archery-only.

(v) We close those portions of the refuge between Bustahatchee and Rood Creeks to archery hunting until November 1.

(4) *Sport fishing.* We allow sport fishing, including bowfishing, in designated areas of the refuge subject to the following conditions:

(i) We allow shoreline access for fishing from 1 hour before legal sunrise to 1 hour after legal sunset.

(ii) We prohibit taking frog or turtle on all refuge lands and waters (see § 27.21 of this chapter).

(iii) We adopt reciprocal license agreements between Alabama and Georgia for fishing in Lake Eufaula. Anglers fishing in waters not directly connected to Lake Eufaula must be properly licensed for the State in which they are fishing.

* * * * *

■ 4. Amend § 32.23 by revising and republishing paragraphs (a), (b), (c), (f), and (i) to read as follows:

§ 32.23 Arkansas.

* * * * *

(a) *Bald Knob National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry, unless the refuge is closed to deer hunting at that time due to implementation of State flood closure zone regulations.

(iii) Hunters may enter the refuge beginning at 5 a.m. and must exit the refuge no later than 1 hour after legal sunset.

(iv) We allow waterfowl hunting until 12 p.m. (noon), with the exception that applicable goose species may be hunted until legal sunset during the State Conservation Order.

(v) When waterfowl hunting, you may not possess more than 25 shotgun shells while in the field, except that during the State Conservation Order, there is no limit on the number of shells you may possess while hunting applicable goose species.

(vi) We prohibit hunting closer than 100 yards (91 meters) to another hunter or hunting party.

(vii) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for migratory bird and upland game hunting, but may supervise only one youth during big game hunting.

(ix) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(x) We allow the use of dogs when migratory game bird hunting.

(xi) We close the Waterfowl Sanctuary Hunt Unit to all entry and hunting from November 15 to February 28, except that quota gun deer hunters may hunt in that Unit when the season overlaps with these dates.

(xii) We allow waterfowl hunting from mowed and/or graveled road rights-of-way, but we prohibit all other hunting from these rights-of-way.

(xiii) We allow only hunters to use all-terrain vehicles (ATVs) and only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters may use conventional motor vehicles, ATVs, bicycles, and e-bikes only on public use roads, levee tops, designated ATV trails (open to ATVs only), and established parking lots not closed by a locked gate, other barrier, or signage.

(xv) Hunters and anglers may use conventional motor vehicles only in the Bison, Waterfowl Sanctuary, and Core Waterfowl Area Hunt Units and only from March 1 through November 14.

(xvi) From November 15 through February 28, we close the Core Waterfowl Area Hunt Unit to all hunting, fishing, and public entry at 1 p.m. daily, except that during the State Conservation Order, you may hunt applicable goose species in this Unit until legal sunset.

(xvii) We prohibit the use of personal watercraft (e.g., jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (ii), (viii), (ix), and (xi) through (xvii) of this section apply.

(ii) Hunters may use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(iii) We allow squirrel, rabbit, opossum, raccoon, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) We allow the use of dogs when hunting upland game.

(v) Hunters may enter the refuge beginning at 5 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vi) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (ii), (viii), (ix), and (xi) through (xvii) and (a)(2)(v) and (vi) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Turkey hunting will be conducted in the Bison, Waterfowl Sanctuary, and Mingo Creek Hunt Units according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) Hunters may use only shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, and archery/crossbow tackle for modern gun deer hunting on

the Bison, Core Waterfowl Area, and Waterfowl Sanctuary Hunt Units.

(v) You may only erect one portable stand or blind 7 days prior to the refuge deer season and must remove it from the waterfowl sanctuary prior to November 15, except for stands used by quota gun deer hunters, which you must remove by the last day of the quota gun deer hunt (see § 27.93 of this chapter). You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) Game camera use is limited to one camera per individual.

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(ix) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit (FWS Form 3–2439) on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) Hunters may only take feral hog incidental to modern gun and muzzleloader deer hunts and during specified periods for archery deer hunting according to season dates provided in the annual refuge public use brochure.

(xi) We prohibit the use of dogs for deer hunting.

(xii) During the quota turkey hunts, only hunters possessing a valid quota turkey hunting permit (FWS Form 3–2439) will be allowed to enter the open hunt units and only for the purposes of turkey hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(ii), (xi), and (xv) through (xvii) and (a)(3)(viii) and (xi) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) You may enter the refuge to fish, frog, or crawfish beginning at 4 a.m. and must exit by 1 hour after legal sunset.

(v) We prohibit tournament fishing on the refuge.

(b) *Big Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, nutria, coyote, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and opossum on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry.

(iii) We allow incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the use of dogs only for squirrel, rabbit, and quail hunting in the refuge area north of Timm's Point.

(vi) We prohibit hunting from mowed and/or gravel road rights-of-way.

(vii) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(ix) From November 1 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(x) Hunters and anglers may not leave motor vehicles, bicycles, e-bikes, or boats overnight on the refuge.

(xi) We only allow use of all-terrain vehicles by hunters with mobility impairments, and the refuge manager must authorize this use in writing.

(xii) Hunters and anglers may use motor vehicles, bicycles, and e-bikes

only on public use roads not closed by a locked gate, other barrier, or signage.

(xiii) From November 1 through February 28, boat access is restricted to launching at Seven Mile boat ramp and using Ditch 28 only.

(xiv) We prohibit the use of personal watercraft (e.g., jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xv) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and incidental take of feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(i) through (iii), and (vi) through (xv) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Modern gun deer hunters may only use shotguns with slugs, muzzleloaders shooting a single projectile, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, handguns with barrel lengths greater than 4 inches, large-bore air rifles, and archery/crossbow tackle.

(iv) You may only erect one portable stand or blind 7 days prior to the refuge deer season and must remove it 7 days after the closure of archery season (see § 27.93 of this chapter).

(v) Game camera use is limited to one per individual.

(vi) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(vii) Hunters may only take feral hog incidental to deer hunting.

(viii) Turkey hunting is conducted according to season dates and bag limits provided in the annual refuge public use brochure.

(ix) During the quota gun deer hunts, only hunters possessing a valid quota gun deer permit (FWS Form 3–2439) may use the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) During the quota gun turkey hunts, we close the refuge Wildlife Auto Drive Road to other hunting and public entry, and only hunters possessing a valid quota gun turkey permit (FWS Form 3–2439) may use that area of the refuge and only for the purposes of turkey hunting.

(xi) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii) and (ix) through (xiv) and (b)(3)(ix) and (x) of this section apply.

(ii) Anglers may launch boats only in designated areas.

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow fishing, frogging, and crawfishing on all refuge waters from March 1 through October 31.

(vi) We allow fishing in the Sand Slough-Mud Slough area from November 1 through February 28 only with the use of nonmotorized boats and electric trolling motors; anglers may enter this area at 4 a.m. and must depart by 1 hour after legal sunset.

(vii) We prohibit climbing onto or fishing from any water control structure and associated wingwalls and fences, or the top of the Floodway Dam south of Highway 18.

(viii) We prohibit tournament fishing on the refuge.

(c) *Cache River National Wildlife Refuge—(1) Migratory game bird hunting.*

We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) Hunters may enter the refuge beginning at 4 a.m. Except when hunting applicable goose species during the State Conservation Order, waterfowl hunters must exit the refuge by 1 p.m. All other hunters, including those hunting applicable goose species during the State Conservation Order, must exit the refuge no later than 1 hour after legal sunset.

(iii) We allow waterfowl hunting until 12 p.m. (noon), except that during the State Conservation Order, you may hunt for applicable goose species until legal sunset.

(iv) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(v) From March 1 through October 31, hunters and anglers may leave boats displaying valid registration on the refuge.

(vi) During the regular State waterfowl hunting season, we prohibit the use of boats on the refuge from 12 a.m. (midnight) to 4 a.m.

(vii) We allow the use of dogs when migratory game bird hunting.

(viii) We allow waterfowl hunting on flooded refuge roads.

(ix) During the quota gun deer hunt, we close the refuge to all other hunts and public entry, unless the refuge is closed to deer hunting at that time due to implementation of State flood closure zone regulations.

(x) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for migratory bird and upland game hunting, but may supervise only one youth during big game hunting.

(xi) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State season and regulations.

(xii) From November 15 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(xiii) We allow only hunters to use all-terrain vehicles (ATVs) and only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters and anglers may not operate conventional motor vehicles, ATVs, bicycles, or e-bikes on any road or trail closed by a locked gate, other barrier, or signage.

(xv) Hunter and anglers may not leave motor vehicles, ATVs, bicycles, or e-bikes unattended overnight on the refuge.

(xvi) We prohibit the use of personal watercraft (e.g., jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi) of this section apply.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) We allow the use of dogs when hunting upland game.

(iv) We prohibit hunting from mowed and/or graveled road rights-of-way.

(v) Hunters may use only shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vi) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vii) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi) and (c)(2)(iv), (vi), and (vii) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Hunters may take only feral hog incidental to modern gun and muzzleloader deer hunts and during a specified period during archery deer hunting according to season dates provided in the annual refuge public use brochure.

(iv) Hunters may only use shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, and archery/crossbow tackle for modern gun deer hunting on the Dixie, Dixie Waterfowl Sanctuary, and Plunkett Farm Waterfowl Sanctuary Hunt Units.

(v) You may only erect one portable stand or blind 7 days prior to the refuge deer season, and you must remove it from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) Game camera use is limited to one per individual.

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer

identification number clearly written on it in a conspicuous location.

(viii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(ix) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) Turkey hunting will be conducted in designated areas according to season dates and bag limits provided in the annual refuge public use brochure.

(xi) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(v), (vi), (ix), (xii), and (xiv) through (xvi) and (c)(3)(ix) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit tournament fishing on the refuge.

* * * * *

(f) *Holla Bend National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, fox, striped skunk, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) We only allow use of all-terrain vehicles by hunters and anglers with mobility impairments, and the refuge manager must authorize this use in writing.

(iv) Hunters and anglers may use boats in designated areas and at times provided in the annual refuge public use brochure.

(v) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult

age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(vi) During modern gun and alternative firearms deer and turkey hunts, we close the refuge to all other hunting and public entry.

(vii) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(viii) Hunters and anglers may use bicycles and e-bikes only on public use roads and designated trails not closed by a locked gate, other barrier, or signage.

(ix) Squirrel and rabbit hunters may only use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(x) Hunters must only enter and exit the refuge from designated roads and parking lots.

(xi) We limit raccoon and opossum hunting to nighttime hunting only.

(xii) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xiii) We prohibit hunting from a vehicle.

(xiv) We prohibit the use of personal watercraft (e.g., jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(3) *Big game hunting.* We allow hunting of deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(i), (iii) through (viii), (x), and (xii) through (xiv) of this section apply.

(ii) We allow archery/crossbow hunting for white-tailed deer and turkey according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Alternative firearm and modern gun deer hunts will be conducted according to season dates and bag limits provided in the refuge public use brochure.

(iv) We allow the take of black bear and feral hog incidental to refuge deer hunts subject to applicable State seasons and regulations.

(v) The refuge will conduct youth-only quota spring gun turkey hunts and archery only public hunts according to season dates and bag limits provided in the refuge public use brochure.

(vi) You may erect one portable stand or blind and deploy one game camera 7 days before the start of the season, and you must remove it from the refuge within 7 days after the season ends (see § 27.93 of this chapter).

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(ix) You must check all harvested turkey, bear, and deer at the refuge check station.

(x) We prohibit the use of dogs for deer hunting.

(xi) Big game hunters may enter the refuge 1 hour before legal sunrise and must exit by 1 hour after legal sunset.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(iii), (iv), (vi), (viii), (xii), and (xiv) of this section apply.

(ii) We allow fishing, frogging, and crawfishing, from a boat on all waters only from March 1 through November 14, and bank fishing (no boat) along the Arkansas River year-round from legal sunrise to legal sunset.

(iii) Anglers must remove boats from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vi) We prohibit access to refuge waters and land from the Arkansas River.

(vii) We limit trotlines, setline, limblines, yo-yo, and free-floating fishing devices to 20 per person; any line that extends into the water must be cotton.

(viii) Trotlines, setlines, limblines, yo-yos, and free-floating fishing devices must be clearly labelled with the

angler's Arkansas Game and Fish Commission license customer identification number and cannot be left overnight or unattended.

* * * * *

(i) *Wapanocca National Wildlife Refuge*. (1) [Reserved]

(2) *Upland game hunting*. We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, quail, muskrat, river otter, mink, bobcat, fox, striped skunk, and opossum on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) Hunters may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night on the refuge.

(iii) During the quota gun hunts, we close the refuge to all other hunts and public entry.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons allowed for that hunt, subject to applicable State seasons and regulations.

(vi) Hunters may use only shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vii) We prohibit hunting from mowed and/or gravel road rights-of-way.

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(ix) From December 1 to February 28, we close all waterfowl sanctuaries (including Wapanocca Lake) to all hunting and public entry.

(x) We prohibit the use of all-terrain vehicles (ATVs), except that ATVs may be used by mobility-impaired hunters possessing written authorization issued by the refuge manager.

(xi) Hunters and anglers may use motor vehicles, bicycles, and e-bikes

only on public use roads not closed by a locked gate, other barrier, or signage.

(xii) Hunters and anglers must use the public boat ramp on Highway 77 to launch motorized boats into Wapanocca Lake.

(xiii) Hunters and anglers must operate boats at speeds of less than 5 miles per hour between the Highway 77 boat launch and the open lake.

(xiv) We prohibit the use of personal watercraft (e.g., jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xv) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xvi) We prohibit hunting from a vehicle.

(xvii) The Round Pond and Pygmon Units in St. Francis County are subject to all regulations for hunting and fishing for Wapanocca NWR.

(3) *Big game hunting*. We allow hunting of white-tailed deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(i) through (iii), (v), and (vii) through (xvii) of this section apply.

(ii) During the quota gun deer hunts, we allow only hunters possessing a valid quota gun deer hunting permit on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(iii) You may only use one game camera and erect one portable stand or blind per hunter. All items are required to have owner's Arkansas Game and Fish Commission customer identification number in a conspicuous location. Your stand or blind can only be erected 7 days prior to the refuge deer season, and you must remove it from the waterfowl sanctuaries by December 1. You must remove all stands and blinds on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(iv) We allow archery/crossbow, muzzleloader, and modern gun deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) Modern gun deer hunters may only use shotguns with slugs, muzzleloaders shooting a single projectile, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, handguns with barrel lengths longer than 4 inches, large-bore air rifles, and archery/crossbow tackle for modern gun deer hunting.

(vi) Hunters may only take feral hog incidental to deer hunting.

(vii) The annual refuge public use brochure provides season dates and bag limits for turkey hunting.

(viii) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing*. We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(iii), (ix), (x) through (xv), and (xvii) and (i)(3)(ii) of this section apply.

(ii) From March 1 through November 30, we allow fishing, frogging, and crawfishing on all refuge waters. From December 1 through February 28, we allow bank fishing only on Woody Pond and other non-waterfowl sanctuary areas.

(iii) Anglers, including those frogging and crawfishing, may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) Anglers may launch boats only in designated areas.

(vi) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vii) We prohibit tournament fishing.

* * * * *

■ 5. Amend § 32.24 by:

■ a. Redesignating paragraphs (g) through (y) as paragraphs (h) through (z) respectively;

■ b. Adding new paragraph (g); and

■ c. Revise and republish newly redesignated paragraphs (l), (p)(2)(ii), (q)(2)(ii), (q)(3)(i), (v)(2)(ii), (y)(2)(ii), and (z).

The addition and revisions read as follows:

§ 32.24 California.

* * * * *

(g) *Guadalupe-Nipomo Dunes National Wildlife Refuge*. (1)–(3) [Reserved]

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following condition: access through the refuge beach above the intertidal zone is prohibited from March 1 to September 30.

* * * * *

(l) *Lower Klamath National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Shooting hours end at 1 p.m. on all California portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) Pit-style hunting blinds located in the Stearns units and unit 9D are first-come, first-served. We require you to hunt within a 200-foot (61-meter) radius of the blind.

(vii) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) Upland game bird hunters must carry a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunting of pheasant and quail is only allowed during the Oregon and California designated pheasant season.

(iii) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

* * * * *

(p) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (p)(1)(iii) through (ix) of this section apply.

* * * * *

(q) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (q)(1)(i), (ii), (iv), and (v) of this section apply.

(3) * * *

(i) The conditions set forth at paragraphs (q)(1)(i), (ii), and (iv) and (o)(2)(i) of this section apply.

* * * * *

(v) * * *

(2) * * *

(ii) The conditions set forth at paragraph (v)(1)(ii) of this section apply.

* * * * *

(y) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (y)(1)(i) through (viii) of this section apply.

* * * * *

(z) *Tule Lake National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Waterfowl hunting hours end at 1 p.m. on all portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles (UTVs) in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunting of pheasant and quail is only allowed during the State designated pheasant season.

(iii) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

■ 6. Amend § 32.25 by:

■ a. Redesignating paragraph (f) as paragraph (g); and

■ b. Adding new paragraph (f).

The addition reads as follows:

§ 32.25 Colorado.

* * * * *

(f) *Rocky Flats National Wildlife Refuge.* (1)—(2) [Reserved]

(3) *Big game hunting.* We allow hunting of elk on designated areas of the refuge.

(4) [Reserved]

* * * * *

■ 7. Amend § 32.31 by revising and republishing paragraphs (a) through (f) to read as follows:

§ 32.31 Idaho.

* * * * *

(a) *Bear Lake National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, crow, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge 1½ hours before legal sunrise and must leave the refuge by ½ hour after legal sunset.

(ii) We allow boats, except air thrust boats, after September 20 within the designated refuge hunting areas, for the purposes of hunting.

(iii) You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds, decoys, boats, and other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iv) You may hunt Eurasian collared-doves only during State mourning dove and crow seasons.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, partridge, turkey, and cottontail rabbit on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (a)(1)(i) of this section applies.

(ii) We allow turkey hunting during the fall season only.

(iii) We allow rabbit hunting only during State upland game bird seasons.

(3) [Reserved]

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

(b) *Camas National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to access the refuge 1 hour before legal shooting time.

(ii) You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds, decoys, and other personal property at the end of each day's hunt (see § 27.93 of this chapter).

(iii) We allow the use of dogs when hunting.

(iv) You may take Eurasian collared-doves only during the State seasons for migratory birds and upland game birds.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, and partridge on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(iii) of this section applies.

(ii) We allow hunters to access the refuge ½ hour before legal shooting time.

(iii) Hunters must wear a minimum of 36 square inches (232.3 square centimeters) of blaze orange, and a blaze orange head covering.

(3) *Big game hunting.* We allow hunting of elk on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii) and (iii) of this section apply.

(ii) You must carry a signed copy of the refuge hunting regulations and hunt map (signed brochure) in the field while hunting.

(4) [Reserved]

(c) *Deer Flat National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters in the South Side Recreation Area may use float tubes, nonmotorized boats, or boats equipped with electric motors within 200 yards (180 meters) of the shoreline. We prohibit the use or possession of gas-powered motors.

(ii) You must remove boats, decoys, blinds, other personal property, and any materials brought onto the refuge for blind construction at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(iii) Hunters may enter the refuge 1 hour before official shooting hours (½ hour before legal sunrise) and must leave the refuge by 1 hour after official shooting hours (legal sunset).

(iv) We allow the use of dogs for hunting.

(v) You may take Eurasian collared-doves and rock pigeon (feral pigeon) from September 1 through January 31.

(2) *Upland game hunting.* We allow hunting of pheasant, quail, and partridge on designated areas of the refuge subject to the following condition: The condition set forth at paragraph (c)(1)(iv) of this section applies.

(3) *Big game hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) You must obtain a refuge-specific hunting permit (signed brochure) to hunt deer on the Lake Lowell Unit. Hunters must sign and carry the permit in the field while hunting.

(ii) Hunters may place up to two portable deer stands in the Lake Lowell

Unit. Hunters must place stands/platforms by hand. Hunters may place stands/platforms on the refuge no earlier than the beginning date of the assigned hunt permit and must remove them no later than the ending date of the hunt permit. Each stand must display the hunter's hunting license number so that it is legible from the ground.

(iii) In the Lake Lowell Unit, you may only shoot deer while hunting from an elevated tree stand/platform. We prohibit ground stalking and/or still hunting from the ground. We prohibit shooting a firearm or bow while on the ground, except to kill a downed deer.

(iv) Hunters may enter the Lake Lowell Unit no earlier than 2 hours before official shooting hours (½ hour before legal sunrise) and must leave the area within 2 hours after official shooting hours (½ hour after legal sunset). Successful hunters may extend their departure time only as long as is necessary to retrieve dead deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) From October 1 through April 14, we allow ice fishing on the Lake Lowell Unit, unless otherwise posted by the Bureau of Reclamation.

(ii) We allow fishing from nonmotorized boats in designated areas of the Lake Lowell Unit from October 1 through April 14, from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) From February 1 through June 30, we prohibit fishing from all islands in the Snake River Islands Unit.

(d) *Grays Lake National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, crow, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through February and hunters may enter the refuge 1½ hours before legal sunrise and must leave the refuge by 1½ hours after legal sunset.

(ii) You must remove portable blinds, decoys, boats, and other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iii) We allow hunters and dogs to retrieve game only in designated hunting areas.

(iv) We prohibit dog training except during legal hunting seasons.

(v) You may take Eurasian collared-doves only during the State mourning dove and crow seasons.

(2) *Upland Game Hunting.* We allow hunting of bobcat, coyote, fox, grouse, partridge, rabbit and hare, and squirrel

on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (iv) of this section apply.

(ii) We allow the use of dogs for hunting upland game birds in the Lake Unit only. We prohibit dogs for hunting other upland game.

(iii) You may take fox and coyote only during the State bobcat season.

(3) *Big Game Hunting.* We allow hunting of bear, deer, elk, moose, and mountain lion on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (iv) of this section apply.

(ii) We prohibit dogs for big game hunting.

(iii) You may take mountain lion only during open hunts for migratory birds, upland game, bear, deer, elk, or moose.

(iv) We allow bear hunting during the fall season only.

(4) *Sport Fishing.* We allow sport fishing on designated areas of the refuge from August through February.

(e) *Kootenai National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting only on Tuesdays, Thursdays, Saturdays, and Sundays.

(ii) We allow the use of dogs when hunting.

(iii) We prohibit the discharge of firearms in posted retrieval zones and areas closed to hunting.

(iv) Hunters may access the waterfowl hunt area no earlier than 3 a.m. and must leave no later than 1 hour after legal sunset.

(2) *Upland game hunting.* We allow hunting of forest grouse and wild turkey on designated areas of the refuge subject to the following condition: we allow the use of dogs when hunting forest grouse and for turkey during the fall hunt.

(3) *Big game hunting.* We allow hunting of deer, elk, black bear, moose, and mountain lion on designated areas of the refuge subject to the following conditions:

(i) We allow deer hunting at the designated accessible blind for hunters with disabilities subject to the following conditions:

(A) You must obtain a Special Use Permit (FWS Form 3-1383-G) from the refuge manager to use the accessible blind.

(B) We only allow deer hunting at the accessible blind using the following weapons: Muzzleloader, archery

equipment, crossbow, shotgun, or handgun. For shotguns, you may only use slugs. For handguns, you may only use straight-walled cartridges not originally established for rifles.

(C) You may possess only approved nontoxic ammunition for hunting (see § 32.2(k)).

(ii) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(f) *Minidoka National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge 1½ hours before legal sunrise and must leave the refuge by 1½ hours after legal sunset.

(ii) We allow only hunters and dogs to retrieve game in designated hunting areas.

(iii) You may only use portable blinds or construct temporary blinds of dead natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds at the end of each day's hunt (see § 27.93 of this chapter). We prohibit use of rock piles above the high-water mark for blind construction.

(iv) On West Hunting Area (Lake Walcott), we allow hunting on the uplands and over water within 100 yards (90 meters) of the shoreline. We allow use of boats only for retrieval of game.

(v) On East Hunting Area (Tule Island), we allow boats during the waterfowl hunting season.

(vi) You may only take Eurasian collared-doves during the State mourning dove and waterfowl seasons.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, partridge (chukar and gray partridge), quail, cottontail rabbit, and bobcat on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraphs (f)(1)(i) and (ii) of this section applies.

(ii) You may take rabbits only during the State mourning dove and waterfowl seasons.

(iii) Unit 12 is closed to hunting from April 1st through August 15th.

(3) *Big game hunting.* We allow hunting of deer and elk on designated areas of the refuge subject to the following condition: The condition set forth at paragraph (f)(1)(i) of this section applies.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

■ 8. Amend § 32.32 by:

■ a. Revising and republishing

paragraph (a);

■ b. Redesignating paragraphs (b) through (l) as paragraphs (c) through (m), respectively;

■ c. Adding new paragraph (b); and

■ d. Revising and republishing newly redesignated paragraphs (c) through (h) and (j) through (l).

The revisions and addition read as follows:

§ 32.32 Illinois.

* * * * *

(a) *Chautauqua National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following condition:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game authorized by the State except for feral hog, house sparrow, and European starling during the State waterfowl season on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) [Reserved]

(4) *Sport fishing.* We allow fishing on designated areas of the refuge from legal sunrise to legal sunset subject to the following conditions:

(i) We allow fishing on Lake Chautauqua from February 1 through October 15. We prohibit fishing in the waterfowl hunting area during the waterfowl hunting season.

(ii) We allow bank fishing year-round between the boat ramp and the fishing trail in the North Pool and from Goofy Ridge Public Access to the west gate of the North Pool water control structure.

(b) *Clarence Cannon National Wildlife Refuge*—(1) *Migratory game bird*

hunting. We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44 apply.

(ii) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44 and paragraph (b)(1)(ii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Harvest Report (FWS Form 3-2542).

(ii) We prohibit shooting at deer that are on any portion of the main perimeter levee.

(iii) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(iv) For hunting, you must use or possess only approved nontoxic shot shells for hunting turkey (see § 32.2(k)).

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44 and paragraph (b)(1)(ii) of this section apply.

(c) *Crab Orchard National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We require a signed hunt brochure. You must carry this signed permit when hunting on the refuge.

(ii) We prohibit hunting within 50 yards (45 meters (m)) of all designated public use facilities, including, but not limited to, parking areas, picnic areas, campgrounds, marinas, boat ramps, public roads, and established hiking trails listed in the refuge trails brochure.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and other personal equipment, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(v) Waterfowl hunting blinds and hunting parties must be a minimum of 200 yards (180 m) apart.

(vi) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (vi) of this section apply.

(ii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (vi) and (c)(2)(ii) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting turkey (see § 32.2(k)).

(iii) We require all deer and turkey hunters using the restricted use area to check-in at the refuge visitor center prior to hunting.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We only allow archery equipment when hunting deer in the following areas:

(A) In the area west of Division Street and east of Blue Heron Marina;

(B) On all refuge lands north of Illinois State Route 13; and

(C) In the area north of the Crab Orchard Lake emergency spillway and west of Crab Orchard Lake.

(vi) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) On Crab Orchard Lake west of Wolf Creek Road:

(A) Anglers may fish from boats all year.

(B) Anglers must remove all trotlines/jugs from legal sunrise until legal sunset from the Friday immediately prior to Memorial Day through Labor Day.

(ii) On Crab Orchard Lake east of Wolf Creek Road:

(A) Anglers may fish from boats March 1 through October 15.

(B) Anglers may fish all year at the Wolf Creek and Route 148 causeways.

(iii) On A-41 and Bluegill Ponds:

(A) Anglers may fish only from legal sunrise to legal sunset from March 1 through October 15.

(B) We prohibit anglers from using gas-powered boats.

(iv) On Honkers and Visitors Ponds:

(A) Anglers may fish all year from legal sunrise to legal sunset.

(B) We prohibit anglers from using gas-powered boats.

(v) Trotlines/jugs:

(A) We prohibit the use of trotlines/jugs on all refuge waters outside of Crab Orchard Lake.

(B) We prohibit the use of trotlines/jugs with any flotation device that has previously contained any petroleum-based material or toxic substances.

(C) Anglers must attach a buoyed device that is visible on the water's surface to all trotlines.

(vi) Anglers may use all legal noncommercial fishing methods, except they may not use any underwater breathing apparatus.

(vii) Organizers of all fishing events must possess a Special Use Permit (FWS Form 3-1383-G or FWS Form 3-1383-C).

(viii) We prohibit anglers from fishing within 250 yards (228 m) of an occupied waterfowl hunting blind.

(ix) Specific creel and size limits apply on various refuge waters as listed in the Crab Orchard fishing brochure and the annual Illinois fishing digest.

(d) *Cypress Creek National Wildlife Refuge*—(1) *Migratory game bird*

hunting. We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following condition:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (d)(1)(i) of this section applies.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(iv) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(v) We allow harvest of feral hog during white tail deer hunting only.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers must remove all boats and fishing equipment (see § 27.93 of this

chapter) brought onto the refuge at the end of each day's fishing activity.

(ii) We prohibit the use of trotlines, jugs, yo-yos, nets, or any commercial fishing equipment except in areas where State regulations authorize commercial tackle.

(e) *Emiquon National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow access for hunting from 1 hour before legal shooting time (as governed by State regulations for the species in question) until 1 hour after legal sunset.

(iii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting*. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (ii), and (iv) and (e)(2)(iii) of this section apply.

(ii) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing*. We allow sport fishing throughout the year on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We prohibit fishing in the waterfowl hunting area during the waterfowl hunting season.

(f) *Great River National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) On the Long Island Division, we allow hunting only from blinds constructed on sites posted by the State.

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) You must remove all personal belongings, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (v) of this section apply.

(ii) On the Cherry Box Division and Fox Island Division, we allow hunting with shotgun only during the Statewide upland game season.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iv) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting*. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) For wild turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground

blinds to be labeled with the hunter's State-generated hunter identification number.

(iii) On the Fox Island Division, Slim Island Division, and Cherry Box Division, we only allow archery deer hunting during the Statewide archery season. We prohibit archery hunting during the State firearm season.

(iv) On the Delair Division, we only allow deer hunting during special managed hunts. You must possess and carry a refuge permit (hunt letter) when hunting during special managed hunts.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraphs (f)(1)(iii) through (v) and (f)(2)(iv) of this section apply.

(4) *Sport fishing*. We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) On the Fox Island Division, we only allow bank fishing along any portion of the Fox River from January 1 through October 15.

(g) *Hackmatack National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(iii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts.

(3) *Big game hunting.* We allow white-tailed deer and turkey hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (ii), and (iv) and (g)(2)(iv) of this section apply.

(ii) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting turkey (see § 32.2(k)).

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all fishing devices at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

(h) *Kankakee National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(iii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for house sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i) through (iv) of this section applies.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) Feral hogs may only be harvested during white-tailed deer hunts.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) For hunting, you may possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, minnows and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all personal fishing devices and equipment at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

* * * * *

(j) *Middle Mississippi River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove personal property, including but not limited to boats, blinds, blind materials, stands, decoys, trail cameras, platforms, and other hunting equipment, from the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following condition:

(i) The conditions set forth at paragraphs (j)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas on the refuge subject to the following conditions:

(i) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(iv) The conditions set forth at paragraphs (j)(1)(i), (iii), and (iv) and (j)(2)(iii) of this section apply.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all fishing devices at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

(k) *Port Louisa National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of all migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (iv) of § 32.34 apply.

(ii) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of all upland game authorized by the State, except for house sparrows and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(i) and (ii) of § 32.34

and paragraphs (k)(1)(i) and (ii) of this section apply.

(ii) Feral hog may only be harvested during white-tailed deer hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)(i) and (ii) and (k)(2)(i) of this section apply.

(ii) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (f)(4)(i) through (iii) of § 32.34 apply.

(1) *Two Rivers National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for house sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i) through (iv) of this section apply.

(ii) We prohibit hunters using rifles or handguns with ammunition larger than .22 caliber rimfire, except they may use black powder firearms up to and including .50 caliber.

(iii) We allow the use of .22 and .17 caliber rimfire lead ammunition for the taking of small game and furbearers during open season.

(iv) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(v) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (iii), and (iv) and (l)(2)(v) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) Anglers must remove personal property, including but not limited to boats, ice shacks, and all other fishing devices, at the end of each day's fishing activity (see § 27.93 of this chapter).

* * * * *

■ 9. Amend § 32.33 by revising and republishing paragraphs (a), (b), and (c) to read as follows:

§ 32.33 Indiana.

* * * * *

(a) *Big Oaks National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel on designated areas of the refuge subject to the following conditions:

(i) We require a signed acknowledgment of danger agreement and a refuge hunt permit.

(ii) Hunters must possess a valid daily gate pass at all times.

(iii) We allow the use of dogs for hunting only during the squirrel hunting season in the day use area, provided the dog is under the immediate control of the hunter at all times. You must ensure that all hunting dogs wear a collar displaying the owner's contact information.

(iv) You must hunt only in assigned areas. We prohibit trespass into an unassigned hunt area.

(v) We require that all hunters check all harvested game taken on the refuge at the refuge check station.

(vi) We require all refuge hunters to hunt with a partner. We require hunting partners to know the location of their partner while hunting. An adult, age 18 or older, must directly supervise youth hunters age 17 and younger.

(vii) Hunters must possess and carry a compass while hunting on the refuge.

(viii) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ix) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(2)(i), (ii), and (iv) through (ix) of this section apply.

(ii) You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow fishing on the Old Timbers Lake subject to the following conditions:

(i) We require a signed acknowledgment of danger agreement and a refuge access permit.

(ii) Anglers must possess a valid daily gate pass at all times.

(iii) We allow fishing only with a rod and reel or pole and line.

(iv) We prohibit the use of trotlines.

(v) We prohibit retaining black bass, largemouth bass, smallmouth bass, and spotted bass between 12 and 15 inches (30 and 37.5 centimeters).

(b) *Muscatatuck National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, woodcock, and dove on designated areas of the refuge subject to the following conditions:

(i) You must remove all boats, decoys, blinds, blind materials, stands, and platforms brought onto the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We prohibit hunting and the discharge of a firearm within 100 yards (30 meters) of any dwelling or any other building that people, pets, or livestock may occupy.

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of turkey, quail, squirrel, raccoon, opossum, coyote, fox, skunk, and rabbit on designated areas of the refuge subject to the following conditions:

(i) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(ii) We allow the use of rimfire weapons for upland/small game hunting.

(iii) We prohibit the use of centerfire rifles for any hunts on refuge property.

(iv) During spring turkey hunting, hunters must possess a State-issued hunting permit during the first 6 days of the season.

(v) We prohibit turkey hunting after 1 p.m. each day.

(vi) We allow the incidental take of coyote only during other refuge hunting seasons.

(vii) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) and (b)(2)(iii) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We prohibit the use or possession of tree spikes, plastic flagging, and reflective tacks.

(iv) We prohibit firearms deer hunting during the State deer firearm season (archery and muzzleloader only).

(v) We close archery deer hunting during the State muzzleloader season.

(vi) We prohibit the possession of game trail cameras on the refuge.

(vii) We require you to remove arrows from crossbows during transport in a vehicle.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of any type of motor.

(ii) We allow the use of kayaks, canoes, belly boats, or float tubes in all designated fishing areas.

(iii) We allow fishing only with rod and reel, or pole and line.

(iv) We prohibit harvest of frog and turtle (see § 27.21 of this chapter).

(v) We prohibit the use of lead fishing tackle.

(vi) We allow only youth age 15 and younger to fish in the Discovery Pond.

(c) *Patoka River National Wildlife Refuge and Management Area—(1) Migratory game bird hunting.* We allow hunting of duck, goose, merganser, coot, woodcock, dove, snipe, rail, and crow on designated areas of the refuge and the White River Wildlife Management Area subject to the following conditions:

(i) You must remove all personal property, including but not limited to

boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We prohibit hunting and the discharge of a weapon within 150 yards (137 meters) of any dwelling or any building that may be occupied by people, pets, or livestock and within 50 yards (45 meters) of all designated public use facilities, including, but not limited to, parking areas and established hiking trails listed in the refuge hunting and fishing brochure.

(iii) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of bobwhite quail, pheasant, cottontail rabbit, squirrel (gray and fox), red and gray fox, coyote, opossum, striped skunk, and raccoon subject to the conditions set forth at paragraphs (c)(1)(i) through (iv) of this section.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv) of this section apply.

(ii) On the Columbia Mine Unit, you may only hunt white-tailed deer during the first week (7 days) of the following seasons, as governed by the State: archery, firearms, and muzzleloader.

(iii) On the Columbia Mine Unit, you may leave portable tree stands overnight only when the unit is open to hunting and for a 2-day grace period before and after the special season.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Fishing is permitted from a half-hour before legal sunrise to a half-hour after legal sunset on the Columbia Mine Unit.

(ii) We allow fishing only with rod and reel, pole and line, bow and arrow, or crossbow.

(iii) The minimum size limit for largemouth bass on Snakey Point Marsh and on the Columbia Mine Unit is 14 inches (35.6 centimeters).

(iv) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(v) The condition set forth at paragraph (c)(1)(i) and (ii) of this section applies.

■ 10. Amend § 32.34 by revising and republishing paragraphs (b) through (g) to read as follows:

§ 32.34 Iowa.

* * * * *

(b) *Driftless Area National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of all migratory birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or March 15, whichever comes first.

(ii) We prohibit leaving boats, decoys, or other personal property unattended at any time. You must remove all personal property, which includes boats, decoys, and blinds, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow entry into the refuge 1 hour before legal sunrise and require hunters to leave the refuge no later than 1 hour after legal sunset. Shooting hours are in accordance with state regulations.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(ii) In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting season or March 15, whichever occurs first.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) For turkey hunting, you may possess only approved nontoxic shot shells (see § 32.2(k)) while in the field.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(c) *Iowa Wetland Management District*—(1) *Migratory game bird hunting*. We allow hunting of migratory game birds authorized by the State subject to the following conditions:

(i) We prohibit leaving boats, decoys, or other personal property unattended at any time. You must remove all personal property, which includes, but is not limited to, boats, decoys, blind materials, stands, platforms, and blinds, brought onto the district at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow boats or other floating devices when hunting and fishing.

(iv) We prohibit duck and goose hunting on the Waterfowl Refuge Units. We also prohibit all hunting on the Waterfowl Refuge Units during the State duck season.

(v) All hunting on the Core Area Unit and Buffalo Creak Bottoms Unit is governed by station-specific regulations at subsection (g) of this section for the adjacent Union Slough National Wildlife Refuge.

(2) *Upland game hunting*. We allow upland game species authorized by the State, subject to the following condition: the conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(3) *Big game hunting*. We allow white-tailed deer and turkey hunting subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) and (iii) through (v) of this section apply, with the exception to paragraph (c)(1)(i) that you may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. You must clearly mark the stand with your Iowa hunting license number.

(ii) For turkey hunting, you may possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing*. We allow sport fishing throughout the district subject to the following conditions:

(i) The condition set forth at paragraph (c)(1)(iii) of this section applies.

(ii) You must remove all ice fishing shelters, boats, and other personal property at the end of each day's fishing (see § 27.93 of this chapter).

(d) *Neal Smith National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow the hunting of migratory bird species on designated areas of the refuge subject to the following conditions:

(i) We allow entry into the refuge 1 hour before legal sunrise and require hunters to leave the refuge no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any refuge road within 50 feet (15 meters) from the centerline.

(iii) You must remove personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(v) We allow hunting by falconry on the refuge in accordance with state regulations.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (v) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow take of coyote with shotgun only.

(3) *Big game hunting*. We allow hunting of white-tailed deer and turkey on designated areas of the refuge and subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply, with the exception to paragraph (d)(1)(iii) that you may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. You must clearly mark the stand with your Iowa hunting license number.

(ii) You may only possess approved nontoxic shot when turkey hunting (see § 32.2(k)).

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Entry into the refuge for fishing is allowed 1 hour before legal sunrise and anglers are required to leave the refuge no later than 1 hour after legal sunset. The bison/elk enclosure is closed to fishing. No night fishing is permitted on the refuge.

(ii) We prohibit the taking of any turtle, frog, snake, lizard, leech, minnow, crayfish, mussel (clam), and any other non-fish species by any method on the refuge (see § 27.21 of this chapter).

(e) *Northern Tallgrass Prairie National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State on designated areas subject to the following conditions:

(i) Hunters must remove personal property, including but not limited to boats, decoys, portable or temporary blinds, and other materials brought onto the refuge, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, except when hunting furbearers, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow boats or other floating devices while hunting and fishing.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the state, except for European starling, house sparrow, and common garter snake, on designated areas subject to the following condition: the conditions set forth at paragraphs (e)(1)(i) through (iii) of this section apply.

(3) *Big game hunting*. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) You may possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(ii) The conditions set forth at paragraph (e)(1)(i) of this section apply. Hunters may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. Hunters must clearly mark the stand with your Iowa hunting license number.

(iii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers must remove all ice fishing shelters, boats and other personal property at the end of each day's fishing (see § 27.93 of this chapter).

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) The conditions set forth at paragraph (e)(1)(iii) of this section apply.

(f) *Port Louisa National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game birds authorized by the State on

designated areas of the refuge subject to the following conditions:

(i) Hunters must remove personal belongings, including but not limited to boats, decoys, portable blinds, blind materials, stands, platforms, and trail cameras, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset. Shooting hours are in accordance with state regulations.

(iii) Hunting is permitted consistent with state seasons annually between January 1 through September 14 on all designated hunt units, except the Iowa River Corridor and Big Timber units which is open to hunting pursuant to state seasons year-round.

(iv) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) We allow shotgun slug or muzzleloading rifle for hunting coyotes.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) The conditions set forth at paragraphs (f)(1)(i) through (iv) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (iii) of this section apply.

(ii) You may only use or possess approved nontoxic shot when turkey hunting (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) Anglers must remove all personal property, including but not limited to boats, ice shacks, and all other fishing devices, at the end of each day's fishing activity (see § 27.93 of this chapter).

(g) *Union Slough National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, rail (Virginia and sora only), woodcock, dove, crow, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunters on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset.

(ii) We allow boats or other floating devices when hunting. You may not leave boats unattended.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit entry into any closed area to retrieve downed game, unless the hunter has received written permission from the refuge manager.

(v) We prohibit hunting on road rights-of-way on any portion of the refuge not open to hunting. The road right-of-way extends to the center of the road.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge, subject to the following conditions:

(i) We prohibit possession of shotgun slugs.

(ii) The conditions set forth at paragraphs (g)(1)(i), (ii), (iv), and (v) of this section apply.

(3) *Big game hunting.* We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (ii), (iv), and (v) of this section apply.

(ii) We allow portable tree stands, portable blinds, and freestanding elevated platforms to be left on the refuge from 7 days prior to the first deer hunting season; you must remove them prior to 7 days following the last deer hunting season (see § 27.93 of this chapter). Turkey hunters must remove blinds and stands each day (see § 27.93 of this chapter).

(iii) You must label portable tree stands, portable blinds, and freestanding elevated platforms that are left unattended with your hunting license number. The label must be legible from the ground.

(iv) You must remove any other personal property brought onto the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(v) We allow deer hunters on the refuge from 1 hour before legal sunrise until 2 hours after legal sunset.

(vi) Deer hunters may possess only shot shells that shoot a single projectile (i.e., slugs).

(vii) For wild turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We allow fishing from boats on the Buffalo Creek Bottoms.

(iii) We prohibit the use or possession of lead terminal tackle.

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■ 11. Amend § 32.37 by revising and republishing paragraphs (a), (b), (c), (e), (f), (g), (j), (l) through (r), (t), and (u) to read as follows:

§ 32.37 Louisiana.

* * * * *

(a) *Atchafalaya National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, teal, merganser, coot, gallinule, woodcock, light and dark geese, snipe, rail, and dove on designated areas of the refuge subject to the following condition: you may hunt only as governed by State-issued Sherburne Wildlife Management Area regulations.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, opossum, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (a)(1) of this section applies.

(ii) We allow incidental take of feral hogs, coyote, and nine-banded armadillo during any open season with weapons and ammunition legal for that season.

(iii) We allow hunting of nutria on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of feral hog, white-tailed deer, and turkey on designated areas of the refuge subject to the following condition: the conditions set forth at paragraphs (a)(1) and (a)(2)(ii) and (iii) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing year-round as governed by Sherburne Wildlife Management Area regulations.

(b) *Bayou Cocodrie National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) We allow migratory game bird hunting on Wednesdays, Saturdays, and Sundays until 12 p.m. (noon) during the State season. We do not open for the special teal season or the State youth waterfowl hunt.

(iii) We allow the use of dogs to locate, point, and retrieve.

(iv) We allow incidental take of armadillo, raccoon, beaver, nutria, opossum, bobcat, and striped skunk when hunting.

(v) One adult may supervise no more than one youth hunter 15 years of age or younger.

(vi) We prohibit discharging a weapon within a 100-foot (30.5 meter) zone along either side of pipelines, power line rights-of-way, designated roads and trails, open fields, petroleum facilities and equipment, buildings, and parking lots.

(vii) Waterfowl hunters must remove all decoys, blind material, other equipment, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit on designated areas of the refuge subject to the conditions set forth at paragraphs (b)(1)(i), (iii), and (iv) through (vi) of this section, with the exception to paragraph (b)(1)(iii) that the use of dogs for rabbit hunting is only authorized for the months of January and February.

(3) *Big game hunting.* We allow hunting of turkey, white-tailed deer, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (iv) through (vi) of this section apply.

(ii) The daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(iii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the

refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(i) of this section applies.

(ii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(iii) We prohibit the possession and use of hoop nets and trotline equipment, including limb lines, gill nets, seine traps, yo-yos, and jugs on the refuge.

(c) *Bayou Sauvage National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess and carry a valid, signed refuge hunting and fishing brochure.

(ii) We only allow youth to hunt migratory game birds.

(iii) All youth hunters age 15 and younger must be supervised by an adult during hunts. The youth must be capable of and must actively participate in the hunt by possessing or firing a legal weapon during the hunt for the express purpose of harvesting game.

(iv) One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(v) Adults accompanying youth on any refuge hunts may participate by hunting (except during the State youth-only seasons), but are not allowed to harvest more than their own daily bag limit (see § 20.24 of this chapter). Youth must harvest their own bag limits.

(vi) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m.

(vii) We open the refuge to goose youth hunting during any segment of goose season that extends beyond the regular duck season.

(viii) Migratory bird hunters may not enter the refuge prior to 4 a.m. on the day of the hunt and must remove all portable blinds and decoys (see § 27.93 of this chapter) no later than 2 p.m.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or structure adjacent to the refuge, and we prohibit hunting within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We prohibit mud boats or air-cooled propulsion vessels, including "surface-drive" boats, except when

traversing through the Intracoastal Waterway and the Irish Bayou Straight Canal only.

(xi) We only allow the incidental take of nutria with approved shot and weapons during any open youth waterfowl season on the refuge.

(xii) We allow the incidental take of coyote, raccoon, feral hog, armadillo, and opossum with approved shot and weapons allowed during any open season on the refuge.

(xiii) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We only allow youth hunting of upland game.

(ii) When hunting, you must possess only shot size 4 or smaller or .22 caliber rimfire rifles or smaller. We allow the use of air rifles.

(iii) When hunting rabbit, we allow the use of dogs only after the close of the State archery deer season.

(iv) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(3) *Big game hunting.* We only allow youth hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open to youth hunting only during the State deer archery season.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter).

(iv) We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(v) We prohibit the use of deer decoys.

(vi) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We allow daytime sport finfishing and shellfishing year-round on

designated areas of the refuge. On portions of the refuge outside of the Hurricane Protection Levee, we allow daytime sport finfishing and shellfishing from November 1 through January 31 and during the State teal season, but only after 2 p.m.

(ii) We only allow sport finfishing with hand-held rod and reel or hand-held rod and line.

(iii) You may take bait shrimp with cast nets only.

(iv) You may take crawfish (up to 100 pounds (45 kilograms) per person, per day) with crawfish or dip nets only.

(v) We allow only recreational crabbing.

(vi) You must attend all fishing, crabbing, and crawfishing equipment at all times.

(vii) We prohibit the use of trotlines, limblines, slat traps, gar sets, nets, and alligator lines on the refuge.

(viii) The conditions set forth at paragraphs (c)(1)(i), (x), and (xiii) of this section apply.

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(e) *Big Branch Marsh National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of duck, merganser, teal, coot, light and dark goose, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow waterfowl, snipe, rail, gallinule, dove, and goose hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. This includes waterfowl hunting during the State teal season and State youth and veteran waterfowl seasons. We only allow hunting of woodcock until 2 p.m.

(iii) We allow light goose hunting for that part of the season that extends beyond the regular duck season from ½ hour before legal sunrise until 2 p.m.

(iv) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter)

within 500 feet (152 meters (m)) of any residence adjacent to the refuge or oil and gas infrastructure on the refuge, or within 200 feet (61 m) from the center of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of raccoon, feral hog, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(x) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting*. We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or .22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) When hunting squirrel and rabbit, and for the incidental take of raccoon, we allow the use of dogs only after the close of the State archery deer season. When hunting quail, you may only use dogs to locate, point, and retrieve.

(iii) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (x) of this section apply.

(iv) During the dog season for squirrel and rabbit, all hunters, including archers (while on the ground), except waterfowl hunters, must wear a minimum of a cap or hat that is hunter orange, blaze pink, or other such color as governed by State regulations.

(v) We only allow hunting of quail until 2 p.m.

(3) *Big game hunting*. We allow hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open only during the State season for archery deer hunting.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours

prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

(iv) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) while on the ground.

(v) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (x) of this section apply.

(vi) We prohibit the use of deer decoys.

(4) *Sport fishing*. We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) You may only fish from legal sunrise until legal sunset, except we allow night fishing from the bank and pier on Lake Road.

(ii) You must only use rod and reel or pole and line while finfishing.

(iii) You must attend to any fishing, crabbing, and crawfishing equipment at all times.

(iv) The conditions set forth at paragraphs (e)(1)(i) and (x) of this section apply.

(f) *Black Bayou Lake National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of duck, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters must carry a signed refuge hunt permit and must carry and fill out a Visitor Check-In Permit and Report daily.

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed refuge hunt permit.

(iii) We allow waterfowl hunting until 12 p.m. (noon) during the State season and hunters must exit the refuge no later than 1:30 p.m. except for woodcock hunting which ends at legal sunset.

(iv) Hunters may enter the refuge no earlier than 4 a.m.

(v) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads and from or across all-terrain vehicle (ATV) trails. We prohibit hunting within 50 feet (15 m) of, or trespassing on, aboveground oil, gas, or electrical transmission facilities.

(vi) Hunters may only use dogs to locate, point, and retrieve migratory game birds.

(vii) We only allow ATVs on trails designated for their use and marked by

signs (see § 27.31 of this chapter). ATV trails are closed March 1 through August 31.

(viii) We allow the incidental take of coyote and beaver during refuge hunts with weapons legal for the hunt.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, opossum, and the incidental take of coyote and beaver on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i), (ii), (iv), (v), (vii), and (viii) of this section apply.

(ii) Hunters must exit no later than 2 hours after legal shooting hours, unless participating in authorized nighttime hunting.

(iii) We allow nighttime hunting with dogs for raccoon and opossum from December 1 to January 31. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(iv) Dogs may only be used for rabbit and squirrel hunting in January and February.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: the conditions set forth at paragraphs (f)(1)(i), (iv), and (vii) and (f)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit trotlines, limb lines, yo-yos, traps, and nets.

(ii) We prohibit take of frog, turtle, and mollusk (see § 27.21 of this chapter).

(g) *Bogue Chitto National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We only allow hunting of duck, merganser, teal, light and dark goose, and gallinule from ½ hour before legal sunrise until 2 p.m. of the State seasons, including during the State teal season, State youth waterfowl season, State veterans season, and special light goose conservation season.

(iii) You must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) All youth hunters age 15 and younger must be supervised by an adult

during all hunts. One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) For the purpose of hunting, we prohibit possession of slugs, buckshot, and rifle and pistol ammunition, except during the deer gun and primitive firearm seasons (see § 32.2(k)).

(viii) You may use only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for rabbit and squirrel hunting, and the incidental take of raccoon, on specific dates listed in the refuge hunt brochure.

(ii) During any open deer firearm or primitive firearm season on the refuge, all hunters, except waterfowl hunters, must wear hunter orange, blaze pink, or other such color as governed by State regulations.

(iii) The conditions set forth at paragraphs (g)(1)(i) and (v) through (ix) of this section apply.

(iv) You may use .22-caliber rifles or smaller while hunting upland game and ammunition must be size 4 or smaller.

(v) We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.72 meters) on the Pearl River Gauge at Pearl River, Louisiana.

(vi) During the dog season for squirrels, rabbits, and incidental take of raccoon, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a cap or hat that is hunter-orange, blaze pink, or other such color as governed by State regulations.

(vii) We prohibit upland game hunting on days corresponding with

refuge deer gun and primitive firearm hunts.

(viii) We only allow quail hunting until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) and (viii) and (g)(2)(v) of this section apply.

(ii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iii) Deer hunters hunting from concealed blinds must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) above or around their blinds that is visible from 360 degrees.

(iv) We hold a special dog hog hunt in February. During this hunt, the following conditions apply, in addition to the other conditions set forth in this paragraph (g)(3):

(A) You must use trained hog-hunting dogs to aid in the take of hog.

(B) We allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset.

(C) You must possess only approved nontoxic shot, or pistol or rifle ammunition not larger than .22 caliber rim-fire, to take the hog after it has been caught by dogs.

(v) You must kill all hogs prior to removal from the refuge.

(vi) We prohibit the use of deer and turkey gobbler decoys.

(vii) We prohibit using shot larger than BB-lead, or T-steel, while hunting during turkey season.

(viii) We describe the dates for turkey hunts and deer general gun hunts, youth hunts, and veterans hunts in the refuge user brochure.

(4) *Sport fishing.* We allow only recreational fishing year-round on designated areas of the refuge subject to the following conditions:

(i) We only allow cotton limb lines.

(ii) We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

(iii) When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River

Turnaround. Anglers must hand-launch these boats into the ponds. When the fishing ponds at the Pearl River Turnaround are open, hook and line is the only legal method of take in those ponds.

(iv) The Pearl River Turnaround area, when open to fishing, is open ½ hour before legal sunrise to ½ hour after legal sunset.

(v) The conditions set forth at paragraphs (g)(1)(i) and (viii) and (g)(2)(v) of this section apply.

* * * * *

(j) *Cat Island National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge within 2 hours after legal sunset.

(iii) We allow the incidental take of beaver, feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(iv) We allow all-terrain vehicles (ATVs) and utility-type vehicle as governed by State Wildlife Management Area (WMA) regulations and size specifications on designated trails (see § 27.31 of this chapter) from the third Saturday in September until February 28.

(v) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or designated public use facility.

(vi) All youth hunters age 15 and younger must be supervised by an adult during hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vii) We allow waterfowl (duck, merganser, teal, light and dark goose, and coot) and gallinule hunting daily during the State regular season, including waterfowl hunting during the State teal season and State youth and

veteran waterfowl seasons, from ½ hour before legal sunrise until 2 p.m.

(viii) You must remove harvested waterfowl, temporary blinds, and decoys used for duck hunting by 2 p.m. each day (see § 27.93 of this chapter).

(ix) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(x) We prohibit accessing refuge property by boat from the Mississippi River.

(xi) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and the incidental take of nutria, beaver, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi), (x), and (xi) of this section apply.

(ii) While upland game hunting, we prohibit the possession of hunting firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot (see § 27.42 of this chapter).

(iii) We allow the use of dogs during designated small game with dog seasons. We require the owner's contact information on the collars of all dogs. We only allow up to two dogs per hunting party for squirrel hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi), (x), and (xi) of this section apply.

(ii) We allow archery deer hunting, youth deer gun hunting during the first weekend of the State youth firearm season, and one weekend of primitive firearm season on the refuge. We list specific dates of these hunts in the refuge annual user brochure.

(iii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We grant extensions to retrieve stands due to high water refuge closure. We allow only one deer stand or blind per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) You may only take one deer of either sex per day during the deer seasons listed. State season limits apply.

(v) Deer hunters must display State WMA hunter-orange or blaze-pink (as governed by State WMA regulations).

(vi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i), (iv) (on the open portions of Wood Duck ATV trail for wildlife-dependent activities throughout the year), (x), and (xi) of this section apply.

(ii) We prohibit slat traps or hoop nets on the refuge.

(iii) Anglers may only crawfish during designated days and times. The harvest limit is 50 pounds (22.5 kilograms) per person per day.

(iv) You must attend all crawfish traps and nets at all times. We allow up to, and no more than, 20 traps per angler on the refuge.

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(l) *D'Arbonne National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, rail, gallinule, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters must carry a signed refuge hunt permit (signed Public Use Regulations brochure) and must carry and fill out daily a Visitor Check-In Permit and Report (FWS Form 3-2405).

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed Public Use Regulations brochure).

(iii) We allow migratory bird hunting until 12 p.m. (noon) during the State season, except for woodcock hunting which ends at legal sunset.

(iv) Hunters may enter the refuge no earlier than 4 a.m. and must exit the refuge no later than 1:00 p.m.

(v) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads. We prohibit hunting within 50 feet (15 m) of or trespassing on aboveground oil, gas, or electrical transmission facilities.

(vi) Hunters may only use dogs to locate, point, and retrieve game.

(vii) We allow the incidental take of coyote, beaver, nutria, and armadillo during refuge hunts with weapons legal for the hunt.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), (iv), (v), and (vii) of this section apply.

(ii) Hunters must exit no later than 2 hours after legal shooting hours, unless participating in authorized hunting.

(iii) We allow the nighttime hunting of raccoon and opossum from December 1 to January 31 with the aid of dogs. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(iv) Dogs may be used for hunting after the last refuge deer gun hunt.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge as indicated subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), (iv), (v), and (vii) and (l)(2)(ii) of this section apply.

(ii) Hunters must check all deer taken during general gun deer hunts at a refuge check station on the same day taken.

(iii) We prohibit hunters from placing or hunting from stands on pine trees with white-painted bands or rings.

(iv) Deer gun hunters must wear hunter orange as governed by State deer hunting regulations on wildlife management areas.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) Trotlines must be tended daily. The ends of trotlines must be attached by a length of cotton line that extends into the water.

(ii) We prohibit the taking of turtle and mollusk (see § 27.21 of this chapter).

(iii) Only collapsible twine nets can be used for crawfishing and are permitted only during daylight hours. Nets cannot be left on the refuge overnight.

(m) *Delta National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, dove, snipe, rail, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. during the State seasons, including the regular waterfowl season, the State teal season, State youth waterfowl season, State veterans waterfowl season, and State light goose special conservation season.

(iii) We only allow temporary blinds. You must remove both blinds and

decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) We prohibit discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vi) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(vii) Migratory bird hunters may enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow the incidental take of raccoon, feral hog, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(ix) We allow only the use of reflective tacks as marking devices.

(x) We close all refuge lands between Raphael Pass and Main Pass to public entry, including hunting and fishing, from November 1 through the end of February; year-round access is only allowed in Main, Raphael, Octave, Women, and Flatboat passes.

(xi) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The refuge rabbit season opens the day after the State duck season closes and continues through the remainder of the State rabbit season.

(ii) We restrict hunting to shotgun only.

(iii) We allow the use of dogs when rabbit hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(v) The conditions set forth at paragraphs (m)(1)(i), (v) through (viii), and (xi) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on

designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (v) through (xi) of this section apply.

(ii) We allow archery deer hunting, bucks only, from October 1 through 15. We allow either-sex archery deer hunting from October 16 through 31, and from the day after the close of the State duck season through the end of the State deer archery season.

(iii) We allow placement of temporary deer stands up to 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We prohibit the use of deer decoys.

(vi) We allow shotgun deer hunting on Saturday and Sunday during the first split of the regular waterfowl season.

(vii) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We only allow sport finfishing and shellfishing from ½ hour before legal sunrise until ½ hour after legal sunset. During the State waterfowl hunting seasons, we only allow sport finfishing and shellfishing from 2 p.m. until ½ hour after legal sunset.

(ii) We prohibit the use of trotlines, limblines, slat traps, jug lines, nets, or alligator lines.

(iii) The conditions set forth at paragraphs (m)(1)(i) and (xi) of this section apply.

(n) *Grand Cote National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl (duck, goose, coot) hunting on Wednesdays and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the State season.

(ii) We prohibit teal hunting during the State September season.

(iii) Hunters selected for lottery waterfowl hunts must be present and in possession of written documentation confirming their selection on the day of the hunt.

(iv) We allow no more than three persons to hunt in each of the lottery waterfowl blinds, and hunters must confine all hunting activity to the direct vicinity of the blinds.

(v) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vi) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(vii) We allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote only when hunting for migratory bird, upland game, and big game species with firearms or archery equipment authorized for use.

(viii) We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (electronic form).

(ix) We prohibit hunting or the discharge of firearms within 150 feet (45 meters) from the edge of areas maintained for roads, trails, and utility rights-of-way.

(x) Hunters must check-in and check-out as governed by refuge-specific terms (see refuge hunting brochure for details).

(xi) Refuge users must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

(xii) We restrict the use of all-terrain vehicles (ATVs) to designated ATV trails. ATVs are allowed from September 1 through the last day of February. We allow ATVs only for hunting, fishing, and other wildlife-related activities.

(xiii) Hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m. (see § 27.93 of this chapter).

(xiv) We only allow the use of bright eyes or reflective tape for flagging or trail markers.

(2) *Upland game hunting.* We allow hunting of rabbit, raccoon, beaver, nutria, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(vi) through (xiv) of this section apply.

(ii) We allow the use of only shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting.

(iii) We allow the use of dogs when hunting rabbit only after the close of the State deer rifle season. Dog owners must

place their contact information on the collars of all their dogs.

(iv) We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(vi) through (xiv) of this section apply.

(ii) We only allow the use of archery equipment for big game hunting.

(iii) You may use only portable deer stands. Hunters must place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license/sportsmen's identification number clearly printed on the stand. Hunters must place the stand in a nonhunting position and at ground level when not in use.

(iv) We prohibit the use of deer decoys.

(v) We prohibit the use of dogs to trail wounded deer.

(vi) We prohibit organized drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(xi) through (xiv) of this section apply.

(ii) We only allow fishing within the Coulee Des Grues Bayou from the bank adjacent to Little California Road.

(iii) Except as provided under paragraph (n)(4)(ii) of this section, we allow fishing from ½ hour before legal sunrise to legal sunset. Anglers may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(iv) We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

(v) We prohibit the use of nets, traps, set lines, and trot lines. Anglers may only use a rod and reel or pole with a hook and line attached to fish.

(vi) We prohibit the possession of cleaned or processed fish on the refuge.

(vii) We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

(viii) We prohibit crawfishing.

(o) *Lacassine National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt migratory game birds during designated refuge seasons.

(ii) We require every hunter to possess and carry a valid signed refuge hunt permit (signed brochure) and regulations brochure.

(iii) Hunters may enter the refuge at 4 a.m. Shooting hours end at 2 p.m. each day.

(iv) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542), available from a self-clearing check station, after each hunt.

(v) We prohibit hunting within 50 yards (45 meters (m)) of refuge canals; waterways; public roads; buildings; aboveground oil, gas, or electrical transmission facilities; or designated public facilities. Hunting parties must remain a distance of no fewer than 150 yards (135 m) away from another hunter.

(vi) You must remove all hunting-related equipment from the refuge immediately following each day's hunt (see § 27.93 of this chapter).

(vii) When migratory bird hunting, you may only use dogs for the purpose of locating, pointing, and retrieving.

(2) [Reserved]

(3) *Big game hunting.* We allow hunting for white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt big game during designated refuge seasons with archery equipment.

(ii) We allow only portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license number clearly printed on the stand. Hunters must place stands in a nonhunting position at ground level when not in use.

(iii) The conditions set forth at paragraphs (o)(1)(ii), (v), and (vi) of this section apply.

(iv) Hunters may enter the refuge at 4 a.m. Hunters must leave no later than 1 hour after legal sunset.

(v) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542) available from a self-clearing check station, after each hunt.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from March 15 through October 15.

(ii) We prohibit fishing activities before legal sunrise and after legal sunset.

(iii) Anglers may enter the refuge 1 hour before legal sunrise, and you must leave 1 hour after legal sunset.

(iv) Anglers can travel the refuge by boat from 1 hour before legal sunrise until 1 hour after legal sunset in order to access fishing areas.

(v) We prohibit bank fishing from the Lacassine Pool Wildlife Drive.

(vi) We prohibit boat and bank fishing in Lacassine Pool Unit D and refuge waters from October 16 through March 14.

(vii) We allow fishing only with rod and reel or pole and line in refuge waters. We prohibit possession of any other type of fishing gear, including limb lines, gill nets, jug lines, yo-yos, or trotlines.

(viii) We prohibit the taking of turtle (see § 27.21 of this chapter).

(p) *Lake Ophelia National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl (duck, goose, coot) hunting on Tuesdays, Thursdays, and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the State duck season.

(ii) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(iii) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day. Hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m. (see § 27.93 of this chapter).

(iv) We prohibit migratory game bird hunting during refuge deer primitive firearm hunts.

(v) Except as restricted under paragraph (p)(3)(ix) of this section, we allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote when hunting for migratory bird, upland game, and big game species with firearms and archery equipment authorized for use.

(vi) We restrict the use of all-terrain vehicles (ATVs) to designated ATV trails. ATVs are allowed from September 1 to the last day of the spring turkey season. We allow ATVs only for hunting, fishing, and other wildlife-related activities.

(vii) We restrict the use of the ATV trails that are designated for physically

challenged persons to individuals who possess a State-issued physically challenged program hunter permit or are age 60 or older.

(viii) We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (electronic form).

(ix) We prohibit hunting or the discharge of firearms within 150 feet (45 meters) from the edge of areas maintained for roads, trails, and utility rights-of-way.

(x) Hunters must check in and check out as governed by refuge-specific terms (see refuge hunting brochure for details).

(xi) Hunters and anglers must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

(xii) We only allow the use of bright eyes or reflective tape for flagging or trail markers.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, beaver, nutria, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(v) through (xii) of this section apply.

(ii) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(iii) We only allow the use of shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting.

(iv) We prohibit upland game hunting during refuge deer primitive firearm hunts.

(v) We allow the use of dogs when squirrel and rabbit hunting only after the close of the State deer rifle season. Dog owners must place their contact information on the collars of all their dogs.

(vi) We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(v) through (xii) and (p)(2)(ii) of this section apply.

(ii) You may harvest only one antlered and one antlerless deer during each of the lottery primitive firearm hunts.

(iii) You may use only portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the

season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license number clearly printed on the stand. Hunters must place stands in a nonhunting position and at ground level when not in use.

(iv) All deer gun hunters must wear and display 400 square inches (2,600 square centimeters) of hunter orange and a hunter-orange cap during the deer gun seasons and lottery deer hunts.

(v) Only hunters that have been selected for lottery primitive firearm deer hunts may be present during these hunts.

(vi) We allow the use and possession of lead shotgun slugs during lottery primitive firearm deer hunts. We prohibit the use and possession of lead and non-lead shot shells during these hunts.

(vii) We prohibit all other hunting during refuge deer primitive firearm hunts as described in the refuge hunting brochure.

(viii) We prohibit the use of deer or turkey grouse decoys.

(ix) We allow turkey hunting only during the first 16 days of the State season until 12 p.m. (noon). We prohibit incidental hunting of feral hog while turkey hunting.

(x) We prohibit the use of dogs to trail wounded deer.

(xi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow sport fishing in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(xi) and (xii) of this section apply.

(ii) We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit (name/address/phone number only).

(iii) We allow fishing from March 1 through October 15 from ½ hour before legal sunrise to legal sunset.

(iv) We allow anglers to operate ATVs on the designated trails to the Duck Lake, Westcut Lake, and Possum Bayou boat ramps.

(v) We prohibit the use of nets, traps, set lines, and trot lines. Anglers may only use a rod and reel or pole with a hook and line attached to fish.

(vi) We prohibit the possession of cleaned or processed fish on the refuge.

(vii) We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

(viii) We prohibit crawfishing.

(q) *Mandalay National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of duck, teal, merganser, light and dark goose, gallinule (including moorhen), coot, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow only youth hunting of migratory game birds and only in the Hanson Unit on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m. of the State teal, youth, and regular waterfowl seasons.

(iii) We open the Hanson Unit only to youth goose hunting during any segment of the goose season that extends beyond the regular duck season on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m.

(iv) Migratory bird hunters are only allowed to enter the refuge after 4 a.m.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game and migratory game bird hunts. An adult may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. The youth must be capable of and must actively participate in the hunt by possessing or firing a legal weapon during the hunt for the express purpose of harvesting game. Parents or adult guardians are responsible for ensuring that hunters age 15 and younger do not violate refuge rules.

(vi) Adults accompanying youth on refuge hunts may participate by hunting, but are not allowed to harvest more than their own daily bag limit.

(vii) We only allow incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(viii) We allow incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(2) *Upland Game Hunting*. We allow youth hunting of squirrel and rabbit,

and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or .22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) The conditions set forth at paragraphs (q)(1)(i) and (v) through (ix) apply.

(iii) The Hanson Unit is closed to youth hunting prior to 2 p.m. on Wednesdays, Thursdays, Saturdays, and Sundays during waterfowl hunt season.

(iv) Hunters must leave the refuge no later than 2 hours after legal sunset.

(3) *Big game hunting*. We allow the hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We open the refuge to hunting of white-tailed deer only during the State archery season. We close the Hanson Unit to big game hunting prior to 2 p.m. on Wednesdays, Thursdays, Saturdays, and Sundays during State waterfowl seasons.

(ii) You may take only one deer of either sex per day.

(iii) We prohibit the use of deer decoys.

(iv) We only allow portable stands. Hunters may erect temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge. Deer stands must have the owner's State hunting license/sportsman's identification number clearly printed on the stand.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraphs (q)(1)(i), (v), (vi), (viii), and (ix) and (q)(2)(iv) of this section apply.

(4) *Sport fishing*. We allow recreational finfishing and shellfishing in all refuge waters subject to the following conditions:

(i) We prohibit the use of unattended nets, traps, or lines (trot, jog, bush, etc.).

(ii) The refuge is open from legal sunrise until legal sunset.

(iii) The condition set forth at paragraph (q)(1)(i) of this section applies.

(r) *Red River National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of duck,

goose, coot, woodcock, snipe, rail, gallinule, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters must possess and carry a signed refuge brochure.

(ii) We allow waterfowl hunting until 12 p.m. (noon) during the State season. Waterfowl hunters must exit the refuge no later than 1:30 p.m. We allow other migratory bird hunting until 12 p.m. (noon) during the State season, except for woodcock hunting which ends at legal sunset.

(iii) Hunters may enter the refuge no earlier than 4 a.m.

(iv) Hunters may only hunt during designated times and seasons within specified State seasons as listed in refuge brochure.

(v) We prohibit hunting within 100 feet (30 meters) of any public road, refuge road, trail or all-terrain vehicle trail, residence, building, aboveground oil or gas or electrical transmission facility, or designated public facility.

(vi) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vii) We allow the incidental take of coyote, beaver, armadillo, nutria, and feral hogs in designated areas during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting*. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge, subject to the following conditions:

(i) The conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii) of this section apply.

(ii) We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting.

(iii) We allow the use of dogs to hunt squirrel and rabbit after December 31.

(iv) Hunters must exit the refuge no later than 1 hour after legal shooting hours, unless participating in authorized hunting after legal sunset.

(3) *Big game hunting*. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii) and (r)(2)(iv) of this section.

(4) *Sport fishing*. We allow fishing and crawfishing on designated areas of the refuge subject to the following conditions:

(i) We allow use of only electric trolling motors on all refuge waters while fishing.

(ii) Recreational fishing using commercial gear (slat traps, etc.)

requires a special refuge permit (Special Use Permit (FWS Form 3–1383–G)), which is available at the refuge office. You must possess and carry the special refuge permit while fishing using commercial gear.

(iii) We prohibit take of alligator snapping turtle and mollusks (see § 27.21 of this chapter).

* * * * *

(t) *Tensas National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, rail, gallinule, coot, woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) All hunters and anglers age 16 and older must purchase an Annual Public Use Permit (FWS Form 3–2439). This permit allows individuals to participate in open (non-quota) hunting and fishing seasons.

(ii) All hunters and anglers must obtain a Self-Clearing Permit (FWS Form 3–2405), available at refuge entry points and at the Visitor Center, or utilize electronic check in and check out, and complete the self-clearing process when exiting the refuge at the end of each day.

(iii) We allow hunting of duck, goose, rail, gallinule, coot, and snipe on Tuesdays, Thursdays, Saturdays, and Sundays until 2 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

(iv) We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt or tracking wounded deer.

(v) We allow all-terrain vehicle travel on designated trails for access typically from October 1 to the last day of the refuge squirrel season.

(vi) We prohibit field dressing of game within 150 feet (45 meters) of parking areas, maintained roads, and trails.

(vii) An adult age 18 or older must supervise youth hunters age 17 and younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts, but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them.

(viii) We allow the incidental take of coyote, beaver, raccoon, opossum, feral hog, armadillo, and nutria during authorized hunts with firearms and archery equipment legal for use during the hunt.

(2) *Upland game hunting.* We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) A nighttime raccoon hunt will be conducted during December, January, and/or February, usually in conjunction with the adjacent State Wildlife Management Area raccoon hunting season.

(iii) We allow the use of dogs when squirrel and rabbit hunting subject to the Annual Public Use brochure.

(iv) We close squirrel and rabbit hunting during the following gun hunts for deer: Refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) We require a valid Quota Firearm Permit (FWS Form 3–2439) to hunt during a Deer Quota Firearm Hunt. You must complete and submit an application for all Deer Quota Hunts, and hunters will be notified of their drawing status. If selected, hunters are required to purchase the Annual Public Use Permit (FWS Form 3–2439) to claim their Quota Firearm Permit for the selected hunt. Hunters must carry a signed paper copy or electronic version of the permit with them on their person while hunting.

(iii) Deer archery season will begin the first Saturday in November and will conclude on January 31, except for during the youth gun hunt and modern firearms hunts, when archery is prohibited.

(iv) The deer primitive firearms season will occur between November 1 and January 31. We allow all legal primitive firearms as governed by State regulations.

(v) We prohibit hunting and/or shooting into or across any reforested area during the gun hunts for deer.

(vi) For the guided quota youth hunts, we consider youth to be ages 8 through 15.

(vii) We will conduct a refuge-wide youth deer hunt that will coincide with the State youth hunt weekend.

(viii) Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts, except that during guided youth and wheelchair-bound hunts, the limit will be one antlerless and one antlered deer per day.

(ix) We allow turkey hunting in designated areas during the State turkey hunt season not to exceed 16 days.

(x) We allow a youth turkey hunt weekend in conjunction with the State youth turkey hunt weekend.

(xi) We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (45 meters) from any designated public road, maintained road, trail, fire break, dwelling, or aboveground oil and gas production facility. We define a “maintained road or trail” as one that has been mowed, disked, or plowed, or one that is free of trees.

(xii) We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands from the refuge by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must remove portable stands from trees at the end of each day’s hunt and place freestanding stands in a nonhunting position when unattended. Hunters must clearly mark stands left unattended on the refuge with the hunter’s last name, Louisiana Department of Wildlife and Fisheries license number, and I-Sportsman Permit Number.

(xiii) We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i) and (ii) of this section apply.

(ii) We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

(iii) We prohibit the taking of turtle (see § 27.21 of this chapter).

(iv) We prohibit fish cleaning within 150 feet (45 m) of parking areas, maintained roads, and trails.

(u) *Upper Ouachita National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, rail, gallinule, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) You must carry a signed refuge public use brochure and must carry and fill out a Visitor Check-In Permit and Report (FWS Form 3–2405) daily.

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed refuge public use brochure.

(iii) Hunters may enter the refuge no earlier than 4 a.m. We allow migratory bird hunting until 12 p.m. (noon) during the State season and must exit the

refuge no later than 1:00 p.m., except for woodcock hunting which ends at legal sunset.

(iv) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads and from or across all-terrain vehicle (ATV) trails. We prohibit hunting within 50 feet (15 m) of, or trespassing on, aboveground oil, gas, or electrical transmission facilities.

(v) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vi) We allow ATVs only on trails designated for their use and marked by signs (see § 27.31 of this chapter). ATV trails are closed March 1 through August 31.

(vii) We allow the incidental take of coyote, beaver, armadillo, nutria, and feral hog during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iii), (iv), (vi), and (vii) of this section apply.

(ii) You must exit no later than 2 hours after legal shooting hours, unless participating in authorized hunting after legal sunset.

(iii) We allow the nighttime hunting of raccoon and opossum from December 1 to January 31 with the aid of dogs. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iii), (iv), (vi), and (vii) and (u)(2)(ii) of this section apply.

(ii) Deer hunters must wear hunter orange as governed by State deer hunting regulations in wildlife management areas.

(iii) We prohibit hunters from placing stands or hunting from stands on pine trees with white-painted bands and/or rings.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

(ii) We prohibit the taking of turtle and mollusk (see § 27.21 of this chapter).

(iii) Only collapsible twine nets can be used for crawfishing and are permitted only during daylight hours. Nets cannot be left on the refuge overnight.

■ 12. Amend § 32.41 by revising and republishing paragraphs (a) through (f) to read as follows:

§ 32.41 Michigan.

* * * * *

(a) *Detroit River International Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to blinds, blind materials, boats, stands, platforms, and decoys, brought onto the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow refuge access from 1½ hour prior to legal sunrise until 1½ hours after legal sunset.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit the use of electronic or photographic trail monitoring devices, such as game cameras.

(v) Hunters must possess and meet all conditions of a FWS Form 3–2439, Hunt Application/Permit or a State-issued permit for all special permit hunt units.

(vi) Nonmotorized boats are permitted on all hunt units. Motorized boats are only permitted on mean highwater hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for hunting of English sparrow and European starling, on designated areas of the refuge and subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (vi) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iv) We only allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting.* We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (ii) and (iv)

through (vi) and (a)(2)(ii) and (iv) of this section apply.

(ii) For turkey hunting, you may possess only approved nontoxic shot (see § 32.2(k)) while in the field.

(iii) We allow placement of one tree stand per hunter per hunt unit per deer season.

(iv) We prohibit the use of firearms for deer hunting on the Fix Unit and Plum Creek Bay areas, collectively referred to as the Archery Deer Only Unit, and on the Humbug Special Hunt Unit.

(4) [Reserved]

(b) *Harbor Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1 hour before legal sunrise and must leave the refuge no later than 1 hour after legal sunset.

(ii) You must remove all personal property, including but not limited to boats, blinds, blind materials, stands, decoys, and other hunting equipment, from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(ii) For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(3) *Big game hunting.* We allow hunting of big game subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(ii) We prohibit dogs for big game hunting.

(iii) Deer hunters may place one portable stand or blind on the refuge for use while deer hunting, but only during the open deer season (see §§ 27.93 and 27.94 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition that we prohibit the taking of any mussel (clam), crayfish, leech, frog, toad, salamander, snake, lizard, turtle, and other non-fish

species by any method on the refuge (see § 27.21 of this chapter).

(c) *Kirtland's Warbler Wildlife Management Area*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, and other hunting equipment, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State subject to the following conditions: the conditions set forth in paragraphs (c)(1)(i) through (iii) of this section apply.

(3) *Big game hunting*. We allow hunting of big game species authorized by the State subject to the following conditions: the conditions set forth in paragraphs (c)(1)(i) and (iii) of this section apply, except that deer hunters may place one blind each that remains in place until the applicable State deadline for removal.

(4) [Reserved]

(d) *Michigan Wetland Management District*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, and blind materials, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State subject to the following conditions: the conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply.

(3) *Big game hunting*. We allow the hunting of big game species authorized by the State subject to the following conditions: the conditions set forth in paragraphs (d)(1)(i) and (iii) of this section apply, except that deer hunters may place one blind each that remains

in place until the applicable State deadline for removal.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge.

(e) *Seney National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of woodcock and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(iii) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting*. We allow hunting of ruffed grouse and snowshoe hare on designated areas of the refuge subject to the conditions set forth at paragraphs (e)(1)(i) through (iv) of this section.

(3) *Big game hunting*. We allow the hunting of deer and bear on designated areas of the refuge subject to the conditions set forth at paragraphs (e)(1)(ii) through (iv) of this section, except that we allow placement of one tree stand or ground blind per hunter per hunt unit per deer season that remains in place until the applicable State deadline for removal.

(4) *Sport fishing*. We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of fishing weights or lures containing lead.

(ii) We allow ice fishing from January 1 through the end of February.

(iii) Anglers must remove ice fishing shelters and all other personal property from the refuge each day (see § 27.93 of this chapter).

(iv) We allow fishing on designated refuge pools from May 15 through September 30.

(v) We allow fishing only from legal sunrise to legal sunset.

(f) *Shiawassee National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl hunting on Saturdays, Sundays, Tuesdays, and Thursdays during waterfowl seasons.

(ii) We allow hunter access to the refuge 2 hours before legal shooting time to 2 hours after legal shooting time.

(iii) You may possess no more than 25 shotgun shells while waterfowl hunting in the field, consistent with Michigan State Game Areas.

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(v) We allow the harvest of pigeon during any open season.

(vi) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vii) We allow hunting by boat in navigable waterways but not within any managed refuge units.

(viii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State, except for English sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(iii) and (iv) through (vi) and (viii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We prohibit the use of buckshot for any hunting on the refuge.

(iv) We allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting*. We allow hunting of turkey and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(ii) and (v) and (vi) and (viii), as well as paragraphs (f)(2)(iii) and (iv) of this section apply.

(ii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3-2439) or a state-issued permit while deer hunting.

(iii) You may use only approved nontoxic shot shells while in the field hunting turkey (see 32.2(k)).

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing by boat in navigable waterways but not within any managed refuge units.

(ii) We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Tittabawassee and Cass Rivers.

■ 13. Amend § 32.42 by revising and republishing paragraphs (a), (b), (c), (e), (f), (g), (i), (j), (k), (l), (m), (o), and (s) to read as follows:

§ 32.42 Minnesota.

* * * * *

(a) *Agassiz National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We close the refuge from 9 p.m. to 5:30 a.m.

(v) We allow the use of motorless boats for hunting.

(vi) We allow hunting from September 1 through the last day of February within the South Unit and from October 1 through the last day of February within the North and East-West Units. The only exception is turkey hunting which follows State season dates. The North Unit is closed to migratory bird hunting. The East-West Unit is closed to migratory bird hunting, except rail, snipe, and woodcock.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for hunting gopher, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (vi) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of bear, elk, and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (iv) through (vi) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to motorized public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) Hunters may place up to two total tree stands, elevated platforms, or ground blinds on the refuge only during the designated licensed season. Hunters must remove these stands/blinds by the

end of the designated licensed season (see § 27.93 of this chapter). Unoccupied stands/blinds may be used by anyone. Hunters must clearly label stands and blinds with their State hunting license number.

(4) [Reserved]

(b) *Big Stone National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for hunting of sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(ii) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle all blinds and platforms made from natural vegetation at the end of each day. Hunters may not bring vegetation onto the refuge from offsite.

(iv) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) Only non-motorized boats are permitted for access on refuge waters.

(vi) During the waterfowl season, the use of non-motorized boats is prohibited in the West Pool unit. The East Pool unit will remain open for non-motorized boats during waterfowl season for hunting and fishing.

(vii) We allow hunting from September 1 through the last day of February. The only exception is turkey hunting which follows State season dates.

(viii) We are closed to light goose during the State's conservation goose and March crow seasons.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for hunting of gopher, coyote, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (vii) of this section apply.

(ii) For turkey hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)) while in the field.

(iii) Hunters may only hunt fox, badger, opossum, weasel, and raccoon from ½ hour before legal sunrise until legal sunset from the beginning of the State season through the last day of February.

(iv) Hunters may only hunt striped skunk from ½ hour before legal sunrise until legal sunset from September 1 through the last day of February.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (vi) of this section apply, except that paragraph (b)(1)(ii) of this section allowing the use of dogs does not apply to bear hunting.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(4) *Sport fishing.* We allow sport fishing on all waters of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(v) and (vi) of this section apply.

(ii) We prohibit the taking of turtle, frog, leech, minnow, crayfish, mussel (clam), toad, salamander, snake, lizard, and any other non-fish species covered in the Minnesota Fishing Regulations booklet by any method on the refuge (see § 27.21 of this chapter).

(iii) Fishing is only allowed during daylight hours.

(c) *Big Stone Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district subject to the following conditions:

(i) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district subject to the following conditions: the conditions set forth at paragraphs (c)(1)(ii) through (iv) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district subject to the conditions set forth at paragraphs (c)(1)(iii) and (v) of this section.

* * * * *

(e) *Detroit Lakes Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the Headquarters Waterfowl Production Area (WPA) in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

(i) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district, except that we prohibit hunting on the Headquarters WPA in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

(i) The conditions set forth at paragraphs (e)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district, except that we prohibit hunting on the Headquarters WPA in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County, subject to the conditions set forth at paragraphs (e)(1)(ii) through (v) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (e)(1)(iii) and (v) of this section.

(f) *Fergus Falls Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore Waterfowl Production Areas (WPA) and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and in designated portions of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County. The following conditions apply:

(i) The conditions set forth at paragraphs (f)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district,

except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County, subject to the conditions set forth at paragraphs (f)(1)(ii) through (v) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County, subject to the conditions set forth at paragraphs (f)(1)(iii) and (v) of this section.

(g) *Glacial Ridge National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow nonmotorized boats in areas open to migratory bird hunting during the migratory bird hunting seasons.

(v) We prohibit hunting during the Spring Light Goose Conservation Order.

(vi) We allow the use of wheeled, nonmotorized conveyance devices (e.g., bikes, game carts).

(vii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for gopher, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (iii) and (vi) through (viii) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see

§ 32.2(k)) in the field while hunting turkey.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(ii) through (iii) and (vi) through (viii) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) We prohibit the use of dogs for bear hunting.

(4) [Reserved]

* * * * *

(i) *Litchfield Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district; except we prohibit hunting on that part of the Phare Lake Waterfowl Production Area (WPA) in Renville County that lies within the Phare Lake State Game Refuge. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, including turkey, throughout the district, except we prohibit hunting on the portion of the Phare Lake WPA within Renville County. The following conditions apply:

(i) The conditions set forth at paragraphs (i)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see

§ 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district, except we prohibit hunting on that part of the Phare Lake WPA in Renville County that lies within the Phare Lake State Game Refuge, subject to the conditions set forth at paragraph (i)(1)(ii) through (iv) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (i)(1)(iii) and (v) of this section.

(j) *Minnesota Valley National Wildlife Refuge—(1) Migratory game bird hunting.* We allow the hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We require a special use permit (FWS Form 3-1383-G) for refuge-specific special hunts and refuge-specific population management hunts.

(ii) We prohibit the discharge of a weapon on, from, across, or within 100 feet (30 meters) of any service road, parking area, or designated hiking trail.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) We allow access for hunting from 2 hours before legal sunrise until 1 hour after legal sunset.

(vi) We allow the use of dogs while hunting migratory birds, provided the dog is under the immediate control of the hunter at all times.

(vii) We prohibit hunting during the State spring goose hunt.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) and (viii) of this section apply.

(ii) We prohibit single projectile ammunition for hunting upland game, except that we allow hunters to use small-caliber rimfire rifles and handguns (.22 caliber and smaller) on designated areas of the refuge.

(iii) We allow the use of dogs only while hunting upland game birds and small game, except for furbearers.

(iv) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(v) You may only hunt badger, fox, opossum, and raccoon from ½ hour before legal sunrise until legal sunset, from the beginning of the State season through the last day of February, on designated areas of the refuge.

(vi) We allow hunting of unprotected wild animals, as designated by the State, from ½ hour before legal sunrise until legal sunset, from September 1 through the last day of February, on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the conditions set forth at paragraphs (j)(1)(i) through (v) and (viii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge during daylight hours subject to the following conditions:

(i) The condition set forth at paragraph (j)(1)(iv) of this section applies.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(k) *Minnesota Valley Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district subject to the following conditions:

(i) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(ii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(vi) We permit only archery hunting in the Soberg Waterfowl Production Area.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)(i) through (vi) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district subject to the conditions set forth at paragraphs (k)(1)(i) through (iii) and (vi) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (k)(1)(ii) and (v) of this section.

(l) *Morris Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area (WPA) in Stevens County. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders, including those made from natural vegetation at the end of each day's hunt.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the WPA at the end of each day's hunt (see 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except that we prohibit hunting on the designated portions of the Edward-Long Lake WPA in Stevens County. The following conditions apply:

(i) The conditions set forth at paragraphs (l)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow deer hunting throughout the district, except that we prohibit hunting on the designated portions of the Edward-Long Lake WPA in Stevens County, subject to the conditions set forth at paragraphs (l)(1)(ii) through (iv) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district, except that we prohibit fishing on the designated portions of the Edward-Long WPA in Stevens County, subject to the conditions set forth at paragraphs (l)(1)(iii) and (v) of this section apply.

(m) *Northern Tallgrass Prairie National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) We allow the use of dogs while hunting, except when hunting furbearers, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except hunting of gopher, house sparrow, European starlings, and monk parakeets, on designated areas subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of bear, white-tailed deer, and elk on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(ii) through (v) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(ii) The condition set forth at paragraph (m)(1)(iii) of this section applies.

* * * * *

(o) *Rydell National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We only allow hunting of coot, light and dark goose, and duck during the special State-administered youth waterfowl season.

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) We allow nonmotorized boats in areas open to migratory bird hunting during the special State-administered youth waterfowl season.

(v) We prohibit hunting during the Spring Light Goose Conservation Order.

(vi) We allow the use of wheeled, nonmotorized conveyance devices (e.g., bikes, game carts).

(vii) We allow access from 2 hours before legal sunrise until 2 hours after legal sunset.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(ix) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the WPA at the end of each day's hunt (see 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except hunting of gopher, house sparrow, European starling, and monk parakeet on designated areas of the

refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (o)(1)(ii), (iii), and (vi) through (ix) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(iii) We prohibit the use of centerfire, rimfire, or muzzleloading rifles, and handguns.

(iv) We prohibit hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (o)(1)(iii) and (vi) through (ix) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) We require a State-issued permit to hunt white-tailed deer in the Special Permit Area of the refuge.

(iv) We allow only archery and muzzleloader for hunting deer, except for during the special State-administered mentored youth hunt and disabled hunt.

(v) We allow only archery and shotgun (using slugs) for hunting bear.

(vi) We prohibit the use of dogs for hunting bear.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (o)(1)(ix) of this section applies.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) We allow fishing from May 1 through November 1.

* * * * *

(s) *Windom Wetland Management District—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the district, except that we prohibit hunting on the Worthington Waterfowl Production Area (WPA) in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply:

(i) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials,

stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the district, except that we prohibit hunting on the Worthington WPA in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply:

(i) The conditions set forth at paragraphs (s)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State on designated areas of the district, except that we prohibit hunting on the Worthington WPA in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply: The conditions set forth at paragraphs (s)(1)(i) and (iii) through (v) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district subject to the following condition: The conditions set forth at paragraphs (s)(1)(i) and (v) of this section apply.

* * * * *

■ 14. Amend § 32.43 by:

■ a. Revising and republishing paragraphs (a), (d), (e), (f), (g), (h), (i), and (k);

■ b. Redesignating paragraph (m) as paragraph (n);

■ c. Adding new paragraph (m); and

■ d. Revising and republishing newly redesignated paragraph (n).

The revisions and addition read as follows:

§ 32.43 Mississippi.

* * * * *

(a) *Bogue Chitto National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We only allow hunting of duck, merganser, teal, light and dark goose, and gallinule from 1/2 hour before legal sunrise until 2 p.m. of the State seasons, including during the State teal season, State youth waterfowl season, State veterans season, and special light goose conservation season.

(iii) You must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) For the purpose of hunting, we prohibit possession of slugs, buckshot, and rifle and pistol ammunition, except during the deer gun and primitive firearm seasons (see § 32.2(k)).

(viii) You may use only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for rabbit and squirrel hunting, and the incidental take of raccoon, on specific dates listed in the refuge hunt brochure.

(ii) During any open deer firearm or primitive firearm season on the refuge, all hunters, except waterfowl hunters, must wear hunter orange, blaze pink, or other such color as governed by State regulations.

(iii) The conditions set forth at paragraphs (a)(1)(i) and (v) through (ix) of this section apply.

(iv) You may use .22 caliber rifles or smaller while hunting upland game and ammunition must be size 4 or smaller (see § 32.2(k)).

(v) We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.72 meters) on the Pearl River Gauge at Pearl River, Louisiana.

(vi) During the dog season for squirrels, rabbits, and incidental take of raccoon, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a cap or hat that is hunter-orange, blaze pink, or other such color as governed by State regulations.

(vii) We prohibit upland game hunting on days corresponding with refuge deer gun and primitive firearm hunts.

(viii) We only allow quail hunting until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(i) and (viii) and (a)(2)(v) of this section apply.

(ii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iii) Deer hunters hunting from concealed blinds must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) above or around their blinds that is visible from 360 degrees.

(iv) We hold a special dog hog hunt in February. During this hunt, the following conditions apply, in addition to the other conditions set forth in this paragraph (g)(3):

(A) You must use trained hog-hunting dogs to aid in the take of hog.

(B) We allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset.

(C) You must possess only approved nontoxic shot, or pistol or rifle

ammunition not larger than .22 caliber rim-fire, to take the hog after it has been caught by dogs.

(v) You must kill all hogs prior to removal from the refuge.

(vi) We prohibit the use of deer and turkey gobbler decoys.

(vii) We prohibit using shot larger than BB-lead, or T-steel, while hunting during turkey season.

(viii) We describe the dates for turkey hunts and deer general gun hunts, youth hunts, and veterans hunts in the refuge user brochure.

(4) *Sport fishing.* We allow only recreational fishing year-round on designated areas of the refuge subject to the following conditions:

(i) We only allow cotton limb lines.

(ii) We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

(iii) When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When the fishing ponds at the Pearl River Turnaround are open, hook and line is the only legal method of take in those ponds.

(iv) The Pearl River Turnaround area, when open to fishing, is open ½ hour before legal sunrise to ½ hour after legal sunset.

(v) The conditions set forth at paragraphs (a)(1)(i) and (viii) and (a)(2)(v) of this section apply.

* * * * *

(d) *Grand Bay National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, and dove (mourning and white-winged) on designated areas of the refuge subject to the following conditions:

(i) Each hunter must possess and carry a signed copy of the refuge brochure while participating in refuge hunts.

(ii) Hunters must remove all decoys, blind material, and harvested waterfowl from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iii) You must only use portable or temporary blinds.

(iv) We only allow the use of dogs when waterfowl hunting. We require all dogs to wear a collar displaying the owner's contact information.

(v) We allow incidental take of coyote and nutria during any refuge hunt with the legal weapons for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of squirrel (gray and fox) and rabbit (cottontail and swamp), and incidental take of coyote and nutria, on designated areas of the refuge subject to the conditions set forth at paragraphs (d)(1)(i) and (v) of this section.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) of this section apply.

(ii) We only allow hunting with bow and arrow. We prohibit firearms.

(iii) We allow portable and climbing tree stands. Hunters must remove tree stands from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may enter the refuge no earlier than 30 minutes prior to sunrise and must leave the refuge no later than 30 minutes after legal sunset each day.

(ii) We prohibit fishing from legal sunset to legal sunrise.

(e) *Hillside National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, raccoon, striped skunk, opossum, coyote, beaver, bobcat, and nutria during any hunting, and incidental take of feral hog during deer and turkey hunting only.

(iv) We prohibit hunting in or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day

prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), (iv), and (vi) of this section apply, with the exception to paragraph (e)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow sport fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (e)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(f) *Holt Collier National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, raccoon, striped skunk, opossum, coyote, beaver, bobcat, and nutria during any hunting, and incidental take of feral hog during deer and turkey hunting only.

(iv) We prohibit hunting in or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i), (iii), (iv), and (vi) of this section apply, with the exception to paragraph (e)(1)(vi) of this section that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort

to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow sport fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (f)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(g) *Mathews Brake National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, raccoon, striped skunk, opossum, coyote, beaver, bobcat, and nutria during any refuge hunting. We allow incidental take of feral hog during deer hunting only.

(iv) We prohibit hunting or shooting into a 100-foot (30.5 meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, boats, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, and quail on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (iii), (iv), and (vi) of this section apply, with the exception to paragraph (g)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (iii), (iv), and (vi) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the

tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (g)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(h) *Morgan Brake National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i), (iii), (iv), and (vi) of this section apply.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(i) *Panther Swamp National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of woodcock, snipe, goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following regulations:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(i), (iii), (iv), and (vi) of this section applies, with the exception to paragraph (i)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) We prohibit hunting raccoon without a dog.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer, as defined by the State, per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to

the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (i)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(k) *St. Catherine Creek National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, and woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a valid refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We only allow hunting shotguns, .22 caliber rimfire rifles or smaller, and muzzle-loading rifles under .38 caliber shooting patched round balls. We prohibit the possession of hunting with slugs, buckshot, or rifle hunting ammunition larger than .22 rimfire.

(iii) We only allow the use of dogs for rabbit hunting in January and February.

(iv) We prohibit hunting raccoon without a dog.

(v) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed state bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(m) *Theodore Roosevelt National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i), (iii), and (iv) of this section apply.

(ii) The use of dogs for rabbit hunting is only allowed in January and February.

(iii) Hunting raccoon without a dog is prohibited.

(iv) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(n) *Yazoo National Wildlife Refuge—*

(1) *Migratory game bird hunting.* We allow hunting of duck, goose, merganser, coot, dove, woodcock and snipe on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, and raccoon, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(i), (iii), and (v) of this section apply.

(ii) The use of dogs for rabbit hunting is only allowed in January and February.

(iii) Hunting raccoon without a dog is prohibited.

(iv) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraphs (n)(1)(i) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

■ 15. Amend § 32.44 by revising and republishing paragraphs (b), (c), (e), and (h) to read as follows:

§ 32.44 Missouri.

* * * * *

(b) *Clarence Cannon National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following condition:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Harvest Report (FWS Form 3-2542).

(ii) We prohibit shooting at deer that are on any portion of the main perimeter levee.

(iii) If you are assigned a specific blind location, you may hunt only from that location.

(iv) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(v) You may use or possess only approved nontoxic shot shells for hunting turkey (see § 32.2(k)).

(vi) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vii) The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(4) *Sport fishing.* We allow fishing subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow only boat fishing, except that we allow bank fishing during managed refuge special events.

(iii) Anglers must remove all boats and fishing equipment at the end of each day (see § 27.93 of this chapter).

(c) *Great River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(ii) through (iv) of § 32.32.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(ii) through (iv) and (f)(2)(ii) and (iii) of § 32.32.

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer in designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) and (f)(3)(ii) and (iii) of § 32.32.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following condition: We prohibit the taking of minnow, turtle, and frog (see § 27.21 of this chapter).

* * * * *

(e) *Middle Mississippi River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of all State-listed migratory game birds on designated areas of the refuge subject to the conditions set forth at paragraph (j)(1)(i) through (iii) of § 32.32.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (e)(1) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow only portable tree stands from September 1 through January 31 of each year. You must permanently attach your State-generated hunter identification number in a visible location on the stand. We allow only one tree stand per hunter.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge

subject to the conditions set forth at paragraphs (j)(4)(i) through (iii) of § 32.32.

* * * * *

(h) *Two Rivers National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) of § 32.32.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) and (l)(2)(ii) through (iv) of § 32.32.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) and (l)(2)(ii) and (3)(l)(ii) and (iii) of § 32.32.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the conditions set forth at paragraph (j)(4)(i) through (iii) of § 32.32.

■ 16. Amend § 32.45 by:

■ a. Revising and republishing paragraphs (c), (d), (e), (g), and (h);

■ b. Redesignating paragraphs (i) through (x) as paragraphs (j) through (y), respectively;

■ c. Adding new paragraph (i); and

■ d. Revising and republishing newly redesignated paragraphs (j), (k), (l), (m), (p)(3)(i), (q), (r), (s), and (y).

The revisions and addition read as follows:

§ 32.45 Montana.

* * * * *

(c) *Black Coulee National Wildlife Refuge—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow big game hunting authorized by the State on designated portions of the refuge subject to the following conditions:

(i) We allow hunters to leave portable tree stands, portable blinds, and freestanding elevated platforms on the refuge during the hunting season.

(ii) You must visibly mark portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system number.

(4) [Reserved]

(d) *Bowdoin National Wildlife Refuge—(1) Migratory game bird*

hunting. We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge subject to the condition that you must possess and carry a refuge Special Use Permit (FWS Form 3–1383–G) to hunt fox and coyote.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) [Reserved]

(e) *Bowdoin Wetland Management District—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district.

(3) *Big game hunting.* We allow big game hunting authorized by the State on designated areas of the district subject to the following conditions:

(i) You may leave portable tree stands, portable blinds, and freestanding elevated platforms on waterfowl production areas (WPAs) from August 15 through January 1.

(ii) You must label portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system number. The label must be legible from the ground.

(iii) McNeil Slough WPA and Hammond WPA are weapon restricted areas. Allowable weapons include those which are allowed on Cree Crossing Wildlife Management Area as regulated by the State of Montana.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district.

* * * * *

(g) *Charles M. Russell Wetland Management District—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district subject to the following conditions:

(i) You must remove all watercraft and personal equipment following each day of hunting (see §§ 27.93 and 27.94 of this chapter).

(ii) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(iii) Only non-motorized boats are permitted.

(2) *Upland game hunting.* We allow upland game bird hunting on designated areas of the district.

(3) *Big game hunting.* We allow big game hunting on designated areas of the

district subject to the following conditions:

(i) You must remove your tree stand(s) from the refuge after each day's hunt (see § 27.93 of this chapter).

(ii) Hunting for big game at Clark's Fork Waterfowl Production Area is limited to archery only equipment.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district subject to the condition anglers must remove all boats and other personal equipment at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(h) *Creedman Coulee National Wildlife Refuge—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) [Reserved]

(i) *Grass Lake National Wildlife Refuge—(1) Migratory Game Bird Hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(ii) Only non-motorized boats are permitted.

(2) *Upland Game Hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big Game Hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge subject to the condition that you may use a portable blind but must remove your blind from the refuge after each day's hunt.

(4) [Reserved]

(j) *Hailstone National Wildlife Refuge—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow only upland game bird hunting on designated areas of the refuge.

(3) *Big Game Hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge subject to the condition that you may use a portable blind but must remove your blind from the refuge after each day's hunt.

(4) [Reserved]

(k) *Hewitt Lake National Wildlife Refuge—(1) Migratory game bird*

hunting. We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to leave portable tree stands and freestanding elevated platforms on the refuge from August 15 through January 1.

(ii) You must visibly mark portable tree stands and freestanding elevated platforms with your automated licensing system number.

(4) [Reserved]

(l) *Lake Mason National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(ii) Only non-motorized boats are permitted.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge.

(4) [Reserved]

(m) *Lake Thibadeau National Wildlife Refuge—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game bird, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game hunting authorized by the State on designated areas of the refuge.

(4) [Reserved]

* * * * *

(p) * * *

(3) * * *

(i) The conditions set forth at paragraphs (p)(2)(i) through (iii) of this section apply.

* * * * *

(q) *Medicine Lake National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the condition that we allow hunting of coyote, red fox, and white-tailed

jackrabbit during daylight hours from November 15 through March 31.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(r) *Ninepipe National Wildlife Refuge.* (1)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge as governed by joint State and Confederated Salish and Kootenai Tribal regulations for non-members and Confederated Salish and Kootenai Tribal regulations for members of the Confederated Salish and Kootenai Tribe subject to the condition that we prohibit the use of lead or lead-based tackle.

(s) *Northeast Montana Wetland Management District—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the district subject to the following conditions:

(i) We allow hunters to leave portable tree stands and freestanding elevated platforms on waterfowl production areas from August 25 through January 1.

(ii) You must label portable tree stands and freestanding elevated platforms with your automated licensing system number so that the number is legible from the ground.

(4) *Sport Fishing.* We allow sport fishing on designated areas of the district.

* * * * *

(y) *War Horse National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

■ 17. Amend § 32.49 by revising and republishing paragraphs (a), (c), (d), and (e) to read as follows:

§ 32.49 New Jersey.

* * * * *

(a) *Cape May National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of light

goose, dark goose, duck, sea duck, gallinule, coot, rail, snipe, crow, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) The snipe and crow season on the refuge begins with the start of the State woodcock south zone season and continues through the end of the State snipe and crow seasons.

(iii) We prohibit falconry.

(iv) We prohibit night hunting from 2 hour after legal sunset until 2 hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) We allow woodchuck hunting from the beginning of the State woodcock south zone season until the end of the State rabbit season.

(iii) Coyote, fox, rabbit, squirrel, and pheasant seasons open at the beginning of the State woodcock south zone season and close in accordance with the State seasons for each species.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) Hunters must mark tree stands with their New Jersey conservation identification number.

(iii) We allow turkey hunting during the State fall season only.

(4) *Sport fishing.* We allow saltwater sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from 1 hour before legal sunrise to 1 hour after legal sunset.

(ii) We close the Atlantic Ocean portion of the Two Mile Beach Unit annually to all access, including fishing, between April 1 and September 30.

(iii) We prohibit fishing for, or possession of, crab or shellfish on refuge lands.

* * * * *

(c) *Great Swamp National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of Canada goose on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) Hunters must obtain a refuge hunt permit (FWS Form 3–2439) and possess

the signed permit at all times while hunting or scouting on the refuge.

(2) *Upland game hunting.* We allow hunting of coyote and fox on designated areas of the refuge subject to the condition that we only allow the incidental take of coyote and fox during the refuge deer and turkey hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to use sleds to retrieve deer in the Wilderness Area east of Long Hill/New Vernon Road. We prohibit wheeled game carriers in the Wilderness Area.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) [Reserved]

(d) *Supawna Meadows National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of light goose, dark goose, duck, sea duck, gallinule, coot, crow, rail, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We prohibit falconry.

(iii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) We allow woodchuck hunting only during the State coyote and fox seasons.

(ii) The conditions set forth at paragraphs (d)(1)(ii) and (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply.

(ii) We allow archery hunting for white-tailed deer during all six State Deer Management Zone 63 seasons and on youth hunting days.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of frogs and turtles from all nontidal waters and refuge lands (see § 27.21 of this chapter).

(ii) We allow fishing in designated nontidal waters from 1 hour before legal sunrise to 1 hour after legal sunset.

(iii) We prohibit bow fishing in nontidal waters.

(iv) We prohibit fishing for, or possession of, crab and shellfish on refuge lands.

(e) *Wallkill River National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) Hunters must obtain a refuge hunt permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System). We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge.

(ii) Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

(iii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting*. We allow hunting of coyote, fox, crow, ruffed grouse, opossum, raccoon, pheasant, chukar, rabbit/hare/jackrabbit, squirrel, and woodchuck on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) through (iii) of this section apply.

(ii) We prohibit night hunting.

(3) *Big game hunting*. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) and (ii) of this section apply.

(ii) We prohibit organized deer drives. We define a “deer drive” as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) At Owens Station Crossing and Hidden Ponds fishing areas, we allow catch-and-release fishing only.

(ii) We allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) We prohibit the taking of amphibians and reptiles (see § 27.21 of this chapter).

(iv) We prohibit minnow and bait trapping.

■ 18. Amend § 32.50 by revising and republishing paragraph (f) to read as follows:

§ 32.50 New Mexico.

* * * * *

(f) *Seville National Wildlife Refuge*—(1) *Migratory game bird*

hunting. We allow hunting of mourning dove, white-winged dove, goose, duck, and coot on designated areas of the refuge subject to the following conditions:

(i) In Hunt/Fish Units A and B, legal hunting hours begin from ½ hour before legal sunrise and will not extend past 1 p.m. on each hunt day.

(ii) In Rio Puerco Unit, legal hunting hours begin ½ hour before legal sunrise until legal sunset. Hunting is permitted Monday through Sunday during State established hunt dates.

(iii) Hunters may access Hunt/Fish Units A and B beginning at 5:00 a.m. to set up before shooting hours begin.

(iv) Hunting is permitted from designated blinds only in Hunt/Fish Unit B.

(v) We permit the use of dogs when hunting within Hunt/Fish Units A, B, and Rio Puerco Unit.

(2) *Upland game hunting*. We allow hunting of Gambel’s quail, Montezuma quail, scaled quail, Eurasian collared-dove, and ring-necked pheasant on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(ii), (iii), (iv), and (v) of this section apply.

(ii) Eurasian collared-dove hunting is permitted from designated blinds only in Hunt/Fish Unit B.

(iii) We open to Eurasian collared-dove hunting only during the State South Zone mourning and white-winged dove season.

(3) *Big game hunting*. We allow hunting of oryx on designated areas of the refuge subject to the following conditions:

(i) In Hunt Units A, B, C, and Rio Puerco, legal hunting hours begin ½ hour before legal sunrise until legal sunset. Hunting is permitted Monday through Sunday during State established hunt dates. Hunters must be escorted by refuge staff or refuge volunteers.

(ii) Hunters may have up to three non-hunters with them during hunting.

(4) *Sport fishing*. We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from February 16 through August 31 in Hunt/Fish Units A and B and from ½ hour before legal sunrise until ½ hour after legal sunset.

(ii) We only allow the use of hook and line for game species.

(iii) We allow the use of hook and line, spears, and archery equipment for nongame species.

(iv) We prohibit the use of any method not expressly allowed, including netting, seines, trot lines, cast nets, trawls, dip nets, and traps.

(v) We allow frogging for American bullfrog only when areas are open to fishing. We allow the use of hook and line, spears, gigs, and archery equipment to take bullfrog.

(vi) We prohibit collection or take of baitfish.

(vii) We prohibit the take or possession of reptiles, amphibians (excluding American bullfrogs), and mollusks (see § 27.21 of this chapter).

(viii) We prohibit tournament fishing on the refuge.

(ix) We prohibit climbing onto or fishing from any water control structure.

(x) Anglers must remain with their fishing equipment at all times and must remove all equipment brought onto the refuge at the end of each day’s fishing activity (see § 27.93 of this chapter).

■ 19. Amend § 32.51 by revising and republishing paragraph (j) to read as follows:

§ 32.51 New York.

* * * * *

(j) *Wallkill River National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) Hunters must obtain and possess a signed refuge hunt permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System) at all times while scouting and hunting on the refuge.

(ii) Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

(iii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting*. We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, jackrabbit, chukar, woodchuck, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (iii) of this section apply.

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) *Big game hunting*. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) and (ii) and (j)(2)(ii) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or

otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) At Owens Station Crossing and Hidden Ponds fishing areas, we allow catch-and-release fishing only.

(ii) We allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) We prohibit the taking of amphibians and reptiles (see § 27.21 of this chapter).

(iv) We prohibit minnow and bait trapping.

* * * * *

■ 20. Amend § 32.52 by revising and republishing paragraph (f) to read as follows:

§ 32.52 North Carolina.

* * * * *

(f) *Mattamuskeet National Wildlife Refuge—(1) Migratory game bird hunting.* We allow the hunting of tundra swan, goose, duck, and coot on designated areas of the refuge subject to the following conditions:

(i) We require possession of a validated and signed refuge permit.

(ii) Refuge personnel will assign you to a hunting blind. You must hunt from your assigned blind.

(iii) Hunters may only shoot crippled waterfowl from outside the assigned blind.

(iv) Hunters may use decoys, but you must remove them from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(v) All waterfowl hunters must check out at the assigned station prior to leaving the refuge.

(vi) Shooting hours are from ½ hour before legal sunrise until 12 p.m. (noon).

(vii) We allow the use of dogs when hunting.

(viii) We allow the taking of only Canada goose Monday through Saturday during the State September Canada goose season.

(ix) Hunting by youth hunters (age 16 and younger) is subject to the following conditions:

(A) An adult (aged 21 or older) with a valid license and applicable permits must accompany and supervise a youth hunter. The adult must remain in sight and voice contact with the youth hunter at all times. Each adult may supervise no more than two youth hunters.

(B) Youth hunters must possess and carry evidence of successful completion of a State-approved hunter education course.

(C) We allow hunting on Tuesdays, Wednesdays, Fridays, and Saturdays during the State late and youth waterfowl seasons.

(2) [Reserved]

(3) *Big game hunting.* We allow the hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The hunter must possess and carry a signed, validated refuge permit (name and address) while hunting.

(ii) Hunters may take one antlered deer and one antlerless deer per day, or two antlerless deer per day.

(iii) Hunters may take deer with shotgun, bow and arrow, crossbow, or muzzleloading rifle/shotgun.

(iv) We allow hunters on the refuge from 1 hour before legal shooting time until 1 hour after legal shooting time.

(v) Hunters can use boats to access hunt areas, but we prohibit hunting from a boat.

(vi) We only allow the use of portable blinds and deer stands. Blinds must display hunter orange that is visible from all directions. Hunters may erect one portable blind or stand the day before the start of their hunt and must remove it at the end of the second day of that hunt (see § 27.93 of this chapter). Any stands or blinds left overnight on the refuge must have a tag with the hunter's State hunting license number.

(vii) Hunters must wear a minimum of 500 square inches (3,250 square centimeters) of hunter-orange material above the waist that is visible from all directions.

(viii) An adult may only supervise one youth hunter. The youth hunter must be within sight and normal voice contact of the adult.

(ix) We allow the use of only biodegradable-type flagging.

(4) *Sport fishing.* We allow sport fishing and crabbing on designated areas of the refuge subject to the following conditions:

(i) We are open to sport fishing, bow fishing, and crabbing from March 1 through October 31, from ½ hour before legal sunrise to ½ hour after legal sunset, except that we allow bank fishing and crabbing year-round from:

(A) State Route 94 (24 hours a day);

(B) The north bridge and south of the north bridge at Lake Landing;

(C) The Outfall Canal water control structure;

(D) The Central Canal bridge on Wildlife Drive; and

(E) Along the west main and east main canal between the Entrance Road metal bridge and Number One East Canal as posted.

(ii) We prohibit herring dipping.

(iii) We allow crabbing subject to the following conditions:

(A) We allow only five handlines and hand-activated traps per person. Owners must be in attendance and remove all handlines and traps daily (see §§ 27.93 and 27.94 of this chapter).

(B) We prohibit crab pots.

(C) You may only take or possess 12 crabs per person per day.

* * * * *

■ 21. Amend § 32.53 by:

■ a. Revising and republishing paragraphs (c), (e), and (q);

■ b. Redesignating paragraphs (s) through (ooo) as paragraphs (t) through (ppp), respectively;

■ c. Adding new paragraph (s);

■ d. Revising and republishing newly redesignated paragraphs (x), (bb), (ff), (ll), and (pp);

■ e. Redesignating paragraphs (ss) through (ppp) as paragraphs (tt) through (qqq);

■ f. Adding new paragraph (ss);

■ g. Revising and republishing newly redesignated paragraphs (ccc), (fff), (jjj), and (mmm);

■ h. Redesignating paragraphs (nnn) through (qqq) as paragraphs (ooo) through (rrr), respectively; and

■ i. Adding new paragraph (nnn).

The revisions and additions read as follows:

§ 32.53 North Dakota.

* * * * *

(c) *Arrowwood National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and racoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boats at idle speed only on Arrowwood Lake and Jim Lake from May 1 to September 30 of each year.

(ii) We allow ice fishing and dark house spearfishing. We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow.

(iii) You may use and leave fish houses on the ice overnight until March 15.

* * * * *

(e) *Audubon National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice fishing on designated areas of the refuge.

* * * * *

(q) *Des Lacs National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We open for hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We only allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(4) [Reserved]

* * * * *

(s) *Florence Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

(x) *J. Clark Salyer National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, and coot on designated areas of the refuge subject to the condition that we allow the use of dogs for hunting and retrieving game birds.

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant in Hunting Area 2 and Hunting Area 3 on the day following the close of the regular firearm deer season.

(ii) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(iii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iv) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the

State designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and, blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons. You may access refuge roads open to the public before 12 p.m. (noon).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boat fishing from May 1 through September 30.

(ii) We allow ice fishing and dark house spearfishing. We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow.

* * * * *

(bb) *Lake Alice National Wildlife Refuge—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge subject to the following conditions:

(i) We allow motorized boats only during the migratory game bird hunting season; however, motors must not exceed 10 horsepower.

(ii) You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following condition: We allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice fishing on designated areas of the refuge subject to the following conditions:

(i) We allow vehicles and fish houses on the ice as conditions allow.

(ii) We allow public access for ice fishing from 5 a.m. to 10 p.m.

(iii) You must remove ice fishing shelters and personal property from the refuge by 10 p.m. each day (see §§ 27.93 and 27.94 of this chapter).

* * * * *

(ff) *Lake Nettie National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(4) [Reserved]

* * * * *

(ll) *Long Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge from legal sunrise to legal sunset.

* * * * *

(pp) *Lostwood National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

(4) [Reserved]

* * * * *

(ss) *McLean National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

(ccc) *Slade National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the

refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

(fff) *Stewart Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice or shore fishing on designated areas of the refuge.

* * * * *

(jjj) *Tewaukon National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March

31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(mmm) *Upper Souris National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(ii) Hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant in Hunting Unit 2 is not allowed from the beginning of duck hunting season through the end of State firearm deer season.

(iii) Hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant in Hunting Unit 3 is allowed on the day following the close of the State firearm deer season, through the end of the regular season for each species or March 31, whichever comes first.

(iv) Shooting hours are ½ hour before sunrise to sunset.

(v) We allow the use of dogs for hunting and retrieving legally harvested upland game birds.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow the use of boats, canoes, kayaks, and float tubes in designated boat fishing areas from Lake Darling Dam north to the State Highway 28 (Greene) crossing for fishing from May 1 through September 30.

(ii) We allow fishing from nonmotorized vessels only on the Beaver Lodge Canoe Trail from May 1 through September 30.

(iii) We allow boating and fishing from vessels on the Souris River from Mouse River Park to the north boundary of the refuge from May 1 through September 30.

(iv) We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing.

(v) We allow you to place fish houses overnight on the ice of Lake Darling as governed by State regulations.

(vi) We allow anglers to place portable fish houses on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing, but anglers must remove the fish houses from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(vii) We allow anglers on the refuge from 5 a.m. until 10 p.m.

(nnn) *White Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

■ 22. Amend § 32.54 by revising and republishing paragraphs (a) and (b) to read as follows:

§ 32.54 Ohio.

* * * * *

(a) *Cedar Point National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1½ hours before legal sunrise or state designated shooting time and must leave the refuge no later than 1 hour after legal sunset or state designated shooting time, unless otherwise stated in a permit.

(ii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow only nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting seasons, except that we also allow motorized boats in Lake Erie portions of the refuge, including Potters Pond.

(iv) We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vi) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(vii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3-2439) or State-issued permit for all special permit hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1) (i), (ii), and (iv) through (vii) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow white-tailed deer and turkey hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1) (i), (ii), and (iv) through (vii) of this section apply, except that we allow one portable deer stand or ground blind per hunter per unit per season. We allow placement of tree stands and ground blinds after September 1 and require hunters to remove tree stands and ground blinds by the last day in February of each year (see § 27.93 of this chapter). We require

deer stands and ground blinds to be labeled with the hunter's Ohio customer identification number.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We prohibit the taking of turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) You must remove all boats, ice fishing structures, devices, and personal property from the refuge each day (see § 27.93 of this chapter).

(b) *Ottawa National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1½ hours before legal sunrise or state-designated shooting time and must leave the refuge no later than 1 hour after legal sunset or state-designated shooting time, unless otherwise stated in a permit.

(ii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow only nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting seasons, except that we also allow motorized boats in Metzger Marsh.

(iv) We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vi) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(vii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3–2439) or State-issued permit for all special permit hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) through (vii) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) through (vii) of this section apply, except that we allow one portable deer stand or ground blind per hunter per unit per season. We allow placement of tree stands and ground blinds after September 1 and require hunters to remove tree stands and ground blinds by the last day in February of each year (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Ohio customer identification number.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset, with the exception of the Metzger Marsh Unit which is open to fishing 24 hours per day.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter), with the exception of the Metzger Marsh Unit where only the take of turtles is prohibited.

(iii) The condition set forth at paragraph (b)(1)(v) of this section applies.

(iv) On the Visitor Center Pond we require individuals to abide by catch and release methods and prohibit ice fishing.

■ 23. Amend § 32.56 by revising and republishing paragraphs (a), (f), (j), (k), (q), (r), (s), and (t) to read as follows:

§ 32.56 Oregon.

* * * * *

(a) *Bandon Marsh National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting 7 days per week on that portion of the refuge west of U.S. Highway 101 and outside the Bandon city limits.

(ii) On the Ni-les'tun Unit of the refuge, we allow hunting only on Wednesdays, Saturdays, and Sundays.

(iii) You must remove all blinds, decoys, shotshell hulls, and other personal equipment and refuse from the

refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) Hunters accessing the Ni-les'tun Unit via boat must secure or anchor boats and use established boat launch areas. Hunters may park boats within the marsh while they hunt, but we require boats landing on the bank of the Coquille River within the Ni-les'tun Unit to park within a designated location.

(v) Hunters may enter the refuge no earlier than 2 hours before legal sunrise and must exit the refuge no later than 1 hour after legal sunset.

(vi) Hunters may use dogs as an aid to retrieving waterfowl during the hunting season.

(vii) You may enter posted retrieval zones while retrieving downed birds and when traveling to and from the hunting areas. We prohibit discharging firearms while in a retrieval zone.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(f) *Hart Mountain National Antelope Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow only portable blinds and temporary blinds constructed of synthetic or nonliving natural materials.

(ii) We prohibit digging pit blinds for waterfowl hunting.

(iii) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of chukar and California quail on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of deer, antelope, and bighorn sheep on designated areas of the refuge subject to the following conditions:

(i) We allow only portable blinds and temporary blinds constructed of synthetic or nonliving natural materials.

(ii) We allow ground blinds, but we prohibit construction of them earlier than 1 week prior to the opening day of the legal season for which you have a valid permit.

(iii) You must remove blinds within 24 hours of harvesting an animal or at the end of the permittee's legal season (see § 27.93 of this chapter).

(iv) We limit hunters to one blind each, and you must tag blinds with your State license or permit number.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

* * * * *

(j) *Lower Klamath National Wildlife Refuge—(1) Migratory game bird*

hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Shooting hours end at 1 p.m. on all Oregon portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid permit for all hunters age 16 and older. All hunters age 15 and younger must always remain in the immediate presence of an adult (age 18 or older) while in the field.

(ii) Hunting of pheasant and quail is only allowed during the Oregon and California designated pheasant season.

(iii) Upland game bird hunters are required to carry a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(iv) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Upland game bird hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

(k) *Malheur National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow nonmotorized boats or boats equipped with only electric motors on the North and South Malheur Lake Hunt Units.

(ii) We allow only portable and temporary hunting blinds.

(iii) You must remove boats, decoys, blinds, materials, and all personal property at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) You may take Eurasian collared-dove only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of pheasant, quail, partridge,

chukar, cottontail rabbit, and coyote on designated areas of the refuge subject to the following conditions:

(i) We allow only shotgun for taking rabbit and hare on the Buena Vista and North Malheur Lake units.

(ii) We allow take of rabbit and hare only during State upland game bird seasons on the Buena Vista and North Malheur Lake units.

(3) *Big game hunting.* We allow hunting of deer and pronghorn on designated areas of the refuge subject to the following conditions:

(i) We allow only short-range weapons (archery, shotgun, and muzzleloader) on the Buena Vista Unit.

(ii) Mule deer hunting in the Buena Vista Unit will close the Friday before the opening day of the Oregon Statewide rooster pheasant season.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit ice fishing on, and all public access to, any ice formations.

(ii) We allow fishing year-round on Krumbo Reservoir and in the Blitzen River, East Canal, and Mud Creek upstream from and including Bridge Creek.

(iii) We allow fishing on the north bank of the Blitzen River from Sodhouse Lane downstream to the bridge on the Boat Landing Road between August 1 and September 15.

(iv) We prohibit boats on public fishing areas, except that we allow nonmotorized boats and boats equipped with only electric motors on Krumbo Reservoir.

* * * * *

(q) *Tualatin River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Youth aged 17 and younger may participate as active hunters. An adult age 21 or older must accompany and supervise youth hunters. We do not allow supervising adults to hunt.

(ii) We allow a maximum of two youth hunters and two nonhunters per hunting blind, for a maximum occupancy of four persons per blind.

(iii) Disabled youth hunters must possess an Oregon Disabilities Hunting and Fishing Permit issued by the Oregon Department of Fish and Wildlife to qualify for preference in using the designated accessible hunting blind.

(iv) We allow hunting during the regular State waterfowl hunting season only. We close the refuge for the third-period northwest permit zone goose hunt.

(v) Hunting ends at 1 p.m. for the entire season.

(vi) We open the hunt area for access 1½ hours before legal shooting hours.

(vii) You must remove decoys, other personal property, and trash from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(viii) We allow the use of dogs for retrieving birds.

(ix) All hunters must hunt from designated blinds.

(x) All hunters must have visible means of retrieving waterfowl and other migratory birds such as float tube, waders, or a dog capable of retrieving.

(xi) Hunters must check-in and check-out with a refuge representative and submit a Harvest Report (FWS Form 3–2542) when checking out.

(xii) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(4) [Reserved]

(r) *Umatilla National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We prohibit discharge of any firearm within ¼ mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(ii) Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iii) On the McCormack Unit, we allow hunting subject to the following conditions:

(A) The McCormack Unit is a fee-hunt area only open to hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day during State waterfowl seasons.

(B) We require hunters to stop at the check station to obtain a special refuge permit (signed refuge brochure).

(C) We allow hunting only from assigned areas.

(iv) You may hunt Eurasian collared-dove only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (r)(1)(i) and (ii) of this section apply.

(ii) On the McCormack Fee Hunt Unit, we allow hunting subject to the following conditions:

(A) We allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day from 12 p.m. (noon) to the end of State legal hunting hours.

(B) We require all hunters to possess and carry a special refuge permit (signed refuge brochure).

(3) *Big game hunting.* We allow deer hunting on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (r)(1)(i) of this section applies.

(ii) We allow hunting only with a special, State-issued permit.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

(s) *Upper Klamath National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iii) If State regulations do not specifically state waterfowl shooting hours, shooting hours will be ½ hour before legal sunrise to legal sunset each day.

(iv) Decoys must be retrieved after the conclusion of the day's hunt and may not be left unattended.

(v) We prohibit air-thrust and inboard water-thrust boats for access to refuge lands. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing in designated areas of the refuge.

(t) *Wapato Lake National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of duck, light goose, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on Tuesdays, Thursdays, and Saturdays during the State waterfowl season.

(ii) The hunt area is open for access 2 hours before and after legal shooting hours.

(iii) All hunters must hunt from designated blinds except to retrieve downed birds. We prohibit hunting from levees.

(iv) We allow a maximum occupancy of four persons per blind.

(v) Disabled hunters must possess an Oregon Disabilities Hunting and Fishing Permit issued by the Oregon Department of Fish and Wildlife to qualify for preference in using the Americans with Disabilities Act-compliant blind or Federal Access pass.

(vi) You must remove decoys, other personal property, and trash (including

empty shotgun hulls) from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vii) We allow the use of dogs for retrieving birds.

(viii) Hunters must submit a Harvest Report (FWS Form 3–2542) at the end of each day's hunt.

(ix) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(4) [Reserved]

* * * * *

■ 24. Amend § 32.57 by revising and republishing paragraph (b) to read as follows:

§ 32.57 Pennsylvania.

* * * * *

(b) *Erie National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of mourning dove, woodcock, rail, Wilson's snipe, Canada goose, snow goose, duck, coot, mute swan, gallinule, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow hunting and scouting activities on the refuge from September 1 through the end of February. We also allow scouting the 7 days prior to the start of each season.

(ii) We allow use of nonmotorized boats only for waterfowl hunting in permitted areas.

(iii) We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting.

(iv) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of ruffed grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, coyote, skunk, weasel, porcupine, and opossum on designated areas of the refuge subject to the following conditions:

(i) We allow woodchuck hunting on the refuge from September 1 through the end of February.

(ii) We prohibit the use of raptors to take small game.

(iii) The condition set forth at paragraph (b)(1)(iv) of this section applies.

(iv) We prohibit night hunting. Hunters may access the refuge 2 hours before sunrise and must leave no later than 2 hours after sunset.

(3) *Big game hunting.* We allow hunting of deer, bear, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of feral hogs on the refuge from September 1 through the end of February.

(ii) The condition set forth at paragraph (b)(1)(iv) of this section applies.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow nonmotorized watercraft use in Area 5. Watercraft must remain in the area from the dike to 3,000 feet (900 meters) upstream.

(ii) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(iii) We prohibit the collection or release of baitfish. Possession of live baitfish is prohibited on the Seneca Division.

(iv) We prohibit the taking or possession of shellfish on the refuge.

(v) We allow fishing from ½ hour before sunrise until ½ hour after legal sunset.

* * * * *

■ 25. Amend § 32.60 by:

■ a. Revising and republishing paragraph (a);

■ b. Redesignating paragraphs (b) through (i) as paragraphs (c) through (j), respectively;

■ c. Adding new paragraph (b); and

■ d. Revising and republishing newly redesignated paragraphs (c)(2)(i), (c)(3)(i), (e), (f), (h), and (j).

The revisions and addition read as follows:

§ 32.60 South Dakota.

* * * * *

(a) *Huron Wetland Management District—(1) Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with State regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with State regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with State regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district.

(b) *Karl E. Mundt National Wildlife Refuge.* (1)–(2) [Reserved]

(3) *Big Game Hunting.* We allow archery-only deer hunting on designated areas of the refuge subject to the condition that Hunters must carry a State-issued National Wildlife Refuge Deer permit valid for the Karl E. Mundt NWR.

(4) [Reserved]

(c) * * *

(2) * * *

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv) of this section apply.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (c)(1)(i) through (iv) of this section apply.

* * * * *

(e) *Lake Andes Wetland Management District*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the district in accordance with State regulations.

(2) *Upland game hunting*. We allow upland game hunting on designated areas of the district in accordance with State regulations.

(3) *Big game hunting*. We allow big game hunting on designated areas of the district in accordance with State regulations.

(4) *Sport fishing*. We allow sport fishing on designated areas of the district in accordance with State regulations.

(f) *Madison Wetland Management District*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting*. We allow upland game hunting on designated areas of the district in accordance with state regulations.

(3) *Big game hunting*. We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing*. We allow sport fishing on designated areas of the district in accordance with state regulations.

* * * * *

(h) *Sand Lake Wetland Management District*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting*. We allow upland game hunting on designated areas of the district in accordance with state regulations.

(3) *Big game hunting*. We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing*. We allow sport fishing on designated areas of the district in accordance with state regulations.

* * * * *

(j) *Waubay Wetland Management District*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting*. We allow upland game hunting on designated

areas of the district in accordance with state regulations.

(3) *Big game hunting*. We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing*. We allow sport fishing on designated areas of the district in accordance with state regulations.

■ 26. Amend § 32.62 by revising and republishing paragraphs (b), (i), (j), and (m) to read as follows:

§ 32.62 Texas.

* * * * *

(b) *Balcones Canyonlands National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of mourning, white-wing, rock, and Eurasian-collared dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunters in designated area(s) from 12 p.m. (noon) to legal sunset.

(ii) We require a refuge permit (name only).

(iii) We allow the use of dogs to retrieve game birds during the hunt.

(iv) Hunter may bring up to two guests. Guests may not use a hunting firearm. Guests must be with the hunter at all times.

(2) *Upland game hunting*. We allow hunting of wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(ii) of this section applies.

(ii) We require hunters to check in and out daily at designated check station(s).

(iii) The annual refuge hunt brochure provides bag limits.

(iv) A hunter may bring one guest. The guest may not use a hunting firearm or other hunting weapon (archery). The guest may assist the hunter in game retrieval or field dressing activities. The guest must be with the hunter at all times.

(3) *Big game hunting*. We allow hunting of white-tailed deer, and incidental take of wild turkey, feral hog, and exotic ungulates on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(iv) and (c)(2)(ii) through (iv) of this section apply.

(ii) We allow the use of all-terrain vehicles to retrieve downed game.

(iii) We allow scent attractants.

(4) [Reserved]

* * * * *

(i) *Laguna Atascosa National Wildlife Refuge*—(1) *Migratory game bird*

hunting. We allow hunting of mourning dove, white-winged dove, white-tipped dove, Eurasian collared dove, and rock dove on designated areas of the refuge subject to the following conditions:

(i) Migratory bird hunting is allowed from the beginning of the State dove season until the date the first big game season opens on the refuge.

(ii) Bag limits for species hunted on the refuge are provided in the refuge hunt brochure annually.

(iii) We allow hunters to enter the refuge 1½ hours before legal sunrise during their permitted hunt periods. Hunters must leave the hunt units no later than 1 hour after State legal shooting hours.

(iv) Hunters may access hunt units only by foot or bicycle, including electric bicycle (defined in 50 CFR part 27.31). You may only use a bicycle on designated routes.

(v) Access for waterfowl retrieval will be allowed only during State specified hunting seasons. We only allow hunters to enter the Laguna Atascosa Unit by boat, and only subunits 3, 4, 5, 7, and 10, for retrieval of downed waterfowl.

(2) [Reserved]

(3) *Big game hunting*. We allow hunting of white-tailed deer, feral hog, nilgai antelope, other exotic ungulates (as defined by the State of Texas to include fallow deer, axis deer, sika deer, Barbary sheep, and black buck), and American alligator on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(ii) through (iv) of this section apply.

(ii) We allow the incidental take of nilgai antelope, feral hog, and other rarely observed exotic ungulates during all refuge hunts, with the exception of American alligator hunts.

(iii) We allow a scouting period prior to the commencement of each refuge hunt period. A permitted hunter and a limit of two non-permitted individuals may enter the hunt units during the scouting period, which begins after hunter orientation and ends at legal sunset. Each hunter must clearly display a Vehicle Validation Tag (FWS Form 3–2405) face up on the vehicle dashboard when scouting and hunting.

(iv) We allow hunting from portable stands or by stalking and still hunting. There is a limit of one blind or stand per permitted hunter. Hunters must attach hunter identification (permit number or State license number) to the blind or stand. Hunters must remove all blinds and stands at the end of the permitted hunt period (see § 27.93 of this chapter).

(v) During American alligator hunts, we allow hunters to leave hooks set over

only one night period at a time; set lines must be checked daily.

(vi) Hunters must field dress all harvested big game in the field and check the game at the hunt check station before removal from the refuge. Hunters may use a nonmotorized cart to assist with the transportation of harvested game animals.

(4) *Sport fishing.* We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

(i) We allow only pole and line, rod and reel, hand line, dip net, and cast net for fishing. We prohibit the use of crab traps or pots for crabbing.

(ii) Anglers must attend all fishing lines, crabbing equipment, and other fishing devices at all times.

(iii) Inside the refuge boundary on San Martin Lake, we allow bank and wade fishing within a designated area, which may be accessed only on foot.

(j) *Lower Rio Grande Valley National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of mourning, white-winged, and white-tipped dove on designated areas of the refuge subject to the following conditions:

(i) We require hunters to obtain a refuge hunt permit (signed refuge hunt brochure) and to possess and carry that signed refuge hunt brochure at all times during the designated hunt period. Hunters must also display the vehicle placard (part of the refuge hunt permit) while participating in the designated hunt period.

(ii) You may access the refuge during your permitted hunt period from 1 hour before legal hunt time to 1 hour after legal hunt time. You must only hunt during legal hunt hours.

(iii) We restrict hunt participants to those listed on the refuge hunt permit (hunter, non-hunting chaperone, and non-hunting assistant).

(iv) We allow hunters to use bicycles or e-bikes on designated routes of travel.

(v) We allow the use of dogs to retrieve doves during the hunt.

(2) *Upland game hunting.* We allow hunting of wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) of this section apply.

(ii) We allow turkey hunting during the spring season only.

(iii) You may only harvest one bearded turkey per hunter.

(iv) We prohibit the killing, wounding, taking, or possession of game animals and then intentionally or knowingly failing to make a reasonable effort to retrieve or keep the edible

portions of the animal and include it in your bag limit.

(3) *Big game hunting.* We allow hunting of white-tailed deer, feral hog, nilgai antelope, javelina, and other exotic ungulates (as defined by the State of Texas to include fallow deer, axis deer, sika deer, Barbary sheep, and black buck) on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) and (j)(2)(iv) of this section apply.

(ii) We allow only free-standing blinds or tripods. Hunters may set them up during the scouting days preceding each permitted hunt day and must take them down by the end of each hunt day (see § 27.93 of this chapter). Hunters must mark and tag all stands with their hunting license number during the period of use.

(iii) Hunters must field-dress all harvested big game in the field.

(iv) Hunters may use nonmotorized dollies or carts off of improved roads or trails to haul carcasses to a parking area.

(v) We prohibit the use of big game decoys.

(vi) We require hunters to adhere to refuge specific regulations for Laguna Atascosa (found at § 32.62(i)) for hunts on the Bahia Grande Unit and Laguna Atascosa Subunit 10.

(4) [Reserved]

* * * * *

(m) *Neches River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of ducks, coot, and merganser on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 4:30 a.m. We allow hunting from the State-designated legal shooting time until 12 p.m. (noon). Hunters must leave refuge hunt units by 1 p.m.

(ii) In Dead Water, Alligator Lake, and Highway 84 units only, we allow the use of floating craft and motor boats, but only if they are propelled by paddling, push pole, or electric trolling motor.

(iii) We prohibit hunting within 50 yards (45 meters) of any road or trail, and within 200 yards (183 meters) of any building.

(iv) We require each hunter to possess a signed refuge hunt brochure.

(v) You must remove all boats, blinds, temporary blinds, stands decoys, and other personal equipment following each hunt day (see §§ 27.93 and 27.94 of this chapter).

(vi) We allow the use of dogs and falconry when hunting.

(2) *Upland game hunting.* We allow hunting of Eastern gray and fox squirrel,

cottontail and swamp rabbit, raccoon, beaver, and coyote subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii), (iv), and (vi) of this section apply.

(ii) We allow the incidental take of beaver and coyote during any authorized upland game hunt on the refuge.

(iii) We allow the hunting of raccoon and coyote from legal sunset to legal sunrise. We allow artificial lighting for hunting raccoon and coyote.

(iv) We require that refuge hunters turn in the Hunter Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt.

(v) Any hunting with a shotgun for small game in a hunt unit that is open to waterfowl will require non-toxic shot.

(vi) We allow the use of falconry while hunting squirrel and rabbit.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii), (iv), and (vi) of this section apply.

(ii) We allow incidental take of feral hog during any authorized hunt on the refuge.

(iii) We require a Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt. Failure to submit the Harvest Report will render the hunter ineligible for the next year's hunt.

(iv) We prohibit the use of dogs.

* * * * *

■ 27. Amend § 32.65 by revising and republishing paragraphs (c) through (h) and (j) through (m) to read as follows:

§ 32.65 Virginia.

* * * * *

(c) *Eastern Shore of Virginia National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow holders of a signed refuge hunt brochure (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle or hunt party must possess a signed brochure and be actively engaged in hunting. We allow an exception for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

(ii) Hunters may enter the refuge no earlier than 2 hours prior to legal

sunrise and must exit the refuge no later than 2 hours after legal sunset.

(iii) We allow the use of dogs while hunting consistent with State and Northampton County regulations on designated areas of the refuge.

(iv) We allow hunting on the refuge only from September 1 until February 28. Hunting will follow State seasons during that period.

(v) You may not hunt, discharge a firearm, or nock an arrow or crossbow bolt outside of designated hunt areas or within 100 feet (30.5 meters) of a building, road or improved trail.

(vi) We prohibit the use of permanent blinds and pit blinds. You must remove portable blinds and decoys at the end of each day's hunt.

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, quail, raccoon, opossum, fox, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) We prohibit the hunting of upland game at night.

(iii) We prohibit hunting on Sundays.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), (iv), and (v) and (c)(2)(iii) of this section apply.

(ii) We allow turkey hunting during the spring season only for a mentor-led hunt.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We allow the use of portable tree stands. We require removal of the stands after each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may access the refuge to fish from designated shore areas ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) Anglers may access State waters via the Wise Point Boat Ramp on the refuge from 5 a.m. to 10 p.m.

(d) *Elizabeth Hartwell Mason Neck National Wildlife Refuge.* (1)–(2) [Reserved]

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a signed refuge permit (FWS Form 3–

2439, Hunt Application—National Wildlife Refuge System).

(ii) We only allow shotguns with slugs during the firearm season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We prohibit the use of pursuit dogs while hunting deer.

(v) Hunters must certify and qualify weapons and ammunition at a refuge-approved range and view the refuge orientation session online prior to issuance of a refuge permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(vi) We allow the incidental take of coyote during deer hunting.

(4) *Sport fishing.* We allow freshwater fishing from nonmotorized boats only in designated areas of the refuge.

(e) *Featherstone National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We limit boat access to nonmotorized boats only in Farm Creek Unit. We allow motorized boat access in Neabsco Creek Unit.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition set forth at paragraph (e)(1)(ii) of this section.

(f) *Fisherman Island National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule/moorhen, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow holders of a signed refuge hunt brochure (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle, boat, or hunt party must possess a signed brochure and be actively engaged in hunting. We allow an exception for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

(iii) We allow hunting and hunter access by boat only. We prohibit hunting from land. Retrieval dogs may retrieve fallen game on shore.

(iv) We allow hunting on the refuge from September 1 until February 28.

Hunting will follow State seasons during that period.

(v) Hunters may enter the refuge 2 hours before legal sunrise and must exit the refuge no later than 2 hours after legal sunset.

(2)–(4) [Reserved]

(g) *Great Dismal Swamp National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of gray squirrel and coyote on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on Thursdays, Fridays, and Saturdays only.

(ii) You must possess and carry a signed refuge permit (FWS Form 3–2439).

(3) *Big game hunting.* We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(2)(i) and (ii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing in Lake Drummond from a boat (maximum 25 horsepower) and from the piers at Washington Ditch Road and Interior Ditch Road.

(ii) We prohibit fishing from the ditch banks on the refuge.

(iii) We require a Special Use Permit (FWS Form 3–1383–G) for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond.

(h) *James River National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl hunting only during the mentor-led hunts.

(ii) We allow the use of dogs while hunting consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, bobcat, red fox, raccoon, skunk, groundhog, opossum, and coyote on designated areas of the refuge subject to the following conditions:

(i) We only allow the hunting of coyote, bobcat, red fox, raccoon, skunk, groundhog, and opossum concurrently during the refuge deer hunting season.

(ii) We allow rabbit and squirrel hunting only during the mentor-led hunt.

(iii) We prohibit the use of pursuit dogs.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (h)(2)(iii) of this section applies.

(ii) We require spring turkey hunters to obtain a refuge hunting permit (FWS Form 3-2439) through a lottery administered by a designated third-party vendor.

(iii) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(iv) Hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 meters) or more above the ground.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing*. We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iii) We prohibit the use of minnows as bait.

* * * * *

(j) *Occoquan Bay National Wildlife Refuge*. (1) [Reserved]

(2) *Upland game hunting*. We allow hunting of coyote, groundhog, rabbit, squirrel, and fox on designated areas of the refuge subject to the condition that we only allow the incidental take of coyote, groundhog, rabbit, squirrel, and fox during the refuge deer hunting season.

(3) *Big game hunting*. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) With the exception of mentored hunt participants, white-tailed deer hunters must possess and carry a signed refuge permit (FWS Form 3-2439) and be selected in the refuge lottery to hunt.

(ii) We only allow shotguns with slugs during the firearm season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We prohibit the use of pursuit dogs when hunting deer.

(v) Hunters must certify and qualify weapons and ammunition at a refuge-approved range and view the refuge

orientation session online prior to issuance of a refuge permit (FWS Form 3-2439).

(vi) Wild turkey hunting is a mentored hunt only.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the condition that we allow boat access by nonmotorized boats only.

(k) *Plum Tree Island National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory waterfowl and coot on designated areas of the refuge subject to the following conditions:

(i) You must hunt from a designated refuge blind.

(ii) We allow the use of dogs consistent with State regulations.

(2)–(3) [Reserved]

(4) *Sport fishing*. We allow fishing in designated areas of the refuge subject to the following conditions:

(i) We allow fishing access April 1 through August 31, from legal sunrise to legal sunset.

(ii) We prohibit shoreline fishing. We allow fishing only from boats untethered to refuge lands, or from designated blinds.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(l) *Presquile National Wildlife Refuge*. (1) [Reserved]

(2) *Upland game hunting*. We allow hunting of coyote bobcat, red fox, raccoon, skunk, groundhog, rabbit, gray squirrel, and opossum on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 2 hours prior to the start of legal shooting time and must exit the refuge no later than 2 hours after the end of legal shooting time.

(ii) We only allow the harvest of coyote, bobcat, red fox, raccoon, skunk, groundhog, rabbit, gray squirrel, and opossum during deer hunting.

(iii) We require hunters to dock their boats at designated locations on the refuge.

(3) *Big game hunting*. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (l)(2)(iii) of this section applies.

(ii) We prohibit the use of pursuit dogs when hunting white-tailed deer.

(iii) We require big game hunters to obtain a permit through a lottery administered by a third-party contractor.

(iv) We prohibit deer drives. We define a deer drive as an organized or

planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing*. We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We prohibit bank fishing. We allow fishing only from boats untethered to refuge lands.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of minnows as bait.

(m) *Rappahannock River Valley National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt waterfowl during designated days and times. The refuge provides dates for the waterfowl hunting season in the annual refuge hunt brochure.

(ii) In designated areas, we require hunters to possess and carry a refuge hunting permit obtained from a designated third-party vendor.

(iii) We allow the use of dogs while hunting consistent with State regulations.

(2) *Upland game hunting*. We allow hunting of coyote, rabbit, squirrel, bobcat, red fox, raccoon, skunk, groundhog, and opossum on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of pursuit dogs.

(ii) We only allow the harvest of coyote, bobcat, red fox, raccoon, skunk, groundhog, and opossum during deer hunting.

(3) *Big game hunting*. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(ii) and (m)(2)(i) of this section apply.

(ii) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) During the period when the refuge is open for hunting, we may close hunting areas to all other uses, including sport fishing.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of lead fishing tackle in Wilna Pond and Laurel Grove Pond.

(v) We require catch-and-release fishing for largemouth bass in freshwater ponds, including Wilna Pond and Laurel Grove Pond. Anglers may take other finfish species as governed by State regulations.

(vi) We prohibit the use of minnows as bait.

(vii) We prohibit the use of boats propelled by gasoline motors, sail, or mechanically operated paddle wheel while fishing.

* * * * *

■ 28. Amend § 32.66 by revising and republishing paragraphs (a), (b), (g), (i), and (m) to read as follows:

§ 32.66 Washington.

* * * * *

(a) *Billy Frank Jr. Nisqually National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to possess and carry no more than 25 shells while hunting in the field.

(ii) Hunters may access the hunt areas by boat only.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow fishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit bank fishing within the refuge along the Nisqually River and McAllister Creek.

(ii) We prohibit shellfishing (clams, oysters, mussels) on the tideflats.

(iii) We prohibit tidal flat and marsh access from refuge trails.

(b) *Columbia National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, dove and snipe on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the hunt area from 1½ hours before legal hunting time to 1½ hours after legal hunting time.

(ii) We prohibit discharge of any firearm within ¼ mile (396 meters) of

any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(iii) We only allow portable blinds and temporary blinds constructed of nonliving natural materials. Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iv) We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays on Marsh Unit 1 and Farm Units 226 and 227.

(v) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) and (ii) of this section apply.

(ii) We allow hunting from 12 p.m. (noon) to legal sunset on Wednesdays, Saturdays, Sundays, and Federal holidays in Marsh Unit 1 and Farm Units 226 and 227.

(3) *Big game hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) and (ii) of this section apply.

(ii) We allow hunting with shotgun, muzzleloader, and archery only.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) On waters open to fishing, we allow fishing only from the start of the State season to September 30, except that we allow fishing year-round on Falcon, Heron, Goldeneye, Corral, Blythe, Chukar, and Scaup Lakes.

(ii) We allow frogging during periods when we allow fishing on designated waters.

* * * * *

(g) *Little Pend Oreille National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through March.

(ii) We allow the use of dogs when hunting.

(2) *Upland game hunting.* We allow hunting of upland game, small game, coyote, porcupine, and skunk on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through March, and during the spring wild turkey season.

(ii) During the spring turkey season, we prohibit hunting of all species except wild turkey.

(iii) We allow the use of dogs when hunting, with the exception of fox and raccoon.

(iv) You may take coyote during the State fox season only.

(3) *Big Game Hunting.* We allow hunting of big game on designated areas of the refuge subject to the condition set forth at paragraph (g)(1)(i) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(i) *Ridgefield National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of goose, duck, coot, snipe, dove, and pigeon on designated areas of the refuge subject to the following conditions:

(i) You may not shoot or discharge any firearm from, across, or along any designated route of travel, including pedestrian trails.

(ii) We allow hunting on designated portions of the River "S" Unit on Tuesdays, Thursdays, and Saturdays, excluding Federal holidays, during the regular State waterfowl hunting season.

(iii) Prior to entering the hunt area, you must check in at the refuge check station and obtain a Harvest Report (FWS Form 3–2542). You must carry the Harvest Report while hunting as proof of blind assignment and user fee payment.

(iv) We allow access to the refuge check station 2 hours before legal shooting time. We require hunters to depart the refuge no later than 1 hour after legal shooting time.

(v) We allow hunting only from designated permanent blinds.

(vi) We allow a maximum of three persons per hunting blind.

(vii) We prohibit additional hunters to join a hunt party after the party has checked in.

(viii) We allow the use of dogs when hunting.

(ix) Prior to switching blinds, you must first report to the refuge check station to obtain a new blind assignment. You must submit an accurate Harvest Report (FWS Form 3–2542) for the blind being vacated and obtain a new Harvest Report for the new blind.

(x) Prior to leaving the hunt area, you must check out at the refuge check station, submit an accurate Harvest Report (FWS Form 3–2542), and present all harvested waterfowl for inspection by check station personnel.

(xi) We reserve Blind 1A for exclusive use by hunters with permanent

disabilities who qualify for a valid State Disabled Hunter Permit or America the Beautiful access pass, and their nonhunting assistants.

(xii) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(3) [Reserved]

(4) *Sport fishing*. We allow sport fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) We allow fishing and frogging from March 1 through September 30 only.

(ii) We allow fishing and frogging from legal sunrise to legal sunset only.

* * * * *

(m) *Umatilla National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of goose, duck, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We prohibit discharge of any firearm within ¼ mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(ii) Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iii) On the Whitcomb Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, and all Federal holidays within the State season.

(iv) On the Ridge Unit, we allow only shoreline hunting; we prohibit hunting from boats.

(v) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting*. We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (iii) of this section apply.

(ii) On the Whitcomb Island Unit, we only allow hunting of upland game from 12 p.m. (noon) to the end of State legal hunting hours.

(3) *Big game hunting*. We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (m)(1)(i) of this section applies.

(ii) We allow hunting by special permit only (issued by the State).

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge.

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■ 29. Amend § 32.67 by revising and republishing paragraphs (a) and (b) to read as follows:

§ 32.67 West Virginia.

* * * * *

(a) *Canaan Valley National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, crow, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We require each hunter to possess and carry a signed refuge hunting brochure (signed brochure).

(ii) Hunters may enter the refuge 1 hour before legal sunrise and must exit the refuge, including parking areas, no later than 1 hour after legal sunset.

(iii) We prohibit overnight parking except by Special Use Permit (FWS Form 3–1383–G) on Forest Road 80.

(iv) We allow the use of dogs consistent with State regulations.

(v) We prohibit dog training except during legal hunting seasons.

(2) *Upland game hunting*. We allow the hunting of ruffed grouse, squirrel, cottontail rabbit, snowshoe hare, red fox, gray fox, bobcat, woodchuck, coyote, opossum, striped skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), and (v) of this section apply.

(ii) You may hunt coyote, raccoon, opossum, skunk, and fox at night, but you must obtain a Special Use Permit (FWS Form 3–1383–G) at the refuge headquarters before hunting.

(iii) We only allow hunting in the No Rifle Zones with the following equipment: archery (including crossbow), shotgun, or muzzleloader.

(iv) We prohibit the hunting of upland game species from March 1 through August 31.

(3) *Big game hunting*. We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (iv) and (a)(2)(iii) of this section apply.

(ii) We allow the use of dogs for hunting black bear during the gun season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We allow only temporary tree stands and blinds.

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the condition that we prohibit

the use of lead fishing tackle on designated areas of the refuge.

(b) *Ohio River Islands National Wildlife Refuge*—(1) *Migratory game bird hunting*. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) We require each hunter to possess and carry a signed refuge hunting brochure (signed brochure).

(ii) Hunters may enter the refuge 1 hour before legal sunrise and must exit the refuge, including parking areas, no later than 1 hour after legal sunset.

(iii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting*. We allow hunting of squirrel, Eastern cottontail rabbit, hare, red and gray fox, coyote, bobcat, opossum, raccoon, skunk, woodchuck, weasel, ruffed grouse, quail, pheasant, and crow on designated areas of the refuge subject to the following conditions: the conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(3) *Big game hunting*. We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (ii) of this section apply.

(ii) We only allow the use of archery equipment.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) You must label portable tree stands with your last name and State license number. You may erect your stand(s) on the first day of the hunting season. You must remove your stand(s) by the last day of the hunting season (see § 27.93 of this chapter).

(4) *Sport fishing*. We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from 1 hour before legal sunrise until 1 hour after legal sunset. This restriction does not apply to offshore fishing.

(ii) We prohibit trotlines (setlines) and turtle lines.

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■ 30. Amend § 32.68 by revising and republishing paragraph (c) to read as follows:

§ 32.68 Wisconsin.

* * * * *

(c) *Hackmatack National Wildlife Refuge*—(1) *Migratory game bird*

hunting. We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(1)(i) through (iii) of § 32.32.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(1)(i) through (iii) and (g)(2)(ii) of this § 32.32 apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer, black bear and turkey in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) and (ii) of this section apply and paragraphs (g)(3)(ii) and (iii) of this section.

(ii) We prohibit hunting bear with dogs.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, turtle and frog species by any method (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) All fishing devices must be removed at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

* * * * *

■ 31. Amend § 32.69 by revising and republishing paragraphs (a), (b), and (f) to read as follows:

§ 32.69 Wyoming.

* * * * *

(a) *Bamforth National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

(ii) We allow the use of dogs when hunting.

(iii) You must only use portable blinds or blinds constructed from dead and downed wood.

(iv) You must remove portable blinds, tree stands, decoys, and other personal equipment from the refuge after each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game birds and small game authorized by the State and turkey (during the fall turkey season only) on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) [Reserved]

(b) *Cokeville Meadows National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs when hunting.

(ii) Hunters may only access the refuge 1 hour before legal sunrise until 1 hour after legal sunset.

(2) *Upland game hunting.* We allow hunting of upland game birds, small game, red fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(ii) of this section applies.

(ii) We allow the use of dogs to find and retrieve legally harvested game birds.

(iii) Licensed migratory bird, big game, or upland/small game hunters may harvest red fox, raccoon, and striped skunk on the refuge from September 1 until the end of the last open big game, upland bird, or small game season. You must remove from the refuge, all red fox, raccoon, and striped skunk that you harvest on the refuge.

(3) *Big game hunting.* We allow hunting of elk, mule deer, white-tailed deer, pronghorn, and moose subject to the condition set forth at paragraph (b)(1)(ii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(f) *Seedskadee National Wildlife Refuge—(1) Migratory game bird hunting.* We allow hunting of migratory birds except light goose on designated areas of the refuge subject to the following conditions:

(i) Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

(ii) We allow the use of dogs when hunting.

(iii) You must only use portable blinds or blinds constructed from dead and downed wood.

(iv) You must remove portable blinds, tree stands, decoys, and other personal equipment from the refuge after each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of game birds, small game, jackrabbit, raccoon, coyote, fox, and skunk on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs to find and retrieve game birds.

(ii) Licensed migratory bird, big game, or upland/small game hunters may harvest fox, coyote, raccoon, and skunk on the refuge from September 1 until the end of the last open big game, upland bird, or small game season.

(3) *Big game hunting.* We allow hunting of big game authorized by the state on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

PART 71—HUNTING AND SPORT FISHING ON NATIONAL FISH HATCHERIES

■ 32. The authority citation for part 71 continues to read as follows:

Authority: Sec. 4, Pub. L. 73–121, 48 Stat. 402, as amended; sec. 4, Pub. L. 87–714, 76 Stat. 654; 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 1534.

■ 33. Amend § 71.11 by:

■ a. Redesignating paragraphs (a) through (e) as paragraphs (b) through (f), respectively;

■ b. Adding new paragraph (a);

■ c. Revising and republishing newly redesignated paragraphs (c) and (f)(2) and (3);

■ d. Redesignating paragraphs (g) and (h) as paragraphs (h) and (i), respectively;

■ e. Adding new paragraph (g); and

■ f. Revising and republishing newly redesignated paragraphs (i)(2) and (3).

The additions and revisions read as follows:

§ 71.11 National fish hatcheries open for hunting.

* * * * *

(a) *Craig Brook National Fish Hatchery—(1) Migratory game bird hunting.* We allow the hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We prohibit night hunting.

(ii) Hunters may enter the hatchery 1 hour before legal sunrise and must leave no later than 1 hour after legal sunset.

(iii) We allow only portable stands and blinds for hunting, and they must be removed at the end of each day's hunt.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iii) of this section.

(3) *Big game hunting.* We allow hunting of big game species authorized

by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iii) of this section.

(b) *Green Lake National Fish Hatchery*—(1) *Migratory game bird hunting*. We allow the hunting of migratory game bird species, authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We prohibit night hunting.
(ii) Hunters may enter the hatchery 1 hour before legal sunrise and must leave no later than 1 hour after legal sunset.
(iii) We allow only portable stands and blinds for hunting, and they must be removed at the end of each day's hunt.

(iv) Trapping, baiting, or hunting over bait is prohibited for all species.

(2) *Upland game hunting*. We allow hunting of upland game species authorized by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iv) of this section.

(3) *Big game hunting*. We allow hunting of big game species authorized by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iv) of this section.

* * * * *

(c) *Jordan River National Fish Hatchery*—(1) *Migratory game bird hunting*. We allow the hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We allow entry into the hatchery 1 hour before legal sunrise and require hunters to leave the hatchery no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any hatchery road and shooting within 50 feet (15 meters) from the centerline.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon during any open season.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting*. We allow hunting of upland game species

authorized by the State, except hunting of English sparrow and European starling, on designated areas of the hatchery subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting*. We allow hunting of bear, elk, white-tailed deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (c)(1)(i) through (v) of this section.

* * * * *

(f) * * *

(2) *Upland game hunting*. We allow hunting of bobcat, grouse, partridge, and porcupine on designated areas of the hatchery subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) of this section.

(3) *Big game hunting*. We allow hunting of bear, elk, black-tailed deer, mule deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) of this section.

* * * * *

(g) *Pendill's Creek National Fish Hatchery*—(1) *Migratory game bird hunting*. We allow hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We allow entry into the hatchery 1 hour before legal sunrise and require hunters to leave the hatchery no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any hatchery road and shooting within 50 feet (15 meters) from the centerline.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon during any open season.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's

hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting*. We allow the hunting of upland game species authorized by the State, except for English sparrows and European starlings, on designated areas of the hatchery subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (v) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow the harvest of feral hog, including Russian boar, during big game hunting.

(3) *Big game hunting*. We allow white-tailed deer, turkey, and bear hunting on designated areas of the hatchery subject to the conditions set forth at paragraphs (g)(1)(i) through (v) of this section.

* * * * *

(i) * * *

(2) *Upland game hunting*. We allow hunting of bobcat, grouse, partridge, and porcupine on designated areas of the hatchery subject to the conditions set forth at paragraphs (i)(1)(i) and (ii) of this section.

(3) *Big game hunting*. We allow hunting of bear, elk, black-tailed deer, mule deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (i)(1)(i) and (ii) of this section.

* * * * *

■ 34. Amend § 71.12 by:

■ a. Redesignating paragraphs (q) through (t) as paragraphs (r) through (u), respectively; and

■ b. Adding a new paragraph (q).

The addition reads as follows:

§ 71.12 National fish hatcheries open for sport fishing.

* * * * *

(q) *Pendill's Creek National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery only from legal sunrise to legal sunset.

* * * * *

Kevin Lilly,

Assistant Secretary for Fish and Wildlife and Parks.

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Part III

Postal Service

Privacy Act of 1974; System of Records; Notice

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of new system of records; response to comments.

SUMMARY: The United States Postal Service (USPS) is responding to public comments regarding the creation of a new General Privacy Act System of Records (SOR) USPS 820.225, Federal Ballot Mail. The new SOR coincides with the Postal Service's publication of the Final Rule amending the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), regarding the transmission of mail-in or absentee ballots for federal elections. The Postal Service created the SOR to maintain a list of individuals, each individual's address, the unique Intelligent Mail barcodes printed on each individual's outbound and return ballot envelope for a federal election, and the state or political subdivision thereof that issued such ballot for inclusion on a state's Mail-in and Absentee Participation List, as required by the new DMM section. There will be no changes to the new system of records in light of public comments received.

DATES: The new General Privacy Act System of Records (SOR) USPS 820.225, Federal Ballot Mail was scheduled to be effective without further notice on the latest of (1) 30 days from the publication date of the notice, if no comments were received; (2) the publication date of the Postal Service's responses to comments received (which would under no circumstances be published prior to 30 days from the publication date of the notice); or (3) the effective date of any final rule amending the DMM with respect to ballots for federal elections. As comments were received, and consistent with (2) above, the SOR is effective with this publication of the Postal Service's responses to comments received (which is more than 30 days from July 17, 2026, the publication date of the SOR notice).

The Final Rule was effective August 21, 2026, and published in the **Federal Register** on August 26, 2026. *Ballot Mail for Federal Elections*, 91 FR 54966 (August 26, 2026).

FOR FURTHER INFORMATION CONTACT: Privacy Office, 202-268-2000, or USPSPrivacyFedRegNotice@usps.gov.

SUPPLEMENTARY INFORMATION: On July 17, 2026, the Postal Service published a **Federal Register** notice about its intent to create a new system of records, USPS 820.225, Federal Ballot Mail, to provide notice to the public and to support the

amendments to the DMM regarding the transmission of mail-in or absentee ballots for federal elections. The publication of an SOR in the **Federal Register** complies with Privacy Act requirements to promote transparency and provide notice to individuals about the maintenance of a System of Records by a Federal agency, including but not limited to information that will be collected and stored, what it will be used for, the authority for collection and usage of the information, how the information may be disclosed and how long it will be retained.

The Postal Service provides the following responses to the comments received pursuant to its **Federal Register** notice, Document Citation 91 FR 44880, for the creation of the new SOR, USPS 820.225 Federal Ballot Mail. Most commenters discussed Executive Order 14399, Ensuring Citizenship Verification and Integrity in Federal Elections, and the related changes to the DMM, rather than the System of Record at issue here. This includes commenters referring to, or appending, their comments submitted in response to the related changes to the DMM. While not relevant to the topic, the Postal Service will briefly address each comment in turn out of respect for commenters.¹ The Postal Service also refers those commenters to our Final Rule in that rulemaking for a more fulsome response to these topics. *Ballot Mail for Federal Elections*, 91 FR 54966 (August 26, 2026).

1. Question 1:² Does the new DMM section regarding Ballot Mail for Federal Elections usurp state authority over elections?

Answer: No. Neither the SOR, nor the DMM language, usurps such authority. The rule does not recast the Postal Service as an election administrator, and does not dictate the manner of elections in the states. On the contrary, it sets forth mailpiece design and data reporting standards tied to the use of the mail. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. States also retain complete autonomy to determine the extent to which they utilize the postal system as an aspect of their elections.

The new DMM language does not involve or authorize inspection of a

mail-in ballot's contents, review of individual voter's eligibility, or auditing of state voter rolls. It instead focuses exclusively on exterior mailpiece criteria and barcode scan data.

2. Question 2:³ Does the Executive Order provide the authority for the new DMM section regarding Ballot Mail for Federal Elections?

Answer: No. The Postal Service relied on existing statutory authority to promulgate the Final Rule. 91 FR 94968–94977. Executive Order 14399 was relevant to the Postal Service's consideration of this subject and began the deliberative process that is now resulting in this rule. While the Executive Order did not mandate a final rule, the Postal Service determined that, to help achieve the goals articulated by the Order as necessary to faithfully execute federal law and also to advance the Postal Service's operational interests, it is appropriate to exercise its statutory and regulatory authority to promulgate the Final Rule, which is consistent with the Postal Service's longstanding best practice recommendations for ballot mail.

As set forth in the Final Rule, *see* 91 FR at 54971–72, 39 U.S.C. 401(2) authorizes the Postal Service “to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title,” and further grants the Postal Service “all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers,” *id.* § 401(10). Furthermore, Section 404 grants the Postal Service specific powers, including the power “to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail.” *Id.* § 404(a)(1). Setting mail preparation and acceptance standards and data-reporting standards for a defined category of mail fits squarely within this statutory authority.

In short, the Final Rule prescribes tailored requirements regarding the use of the mail—the design of Federal Ballot Mail envelopes and the provision of mailpiece-level data concerning such ballot mailings—to help both ensure the faithful execution of federal law and advance the Postal Service's ability to efficiently handle Federal Ballot Mail,

¹ The Postal Service provides these responses to implied questions contained in comments from commenters, as identified in subsequent footnotes.

² Letter comments of the State of Utah (Aug. 17, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

³ Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); the League of Women Voters and a coalition of organizations (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

consistent with its statutory functions. *See, e.g.*, 91 FR at 54972, 54985.

3. *Question 3:*⁴ Does the Postal Service possess the requisite statutory authority to collect the information noticed in the SOR?

Answer: Yes. The information noticed in the SOR is information that is visible on the outside of mailpieces submitted to the Postal Service for delivery—that is, the names and addresses of mail recipients and the barcodes associated with mailpieces. The Postal Service has the statutory authority to set forth mail preparation, acceptance, and entry standards that are necessary to achieve the functions assigned to it by law, which include delivery of mail (including sensitive mail) and investigation into the potential misuse of the mail. *See* 39 U.S.C. 401(2); *cf.* 18 U.S.C. 3061(b); 52 U.S.C. 10307, 20511.

4. *Question 4:*⁵ Does the new DMM section regarding Ballot Mail for Federal Elections violate federal elections law?

Answer: No. The new DMM section regulates the use of the mail, and does not interfere with or supplant the schemes established under federal election law. The rule requires merely that states that choose to use the U.S. mail as part of their elections adhere to certain standard mailpiece design and data reporting standards when sending Federal Ballot Mail.

5. *Question 5:*⁶ Does this SOR violate any current injunctions?

Answer: No. The government obtained relief from previous injunctions that had precluded implementation of any final rule governing ballot mail for the November 3, 2026 election. No court order in place at the time of publication prevents publication of the SOR itself. The SOR, which does not alter the DMM or any election rules, simply provides notice as to how information regarding federal ballots collected pursuant to the DMM provisions (including voluntary use of certain provisions) will be handled consistent with the Privacy Act.

6. *Question 6:*⁷ Is the Postal Service acting as an election gatekeeper?

⁴ Letter comments of the State of Utah (Aug. 17, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 12 secretaries of state (Aug. 13, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

⁵ Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

⁶ Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

⁷ Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign

Answer: No. Again, states maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. States also retain complete autonomy to determine the extent to which they utilize the postal system as an aspect of their elections. Moreover, the Final Rule's requirement to report mail piece-level data into the Federal Ballot Mail Portal is not tantamount to election gatekeeping or administration. States determine who is enrolled in their respective Mail-In and Absentee Participation Lists. The Final Rule requires that states provide to the Postal Service certain information inscribed on the Outbound and Return Federal Ballot Mail envelopes that they mail to voters, prior to or at the time of the outbound mailing. This information, which necessarily lies in the states' possession, would not be subject to revision by the Postal Service. Eligible voters will therefore be listed by and at the discretion of election officials, and the Postal Service will not second-guess the states' submissions.

7. *Question 7:*⁸ Are the Postal Service's SOR and rule arbitrary and capricious under the APA?

Answer: No, the Postal Service has considered, evaluated, and responded to all significant comments, and has thoroughly explained the reasons why the Postal Service is implementing the rule, and this related SOR.

Moreover, in the context of the instant rulemaking, the Postal Service is not subject to the APA. *See* 39 U.S.C. 410(a), 3001(m).

8. *Question 8:*⁹ Does this SOR violate the First Amendment provision of the Privacy Act?

Answer: No. As explained in the Rule, *see* 91 FR at 54970, the Privacy Act provision regarding First Amendment activity, 5 U.S.C. 552a(e)(7), prohibits the gathering and maintaining of records indicating “how any individual exercises rights guaranteed by the First Amendment.” Courts have interpreted this prohibition to encompass the “content” of an individual's exercise of their First Amendment rights (*i.e.*, the content of an individual's ballot, and thus the candidate for which an individual voted). That is not the type of information being collected under the rule or maintained by the SOR. The state-specific Mail-In and Absentee

Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

⁸ Letter comments of Joshua Thornton (Jul. 17, 2026).

⁹ Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); a coalition of 12 secretaries of state (Aug. 13, 2026); and Joshua Thornton (Jul. 17, 2026).

Participation Lists indicate whether a state planned to mail a blank ballot to any given individual. This information does not describe “the content” of expressive activity under the First Amendment, but simply indicates the specific means by which an individual may have chosen to receive or return their ballot.

The Postal Service is not collecting or recording party affiliation and will not inspect ballot contents. Postal Service personnel are not authorized to open mail sealed against inspection. Instead, through the Federal Ballot Mail Portal, the Postal Service will maintain only data of the sort that is routinely generated for mail from the exterior of the mailpiece, including addressing and barcode information.

9. *Question 9:*¹⁰ Are the disclosures noted in the SOR in scope for Postal Service authority?

Answer: Yes, the disclosures within the SOR, including the provision allowing disclosure to law enforcement and government agencies, are consistent with standard authorized uses represented in the **Federal Register** and otherwise stated in the USPS AS-353, Guide to Privacy, the Freedom of Information Act, and Records Management. Records will only be disclosed if the disclosure is in line with a Postal Service routine use or a Privacy Act authorized use and that disclosure is related to the purpose for which it was collected, as identified in the Purposes section of the SOR.

10. *Question 10:*¹¹ Is the record access provision sufficient under the Privacy Act?

Answer: Yes. Record access provisions within the context of this SOR remain the same as those in other Postal Service SORs. Those seeking access to their records may utilize the notification procedures identified in the SOR and their access will be treated the same as any other SOR, to extent that the records belong to the Postal Service and not to another entity.

11. *Question 11:*¹² Does the SOR appropriately disclose the intended data sharing with the Department of Homeland Security?

Answer: This question reflects a misunderstanding of the new DMM

¹⁰ Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); Jo Panitch (July 2, 2026); and a coalition of 12 secretaries of state (Aug. 13, 2026).

¹¹ Letter comments of a coalition of 12 secretaries of state (Aug. 13, 2026) and a coalition of 24 state attorneys general (Aug. 14, 2026).

¹² Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and a coalition of 12 secretaries of state (Aug. 13, 2026).

language and the SOR. Neither the DMM language, nor the SOR, contemplate intended data sharing with the Department of Homeland Security. To the extent that the Department of Homeland Security has a law enforcement need for the data covered by the SOR, disclosure would be authorized by either Authorized Use 7, under the Privacy Act, or standard routine use 2, as listed in the AS-353, Guide to Privacy, the Freedom of Information Act, and Records Management.

12. *Question 12:*¹³ Does the SOR appropriately take into account the Data Integrity Board?

Answer: The role of Data Integrity Boards is to monitor computer matching agreements with other agencies. The Data Integrity Board does not have a role in routine collection of information that the Postal Service requires to perform its necessary functions.

13. *Question 13:*¹⁴ Does the SOR establish the accuracy of records?

Answer: No. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. The Postal Service will exercise no discretion or authority over whether an individual should or should not be on the list a state provides, and the Postal Service will not second-guess the states' submissions.

14. *Question 14:*¹⁵ Does the exclusion of non-listed voters imply inaccurate and untimely databases?

Answer: This question reflects a misunderstanding of the new DMM language and the SOR. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. The Postal Service will exercise no discretion or authority over whether an individual should or should not be on the list a state provides.

15. *Question 15:*¹⁶ Are the records retained for an inappropriate length of time?

¹³ Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026).

¹⁴ Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

¹⁵ Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

¹⁶ Letter comments of Joshua Thornton (Jul. 17, 2026); a coalition of 12 secretaries of state (Aug. 13, 2026);

Answer: The Postal Service has analyzed the use and business need for the records that are being collected. These records are retained for the minimum amount of time necessary to accomplish the business needs for this function.

16. *Question 16:*¹⁷ Are the technical safeguards sufficient under the Privacy Act?

Answer: Yes. The Privacy Act requires only that agencies maintaining records on individuals establish appropriate technical safeguards, and the Postal Service has satisfied this obligation. The Act does not, however, require that the SOR itself disclose the specifics of those safeguards, which are appropriately left to agency discretion. The SOR identifies the general data elements to be collected as associated with the Federal Ballot Mail Portal and discusses the requisite safeguarding of this information. Laying out the precise safeguards would place the data at risk, and thus the Postal Service declines to do so.

17. *Question 17:*¹⁸ Does this SOR stifle voting based on race, age and domicile?

Answer: No. The Final Rule sets forth neutral, uniform, and non-discriminatory mailpiece design and data reporting standards that apply uniformly to all Federal Ballot Mail. Indeed, the Final Rule applies objective requirements to all Outbound and Return Federal Ballot Mail envelopes without distinction, and the data entry and verification processes likewise apply equally to all states and all voters—regardless of race, age, or domicile. Accordingly, the rule and this corresponding SOR are neutral on their face and uniform in application.

18. *Question 18:*¹⁹ Would this SOR take too long to implement?

Answer: No. This SOR reflects one of two disclosures required by the Privacy Act before the Postal Service may begin receipt of the information identified, or collect the information required for Federal Ballot Mail Portal access. General technical architecting, transmission agreements, and other underlying work are able to proceed so

long as they do not collect or receive data outlined in the SOR. The Federal Ballot Mail Portal will contain the second disclosure, in the form of a Privacy Act Statement.

19. *Question 19:*²⁰ Does this SOR interfere with the Postal Service's obligations to deliver the mail?

Answer: No. The SOR permits the Postal Service to maintain certain information; it does not implicate postal operations. Moreover, under the new DMM provision, once Federal Ballot Mail enters the mailstream, it will be processed and delivered consistently with current operational practices. Furthermore, while the Postal Service's existing processes are designed to support the timely delivery and smooth processing of ballot mail, it has long recognized that across-the-board compliance with its longstanding best-practice recommendations would further improve efficient handling, processing, and delivery. The Final Rule's mailpiece design requirements will thus help ensure timely delivery of ballot mail to and from voters, thereby advancing execution of the Postal Service's statutory obligations.

20. *Question 20:*²¹ Is this SOR a violation of the Postal Service's privacy policy?

Answer: No. The Postal Service's USPS.com Privacy Policy outlines how the Postal Service handles information arising from the use of its website and web resources. The Postal Service's Privacy Policy represents the Postal Service voluntarily aligning with some relevant disclosures within the E-Government Act. Although the Postal Service is not required to comply with the E-Government Act, in some instances the Postal Service has aligned with certain portions to ensure transparency. The SOR is released under the Privacy Act of 1974 and does not in any way relate to the Postal Service's partial, voluntary alignment with the E-Government Act.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026-17986 Filed 8-31-26; 2:30 pm]

BILLING CODE 7710-12-P

¹⁷ Letter comments of a coalition of 12 secretaries of state (Aug. 13, 2026) and a coalition of 24 state attorneys general (Aug. 14, 2026).

¹⁸ Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026);

¹⁹ Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

²⁰ Letter comment of Karen Williams (July 21, 2026).

²¹ Letter comment of Jo Panitch (July 2, 2026).

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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